

## C H A P. XVI.

*AN ACT to Amend and Extend the Provisions of an Act passed at the last Session of Parliament, entitled, "An Act to Provide for Constructing a Navigable Canal between Burlington Bay and Lake Ontario."*

[PASSED JAN. 19th, 1824.]

**W**HEREAS an Act was passed at the last Session of this present PREAMBLE.  
Parliament, entitled, "An Act to provide for making a Navigable Canal between Burlington Bay and Lake Ontario," and providing for a loan of Five Thousand Pounds, Province Currency, to carry the same into effect, redeemable in sixteen years, by means of a Toll to be thereon established:—AND WHEREAS it is found from the experience of the past season, that the produce of the said Toll will greatly exceed the sum estimated, and enable the Commissioners, to be appointed by virtue of the said Act, to construct the same on a more extensive scale, and also to reduce the rate of Toll established by the said Act:—

**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 for the purpose of making a Canal, on a more extensive scale, between Burlington Bay and Lake Ontario, than that proposed by the above-recited Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise, by loan, the further sum of Three Thousand Pounds, Province Currency, in addition to the sum of Five Thousand Pounds, authorised to be borrowed by the said Act, and to grant Debentures for the same, in the same manner, and on the same terms, regulations, and conditions, and to be redeemed in the same time as in the said Act is directed for the redemption of the said sum of Five Thousand Pounds, the said additional sum of Three Thousand Pounds, to be issued on the Warrant of the Governor, Lieutenant Governor, or person administering the Government of this Province, in favour of the Commissioners to be appointed by virtue of the first-recited Act, to be by them applied in causing the said Canal to be constructed upon a more extensive scale than is therein directed, at the discretion of the said Commissioners, and to be accounted for through the Lords Commissioners of His Majesty's Treasury, in the same manner as is directed by said Act.

Receiver General to raise a loan of £3000 in addition to the £5000 authorised by 4th Geo IV ch 8th, under the same regulations.

Governor to issue his Warrant in favour of the Commissioners to be appointed under said Act.

How applied,

And accounted for.

Such Commissioners to have power to lower the rate of toll.

Such abatement not to leave a less sum than will pay the interest of the sum borrowed, and redeem the principal within 15 years.

*M. And be it further Enacted by the authority aforesaid, That the said Commissioners so to be appointed by virtue of the before-recited Act, shall have full power and authority to lower the rate of Toll to be taken for passing and repassing the said Canal, in such manner, and in such proportion as they shall think fit.—Provided nevertheless, That such abatement of Toll shall not leave a less sum than is requisite to discharge the annual interest on the sum borrowed, and a sum sufficient to redeem the principal in a*

period not exceeding sixteen years after the same shall have been actually borrowed.

III. *And be it further Enacted by the authority aforesaid, That the Commissioners so to be appointed shall have full power and authority to make such rules and regulations as to them may seem meet, regulating the passing of vessels, boats, rafts, and craft, into and through the said Canal, and to alter and amend the same from time to time as they may deem proper; and also regulating the discharging of Ballast, as well within Burlington Bay as in Lake Ontario adjacent thereto; a copy of which Regulations the said Commissioners shall cause to be stuck up in not less than three public places adjacent to Burlington Bay; and should any person or persons, masters of vessels, or others, evade or infringe such Rules or Regulations, they, and each of them, shall, on conviction thereof upon the oath of one or more credible witness or witnesses, before one or more Justice or Justices of the Peace, pay a fine not exceeding the sum of Five Pounds for each offence, and in default of payment thereof, shall be confined in the common gaol of the District for the period of Twenty Days; unless said fine, and reasonable costs, to be fixed by the said Justice or Justices, thereon accruing, are sooner paid, the said fine so to be levied to be transmitted by the Justice or Justices imposing the same, to His Majesty's Receiver General of this Province once in every six months, to be by him applied to the general purposes of this Province, and accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty may be pleased to direct.*

Commissioners shall have full power to make regulations from time to time as they see fit.

Copy of such regulation, to be affixed in not less than three public places near Burlington Bay.

Persons infringing them (on the oath of witness) convicted before a Justice to pay a fine not exceeding £5.

Or, in default, to be imprisoned 20 days, unless the fine and costs be paid.

Such fines to be transmitted to the Receiver General every six months.

How applied.

And accounted for.

IV. *And be it further Enacted by the authority aforesaid, That if at any time after the passing of this Act, His Majesty's Government should think fit to aid in making the said Canal, upon a scale*

Should His Majesty's Government think proper to enlarge the Canal so as to admit vessels of war.

The Commissioners to cause the same to be enlarged in proportion to the sum provided to be contracted for, according to 4. Geo. 4th. C. 8th.

to admit vessels of war, it shall be the duty of the Commissioners to be appointed by virtue of the before-recited Act, to cause the same to be constructed on an enlarged scale, equal to the sum which may be so provided; the same to be contracted for in the same manner and conditions as is directed by the said Act.

No boat &c. belonging to His Majesty passing through Canal to pay toll.

V. *And be it further Enacted by the authority aforesaid, That nothing in this Act, or in the before-recited Act contained, shall extend, or be construed to extend, to authorise the levying any toll or dues upon any vessel, boat, or other craft, or property belonging to His Majesty, His Heirs or Successors, passing through or into the said Canal.*

9th Sec. 4th Geo. C. 3th as respects dimensions of proposed Canal repealed.

VI. *And be it further Enacted by the authority aforesaid, That so much of the ninth section of the said Act, passed in the fourth year of His Present Majesty's Reign as respects the dimensions of the proposed Canal, shall be, and the same is hereby repealed; and that the said proposed Canal shall not contain less than twelve feet depth of water, nor be less than seventy-two feet in width at the top.—Provided nevertheless, That the said Commissioners so to be appointed, shall not contract for any part of the said work, unless the whole is contracted for to be done on the scale herein mentioned for the said sum of Eight Thousand Pounds.*

Canal not to be less than 12 ft deep, and 72 wide at top.

Commissioners not to exceed the sum of £8,000.