

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 54

**An Act to authorize the Town of Dundas to grant its security to the Great Western Rail-road Company, on behalf of the Desjardins Canal Company, for certain improvements on the said Canal. 10th November, 1852.**

Whereas extensive operations are now being carried on by the Great Western Rail-road Company for improving the navigation of the Desjardins Canal, by means of a cut passing directly through the Burlington Heights and connecting the waters of the Canal with those of Burlington Bay, at or for the sum of fifteen thousand pounds, to be paid to the said Great Western Rail-road Company by the said Desjardins Canal Company, for the payment of which sum of money the Municipality of the Town of Dundas, in the County of Wentworth, are willing to become surety, and have prayed that power may be given to them to enter into and execute the necessary guarantee or security therefor; And whereas it is just that such power be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Municipality of the said Town of Dundas in their discretion, to pass any By-law to authorize the Mayor and Corporation thereof to enter into and become security to the Great Western Rail-road Company on account and on behalf of the said Desjardins Canal Company for the sum of fifteen thousand pounds, for the work now in progress by the Great Western Rail-road Company under their agreement with the said Canal Company; or it shall be lawful for the said Municipality to issue Debentures, the principal or interest thereon payable in such sums and at such periods and places, or to enter into and execute any and every such instrument or document in writing, for carrying out and perfecting the aforesaid security to the Great Western Rail-road Company, as in the judgment of the said Mayor and Corporation may be deemed necessary or expedient; and that any such By-law so to be passed or which may have been passed, shall have and take full force and effect, and be binding as any By-law the said Municipality are now by law authorized to pass or make.

II. And be it enacted, That from and out of the Revenues of the said Canal, the Directors shall in each and every year deposit to the credit of the Receiver General, in such one of the Chartered Banks of the Province as he shall direct, a sum not less than one hundred pounds, such sum and the interest accruing thereon from time to time, to be invested by the Receiver General in public securities, and to form a Sinking Fund for the redemption of the debt hereby authorized to be incurred.

III. And be it enacted, That the said Desjardins Canal Company shall make annual returns to the Governor of this Province, to be laid before the Legislature, and to the Town Council of Dundas,

shewing the state of the affairs of the said Company, the gross amount of Revenue and Expenditure, and the amount paid over to the Sinking Fund under the last preceding section.

IV. And be it enacted, That upon the security or guarantee of the Municipality of the said Town of Dundas being granted and completed to the said Great Western Rail-road Company as aforesaid, and so long as the said security or guarantee, or any such Debentures, Instrument or Document as aforesaid shall continue or be in force, the Town Council of the Town of Dundas shall have power to appoint two persons who shall be Directors of the said Desjardins Canal Company, and shall exercise and be entitled to equal powers and privileges with the other Directors of the said Canal Company, and be eligible to the office of President thereof.

V. And be it enacted, That it shall and may be lawful for the said Desjardins Canal Company or the said Great Western Rail-road Company, to permanently close, shut and fill up the channel or course of the present Canal at its eastern extremity, and at the place where the line of the Great Western Rail-road crosses or intersects the said channel or course of the said Canal, and to erect, keep and maintain a safe and commodious bridge over and across the opening or cut through the said Burlington Heights for all Her Majesty's liege subjects, their horses and carriages, free of toll at all times thereupon, and thereby to pass and repass.

VI. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Governor General from time to time to appoint two Directors in addition to the Directors of the Desjardins Canal Company, and such appointment shall be made at the period provided by law for the election of Directors for the said Company.

VII. And be it enacted, That if at any time the said Desjardins Canal Company shall fail to pay the interest that maybe due on any sums of money advanced by the Municipality of the Town of Dundas as aforesaid, or fail to pay the annual sum required by this Act for a Sinking Fund, then in such case, it shall be lawful for the Governor General to appoint Trustees who shall forthwith assume the management of the said Canal, and shall exercise and be entitled to the same powers and privileges, and perform the same duties as now belong to the Directors of the said Desjardins Canal Company.

VIII. And be it enacted, That this shall be a Public Act.