

C A P. XXXIII.

AN ACT to facilitate the execution of the Act of the fifty seventh George the Third, Chapter thirteen, inasmuch as it relates to the appointment of Commissioners for the improvement of the Navigation of the River Richelieu and to appropriate a sum of Money therein mentioned for that purpose.

29th March, 1826. Presented for His Majesty's Assent, and reserved "for the signification of His Majesty's pleasure thereon."

14th March, 1827. Assented to by His Majesty, in His Privy Council.

29th August, 1827. The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

MOST GRACIOUS SOVEREIGN.

Preamble.

WHEREAS it is expedient to make further Legislative provision to carry into effect the purposes of the Act of the fifty seventh year of the Reign of His Majesty George the Third, Chapter thirteen, as far as the same relates to the improvement of the Navigation of the River Richelieu, between Sorel and Fort Chambly, for which object the Sum of Fifteen hundred and fifty pounds Currency was by the said Act appropriated, and to make a further appropriation towards improving the Navigation of the aforesaid River:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly, of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America*;" "and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that the said sum of Fifteen hundred and fifty pounds Currency appropriated by the aforesaid Act passed in the fifty seventh year of the Reign of His late Majesty George the Third, intituled, "An Act to make more effectual provision for the improvement of the Internal Communications of this Province," towards the Navigation of the River Richelieu between Sorel and Fort Chambly, or such part of the said sum as may at the time of the passing of this Act remain unexpended, shall be applied for the aforesaid purpose and as provided by the said Act under the superintendance

£1550 granted by former Act 57 Geo. III, Cap. 13, to be applied towards the improvements of the navigation of the River Richelieu between Sorel & Fort Chambly, which may re-

main unexpended to be applied for that purpose under the direction of Commissioners residing on the River Richelieu, specially to be appointed by the Governor.

perintendance and direction of five Commissioners residing on the River Richelieu, between the Basin of Chambly and the Borough of William Henry to be thereunto specially appointed by the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, any thing in the said Act to the contrary in any wise notwithstanding.

£2100 granted for the purposes of this Act.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or Person Administering the Government of the Province for the time being, to advance and pay for the purposes therein above mentioned by a Warrant or Warrants under his hand, from and out of the unappropriated monies in the hands of the Receiver General of the Province, a further sum not exceeding the sum of Two thousand four hundred Pounds Currency, which said sum shall be applied by and accounted for, as, and in the same manner and by the same persons as provided and enacted with respect to the aforesaid sum of money remaining unexpended.

No person to be appointed a Commissioner to whom public monies may have been advanced and who has not rendered an account, and has not been discharged.

III. And be it further enacted by the authority aforesaid, that no person shall be appointed a Commissioner under this Act to whom any public monies may at any time heretofore have been advanced, and who shall not at the time of the passing of this Act, have rendered a full and faithful account of the application thereof, for the purposes for which such monies may have been by Law appropriated, and have been discharged and quieted, accordingly.

Commissioners not to proceed to any of the improvements until the necessary survey and estimates may have been made and approved.

IV. And be it further enacted by the authority aforesaid, that the Commissioners aforesaid, shall not proceed to any of the said improvements until they shall have caused the necessary Surveys, Plans and Estimates to be made or procured in case such may already have been made, and have approved, agreed upon and adopted the same, by a majority of votes of the Commissioners assembled for the purpose, pursuant to public notice in some of the public newspapers printed at Quebec and Montreal.

Notice before any contracts are entered into of such intended improvements to be inserted in the public newspapers.

V. And be it further enacted by the authority aforesaid, that before any Contract shall be entered into by the said Commissioners relating to the aforesaid intended improvements, they shall give public notice in at least one of the newspapers of each of the Cities of Quebec and Montreal, that they will receive sealed tenders or proposals for the execution and performance of the whole or any part of the said works and of the time when the same are to be completed, mentioning also the place, day and hour on which such sealed tenders or proposals will be opened, and that no such tender or proposal will be accepted, unless accompanied with the names of two good and sufficient

cient persons willing to become sureties on behalf of the contractors for the due performance of the work to be done and performed; and the Commissioners aforesaid, shall on the day by them fixed for opening such tenders and proposals accordingly meet and open the same, and forthwith decide in favor of the person or persons who shall have offered to do and perform the work at the lowest rate with sureties to that effect as herein above required.

No advance of money to be made to any person until the contracts for the works have been signed and concluded upon between the parties.

VI. And be it further enacted by the authority aforesaid, that no advance in money shall be made to any person or persons willing to contract as aforesaid, until the contract or agreement, contracts or agreements for the whole and entire work or works to be done and performed, shall have been signed and concluded by the person or persons offering to contract, and by their sureties, nor until a report in writing to the Commissioners by some person appointed by them for the purpose shall have been made and given, certifying that the work or works contracted for, have been actually commenced, according to the contract, whereupon one third of the money to which the whole contract may amount, may be advanced and paid to the contractor or contractors and in like manner upon a similar report, in writing certifying that one half the works contracted for, has been done and executed according to the contract, another third of such total amount may be advanced and paid, and the remaining third shall be paid to the contractor or contractors after the completion of the work according to the contract and a report of *Experts* have been made to that effect.

Governor to issue his warrant for carrying into effect the necessary expenses.

VII. And be it further enacted by the authority aforesaid, that the advances and payments to the contractor or contractors, as well as the necessary expenses incurred or to be incurred for the surveys, plans and estimates relating to the intended improvements aforesaid, and all expenses of superintending, management or direction of any of the works to be done in and towards the said improvements shall be made by Warrant or Warrants of the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, on certificates from the Commissioners, that the advances and payments required on account of any contract or contracts are in conformity with the provisions of this Act, and for any other of the expenses to be incurred, that the same may be advanced, the person or persons requiring the same, consistently with the safety of the public interest.

Commissioners to keep a regular journal of their proceedings.

VIII. And be it further enacted by the authority aforesaid, that the Commissioners under this Act shall keep a regular and correct Journal of all their proceedings and decisions with respect to the improvements aforesaid, intended by this Act, copies of which Journal they shall be bound to lay before the Legislature

lature in the course of the first fifteen days of each Session during the time they may serve in the performance of the duties by this Act assigned them.

An allowance of a sum not exceeding seven and a half per centum, granted on amount of advances on contracts.

Proviso.

IX. And be it further enacted by the authority aforesaid, that there shall to cover the amount of all contingent expenses and necessary disbursements of every kind as well as to defray the necessary expenses of superintendance, management or direction of any of the aforesaid works or improvements not included in any contract relating thereto, be allowed a sum or rate not exceeding seven and a half per cent, on the amount of all advances or payments upon the contracts to be made and entered into, under this Act: Provided always, that such allowance shall in no wise affect nor be taken from the money payable to any contractor or contractors as aforesaid, and that the same shall be paid only at the times that the payments are to be made, by Warrant, upon Certificates of the Commissioners as herein directed.

Commissioner's not complying with the provisions of this Act held responsible in their private capacities.

X. And be it further enacted by the authority aforesaid, that in case the Commissioners shall not comply with the provisions and requirements of this Act, they shall be held responsible in their private capacity for all losses or damages which the public may incur or sustain by reason of their neglect or mismanagement.

Application of the monies to be accounted for, to His Majesty.

XI. And be it further enacted by the authority aforesaid, that due the application of the said monies pursuant to the directions of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.