AN ACT

To authorize the Governor of Vancouver Island to Borrow the sum of £40,000 on the security of the General Revenue of the said Colony.

WHEREAS it is expedient to raise by loan secured on the General Revenue of the said Colony, funds for the construction of Roads and other communications within the said Colony, and for the improvement of Victoria Harbour, and to make provision for the redemption of such loan.

And, whereas, by the Victoria Harbour Act, 1861, all monies and dues paid and levied in pursuance of the Victoria and Esquimalt Harbour Dues Act, 1860, were directed to be paid into a separate account in the Treasury as a security for certain loans therein mentioned.

And, whereas, since the passage of the said Victoria Harbour Act, 1861, the loans effected by virtue of the said Act have been wholly paid off and redeemed.

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:

Repeal of the Victoria Harbour Act.

I. The Victoria Harbour Act, 1861, is hereby repealed.

The Governor may issue Debentures to the amount of £40,000.

II. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony for such sum or sums of money not exceeding forty thousand pounds sterling in the whole, as may be required for the purpose of constructing roads and other communications within the interior of the said Colony, and for the purpose of improving Victoria Harbour.

Debentures to bear interest at the lowest procurable rate, and to be redeemed in twenty years.

III. All Debentures made out and issued under this Act shall bear interest at the lowest procurable rate, payable half-yearly, and shall be redeemable and redeemed at the expiration of twenty years from the date hereof.

Debentures to be for £100 *and upwards, payable with interest at the Treasury or Agents General.*

IV. Every Debenture shall be for any sum or sums not less than One hundred pounds sterling, which the said Governor shall determine, and which together with the interest thereon, shall be payable in London, at the offices of the Agents General for the time being for Crown Colonies, or at the Treasury of the said Colony.

Power of changing the place of payment.

V. The bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at Victoria or the office in London of the Agents General for Crown Colonies, by giving six months' previous notice in writing terminating on the 1st day of January or the 1st day of July at the previous place of payment, (the Treasury at Victoria or office in London of the Agents General aforesaid as the case may be) of his wish to make such alteration, and causing the officer acting as Treasurer for the time being, or the said Agents General in London, as the case may be, (who is, and are hereby required so to do) to endorse on such Debenture a memorandum of the alteration.

Debentures to be entered in a Register, and to be a first charge upon the Revenue.

VI. All Debentures made out and issued under this Act shall be entered in a Register to be called the "Debenture Register," one copy thereof shall be kept by the Agents General at their office in London, and another copy thereof by the Auditor of the said Colony; and such Debentures shall be deemed a primary charge upon all the Revenues of the said Colony from whatever source arising and all interest thereon, and the principal when due shall be paid by the Treasurer of the said Colony out of such Revenues under Warrant to be issued by the said Governor in priority of all demands thereon, except the charge and expenses of the collection thereof.

Form of Debenture.

VII. The said Debentures shall be in the form set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number One, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Debentures payable to bearer.

VIII. The said Debentures shall be made payable to the bearer thereof, and shall pass by delivery only, and without any assignment or endorsement; and the holder or bearer of every such Debenture for the time being shall have the same rights and remedies in respect of the same as if he were expressly named therein.

The Governor may authorise the Agents General to negotiate the Debentures.

IX. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negociated, contracted for, or sold to the Agents General for Crown Colonies, and at such times, in such sums and in such manner as the said Governor may direct.

Monies raised to be paid to the Treasurer and placed to the account of the Vancouver Island Road and Harbour Loan Account, to be applied to the making of Roads, and the improvement of the Victoria Harbour.

X. All monies raised under this Act shall be paid in such manner as the said Governor shall prescribe to the Treasurer of Vancouver Island, and shall by him be placed to the credit of an account to be called The Vancouver Island Road and Harbour Loan Account, to be applied for the purpose of surveying and constructing Roads and other communications within the interior of the said Colony, and in or towards the improvement of the Harbour of Victoria, and in or towards the repayment of any sums which may be hereafter borrowed for and expended in such surveying, construction and improvements, and to no other purposes whatsoever, and the said monies shall be accounted for in the same manner as if they formed part of the current Revenue of the said Colony.

The loan to be redeemed by the annual payments out of the general revenue.

XI. The said Governor shall provide for the redemption of the said Debentures by authorizing and directing the Treasurer of the said Colony yearly and every year until the whole principal sum and interest of the loan hereby authorized shall have been fully paid, to remit to the Agents General for the time being of Crown Colonies such sums of money out of the current General Revenue of the said Colony for the time being as shall from time to time be found necessary in and towards the formation of a sinking Fund as a further security for and applicable solely to the redemption of the said Debentures, as and when the same shall respectively become due and payable.

Power to repurchase Debentures.

XII. Provided, nevertheless, that it shall be lawful for the said Governor from time to time to authorize the Agents General for the time being for Crown Colonies, or the said Treasurer of the said Colony for the time being to repurchase the said Debentures to the amount of such monies as the said Governor may by any Proclamation hereafter to be issued and passed by him, or out of the Current Revenue of the Colony appropriate for that purpose, and all Debentures so repurchased shall be forthwith cancelled and shall not be resold under any circumstances whatever.

Amount to be paid towards the formation of the Sinking Fund to be proportionably reduced.

XIII. From and after the date of any and every such repurchase of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall from time to time be reduced in proportion to the reduced amount of Debentures for the time being remaining unredeemed; and any monies remaining in the said Sinking Fund after the Loan hereby sanctiond is fully paid and satisfied, shall be forthwith paid over to the Treasurer and accounted for as General Revenue.

Power to the Agents General to invest the Sinking Fund and vary the investments.

XIV. It shall be lawful for the Agents General for the time being for Crown Colonies from time to time and at any time to make and vary the investments of all or any portion or portions of such Sinking Fund on such securities and terms and in such manner as the Lords Commissioners of Her Majesty's Imperial Treasury shall from time to time in that behalf prescribe.

Trustees may invest Trust monies in the Loan.

XV. It shall be lawful for any Trustees, Executors, Administrators or Guardians having the disposition of any trust monies to purchase any such Debentures by and out of such trust monies, and every such purchase shall be deemed a due investment of such trust monies.

Treasurer or other person acting for the Colony not to be affected with notice.

XVI. It shall not be necessary for the said Colonial Treasurer or any other person acting for or on behalf of the Colonial Government of the said Colony to notice or regard or enquire into the trusts to which any such Debentures shall be liable, or the rights or authority of any person being the actual holder or bearer of any such Debentures as aforesaid. But payment to the actual holder or bearer thereof, or his lawful Agent shall be deemed in all cases due payment unless otherwise specially agreed in writing, by and under the hand of the Treasurer, Agents General, or other person acting as aforesaid for the time being entrusted with the sale of such Debentures.

Penalty on Forgery.

XVII. Any person who shall forge or alter, or shall offer, utter or dispose of, knowing the same to be forged or altered, any Debenture purporting to be made out and issued under this Act, shall be guilty of Felony, and being thereof convicted shall be imprisoned for any period not exceeding Three years, with or without hard labor, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

XVIII. This Act may be cited as "The Vancouver Island Road and Harbour Act, 1862."

SCHEDULE.

No. Government Debenture.

Vancouver Island Road and Harbour Loan Act, 1862.

Transferable by delivery.

Under the authority of the "Vancouver Island Road and Harbour Loan Act, 1862," this Debenture entitles the Bearer to ——— Pounds Sterling on the —— day of ——, One Thousand Eight Hundred and ———, which with interest after the rate of —— Pounds Sterling, per centum per mensem is hereby secured upon the General Revenue of the Colony of ———, such interest being payable half-yearly on the ——— day of ———, and the ——— day of ——— every year at ———.

Dated the —— day of ——, 186

Treasurer.
Treasury.

Duly entered in the Debenture Register, this ——— day of ——— 186