

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1823.
York: Charles Fothergill, 1823.

4 George IV – Chapter 8

**An Act to Provide for Constructing a Navigable Canal between Burlington Bay and Lake Ontario.
Passed 19th March, 1823.**

Whereas a Canal Navigable for Vessels between Burlington Bay in the District of Gore, and Lake Ontario, would tend to promote the general interest of this Province, and particularly that part of the Country contiguous thereto: And whereas it is expedient to raise a sum of money by way of Loan to make and complete the said Canal, the annual interest on which to be paid from a fund to be raised and collected by a poll to be levied on Goods, Produce, and all other articles as well as Vessels and other craft passing in or through the same, and also to establish a fund for the redemption of the said Loan, 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 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 from any person or persons, bodies corporate or politic who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding Five Thousand Pounds, to make and complete the said Canal, and also such works as may be deemed necessary to protect and secure the entrance thereof, as well from Burlington Bay as from Lake Ontario.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being, to cause any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Five Thousand Pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance a debenture shall issue, bearing date at the day on which the same shall actually be issued, conditioned for the payment of the said sum of Five Thousand Pounds, or such part thereof as may be actually received and redeemable at a period not exceeding sixteen years, and shall and may be signed by the said Receiver General of this Province for the time being.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, indorsement, or writing thereon or therein, or tender in

payment any such forged debenture, or any debenture with such counterfeit indorsement or writing thereon, or shall demand to have any such counterfeit debenture, or any debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged and required to exchanged the name, or by any other person or persons whomsoever, knowing the debenture so tendered in payment, or to be exchanged or the indorsement or writing thereupon or therein to be forged or counterfeited with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof law fully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of Clergy.

IV. And be it further enacted by the authority aforesaid, That the Receiver general of this Province for the time being, shall before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a correct account of the numbers, amount, and dates of the different debentures which he may have issued under the authority of this Act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the period aforesaid, and of the expences attending the issuing the same to be laid before the Legislature of this Province.

V. And be it further enacted by the authority aforesaid, that the interest growing due upon the said debentures shall and may be payable in half-yearly periods to be computed from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each debenture, at the time of payable thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the Governor, Lieutenant Governor or Person administering the Government of this Province shall, after the thirtieth day of June, and the thirty-first day of December in each year, issue warrants to the Receiver general for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

VI. And be it further enacted by the authority aforesaid, that the Receiver General of this Province, and the person or persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances as the Governor, Lieutenant Governor, or Person administering the Government of this Province, and the Executive Council thereof, shall adjudge to be reasonable, and direct to be allowed them for their respective services in the execution of this Act, and that the same shall be paid in discharge of such warrant or warrants, as the Governor, Lieutenant Governor, or Person administering the Government of this Province shall from time to time issue for that purpose.

VII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the Receiver General, by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, for the payment of each debenture as the same may become due, and be presented in favour of the lawful holder thereof, and that such

debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

VIII. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of said debentures to present the same for payment according to this Act, and if after the insertion of the said notice for three months, any debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

IX. And be it further enacted by the authority aforesaid, that so soon after the passing of this Act as he may deem proper, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time to nominate and appoint under His Seal at Arms, not more than five Commissioners, any three of whom shall be a quorum, who may appoint two of their Body to be a President and Vice President, one of whom shall preside at all meetings of the Board, which Commissioners' duty it shall be to cause a plan or plans of a Canal to connect Burlington Bay, in the Gore District of this Province, with Lake Ontario, of not less than ten feet depth of water, and forty feet wide at the top, with an estimate of the expence to be made, and shall and may contract with such person or persons as shall, after public notice being given for that purpose, undertake to make the same, and all works therewith connected, or any part thereof, at the cheapest and lowest rate, in the shortest time, and most convenient terms, and giving security to the satisfaction of the said Commissioners, or a majority of them, for the due performance of the Contract to be entered into for that purpose, and shall and may do and perform all and whatsoever act and acts, thing and things necessary and proper to carry the intention of this Act into full effect, and shall and may fix such rate of Toll after the redemption of the Loan to be effected, and interest thereon, as to them mat seem proper, (for the purpose of keeping the Canal in repair) less than that established by this Act, and shall report to the Governor, Lieutenant Governor, or Person administering the Government of the Province, once in three months during the progress of the work, all matters by them done or performed by virtue of the authority so vested in them, to be laid before the Legislature at its next meeting.

X. And be it further enacted by the authority aforesaid, That so soon as the said Canal shall be opened, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to nominate and appoint a careful and discreet person to collect the Tolls and Dues imposed by this Act, who shall account to His Majesty's Receiver General of this Province for the time being, on the thirtieth day of June, and thirty-first day of December in each and every year, which account shall be rendered in detail on oath, and specify the number of Barrels, Packages, and all other articles passing through the said Canal, together with the number of Vessels, Boats, and other Craft, with their respective tonnage, in or upon which the same shall

be laden, and every other source from which the same has arisen, and shall retain to his own use Five per cent. on all monies so collected and paid by him.

XI. And be it further enacted by the authority aforesaid, That the Toll and Dues mentioned in the following Schedule, and no other, shall be exacted and paid on all Goods, Wares, Merchandize, Produce, Lumber, Vessels, Boats, Raft or Craft, previous to their passing through or into the said Canal, until the Loan for making the same, and interest thereon, shall be fully redeemed and paid as herein before mentioned; and the said money so to be raised and collected, shall be paid by the said Collector into the hands of the Receiver General of this Province, to and for the redemption of the said debentures and the interest thereon annually accruing.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time during the continuance of this Act, to issue his warrant to the Receiver General of this Province in favour of the said Commissioners for such sum or sums of money, not exceeding Five Thousand Pounds, to enable them to carry the Provisions of this Act into effect, which sums shall be paid out of any monies which may have been advanced to him upon debentures by virtue of this Act.

XIII. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this Act shall be paid by the Receiver General in discharge of such Warrant or Warrants [illegible] shall for that purpose be issued by the Governor, Lieutenant Governor or person administering the Government of this Province, and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being in such manner and form as His Majesty his Heirs and Successors shall be graciously pleased to direct.

Schedule of Toll and Dues, payable under the foregoing Act.

	£	s.	d.
			Sterling.
Flour per Barrel,	-	-	8
Pot Ash per Barrel,	-	1	4
Pork per Barrel,	-	1	0

Whisky per Barrel,	-	-	-	-	-	-	-	0	1	0
Plaster of paris per Barrel,	-	-	-	-	-	-	-	0	1	0
Oil per Barrel,	-	-	-	-	-	-	-	0	1	0
Staves per Thousand, Standard,	-	-	-	-	-	-	-	0	1	0
Apples, Cider, Potatoes, and all other Roots, Vegetables and Fruit										
	-	-	-	-	-	-	-	Free.		
Boards per one hundred pieces,	-	-	-	-	-	-	-	0	1	3
Salt per Barrel,	-	-	-	-	-	-	-	0	1	0
Dry goods per hundred wt.	-	-	-	-	-	-	-	0	0	8
Boats or craft, under five tons each,	-	-	-	-	-	-	each	0	5	0
vessels over five tons, per ton measurement, per ton	-	-	-	-	-	-	-	0	1	3

All articles not enumerated to pay in proportion to the above rates, subject to the direction of the Commissioners appointed by virtue of this Act, Provided nevertheless, that any Boat, Vessel, or Craft entering the said Canal shall be at liberty to pass and return through the same on payment of the Toll or Dues herein specified, and such Toll shall not be exacted more than once for such passing and return.

XIV. And be it further enacted by the authority aforesaid, That the Commissioners appointed under the authority of this Act, shall cause a sufficient Draw-Bridge to be erected on the said Canal, upon which no Toll or Due for passing the same shall be demanded.