

Laws of His Majesty's Province of Upper Canada, passed in the year 1828. York: Robert Stanton, 1828.

9 George IV – Chapter 12

An Act to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour. Passed 25th March, 1828.

Whereas there appears reason to doubt whether the amount paid to the Contractor for making the Canal at Burlington Bay upon the estimate made in pursuance of the Act of the Parliament of this Province, passed for that purpose during the last Session, will remunerate the said Contractor for the Monies actually expended by him for labour and materials applied in the construction of the said Work, and whereas from the peculiar nature of the said undertaking, the difficulties and expence attending its prosecution could not be certainly foreseen, and as there is reason to expect that the revenue arising from tolls and duties to be levied at the said Canal, will reimburse the charge of the Work, and the said Contractor, James G. Strowbridge, hath by his petition set forth that he has suffered great losses by the said Work and hath prayed that measures may be taken for ascertaining by arbitration the true value of the labour and materials applied by him in constructing the same.

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 Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, '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 by the authority of the same, That it shall and may be lawful for the Commissioners appointed to superintend the said Work at Burlington Bay, or a majority of them, within one month from the passing of this Act, to appoint one Arbitrator, and for the said James G. Strowbridge, within the same period to appoint another Arbitrator, and that the said two Arbitrators within one week after their appointment, shall and may appoint a third Arbitrator, which three Arbitrators shall have power to summon witnesses before them and to hear them on oath, and if they think it expedient to hear the Commissioners or any of them, and also the said James G. Strowbridge, on oath, as to all such matters and things as may appear necessary for enabling them to make a just award upon the true value of the materials and labour applied by the said James G. Strowbridge, in the prosecution of the Work.

II. And be it further enacted by the authority aforesaid, That if within the period limited by this Act no third arbitrator shall be chosen, a third arbitrator shall be appointed by the said James G. Strowbridge, on the one part and the said Commissioners or a majority of them on the other part.

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III. And be it further enacted by the authority aforesaid, That each of the said Arbitrators shall before entering upon the duties assigned to them by this Act, take an Oath before some one of His Majesty's Justices of the Peace, in and for the District of Gore, that he will to the best of his skill and judgment, make a just award upon the value of the work and materials applied by the said James G. Strowbridge, in the Work undertaken by him at Burlington Bay.

IV. And be it further enacted by the authority aforesaid, That the sum which shall be awarded by the said Arbitrators or a majority of them to be due to the said James G. Strowbridge, if any sum shall be found to be so due, shall be paid to him by the Commissioners for superintending the said Work, out of the Monies heretofore granted for the making of the said Canal. Provided always nevertheless, that such award shall be made in writing, under the Hands and Seals of the Arbitrators, making the same on or before the First day of June next.

V. Provided also and be it further enacted by the authority aforesaid, That it shall not be lawful for the said Arbitrators to award to the said James G. Strowbridge, a greater sum of Money than shall at the time of the making of the said award remain unexpended of the Monies already appropriated for the erection and completion of the said Works.

VI. And be it further enacted by the authority aforesaid, That the said Arbitrators shall be paid by the Commissioners appointed for superintending the said Work out of the Monies placed at their disposal, such compensation as shall appear to them reasonable for their time and trouble, and as may enable them to remunerate any Engineer or other person employed by them in Surveying the said Work.

VII. And whereas the rates of tolls and tonnage duty to be levied at the said Canal, require to be in some respects altered, Be it therefore further enacted by the authority aforesaid, That so much of an Act passed in the Fourth Year of His Majesty's Reign, entitled, "an Act to provide for constructing a Navigable Canal between Burlington Bay and Lake Ontario," as enacts that Boats or Craft under five tons each, shall pay a toll or due of Five Shillings Sterling, and that Vessels over five tons, shall pay One Shilling and Three-pence, Sterling, per ton measurement, shall be and the same is hereby repealed and that the tolls or dues chargeable upon Vessels, Boats or Craft, shall be as follow: that is to say, upon all Vessels or Boats under ten tons burthen, the sum of Two Shillings and Sixpence, and upon all Vessels over ten tons burthen, the sum of One Shilling per ton, upon all cargo contained in them which shall be declared upon Oath to be intended to be unladen at the Harbour or elsewhere in Burlington Bay. Provided always that no Vessel exceeding fifty tons in burthen shall pay a less toll than Ten Shillings.

VIII. And be it further enacted by the authority aforesaid, That upon every bushel of Wheat or other grain passing through or into the said Canal, there shall be charged the toll of One Penny and a Half-penny.

IX. And be it further enacted by the authority aforesaid, That so much of the above recited Act as provides that the tolls and dues thereby imposed, shall be charged in Sterling Money, shall be repealed and that the same Sums therein-mentioned, as well as the tolls and dues hereby imposed, shall be considered to be and shall be charged in lawful Currency of this Province.