

Laws of His Majesty's Province of Upper Canada, passed in the year 1827. York: Robert Stanton, 1827.

8 George IV – Chapter 18

An Act to Provide for the Construction of a Harbour at the Mouth of Kettle-Creek in the London District. Passed 17th Feb'y. 1827.

Whereas it is expedient and desirable to Construct a Harbour at the Mouth of Kettle-Creek, on the Shores of Lake Erie, in the County of Middlesex in the London District, and for that purpose to provide for the raising of the Sum of Three Thousand Pounds by Debenture, and for the appointment of Commissioners to Contract for and superintend 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, intituled, "*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act formaking moreeffectual Provision for the Government of the Province of Quebec, in North America, andto makefurther 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, to authorize 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, authorized to be issued under this Act, a Sum of Money, not exceeding Three Thousand Pounds, at a rate of Interest not exceeding Six per Centum, to make and complete the said Harbour.

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 Three Thousand Pounds, at a rate of Interest not exceeding Six per Centum, as any Person or Persons, Bodies 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 be actually issued, conditioned for the payment of the said Sum of Three Thousand Pounds, or such part thereof as may be actually received, and redeemed at a period not exceeding Twenty 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 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 periods aforesaid, and of the expenses attending the issuing of the same, to be laid before the Legislature of this Province.

IV. 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 endorsed on each Debenture, at the time of payment 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 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.

V. 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.

VI. And be it further enacted by the authority aforesaid, That all and every the Provisions contained in a certain Act of the Parliament of this Province, passed in the Seventh Year of His Majesty's Reign, entitled, "An Act to authorize the Government to borrow a certain Sum of Money upon Debentures, to be Loaned to the Welland Canal Company," respecting the Debentures authorized by the said Act passing current, with certain Public Accountants, the payment of Interest on the same by such Accountants, and the suspension of Interest in certain cases, the submitting to the Legislature accounts of such Debentures and the Interest paid thereon, and the expenses attending the same, the payment of Interest to the holders of such Debentures, the remuneration to the Receiver General for the services required by the Act, the paying off and cancelling the said Debentures, and the punishment awarded for Forging any of the said Debentures, or for any thing relating thereto, shall apply to, and be in force in respect to the Debentures which shall be issued under the authority of this Act.

VII. And be it further enacted by the authority aforesaid, That all such Debentures, with the Interest thereon, and all the charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the said Receiver General, to and for the Public uses of this Province, and at the disposal of the Legislature thereof.

VIII. And be it further enacted by the authority aforesaid, That the Sum of Money herein authorized to be raised by Loan, shall not be subject to any deduction of Poundage for the Receiver General of this Province, any Law, Usage, or Custom, to the contrary notwithstanding.

IX. 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 Debentures 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.

X. 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 a Vice President, one of whom shall preside at all Meetings of the Board; which Commissioners duty it shall be to Contract with such person or persons as shall, after Public Notice being given for that purpose, undertake to make the said Harbour, 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, are necessary and proper to carry the intention of this Act into full effect, and shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this 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.

XI. And be it further enacted by the authority aforesaid, That so soon as the said Harbour shall be completed, it shall and may be lawful for the Governor, Lieutenant, Governor, or Person Administering the Government of the Province, to nominate and appoint a careful and discreet person to collect the Toll and dues imposed by this Act, who shall account to His Majesty's Inspector General of this Province on the thirtieth day of June, and the 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 Harbour, 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 to be collected and paid by him.

XII. 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 Harbour; 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 be by him applied to and for the redemption of the said Debentures, and the interest thereon annually accruing.

XIII. 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 continuation of this Act, to issue his Warrants to the Receiver General of this Province in favor of the said Commissioners, for such sum or sums of money, not exceeding Three 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.

XIV. 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 as 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.

XV. And be it further enacted by the authority aforesaid, That the limits of the said Harbour shall extend from the centre of the mouth of the said Creek, Half a Mile East and West, along the shores of the said Lake.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the Tolls or dues to be collected under this Act, it shall and may be lawful for the Collector, to be appointed to receive such Tolls or dues, to seize and detain such Vessel or Boat, or the Goods on which the same were due and payable, until such dues and Tolls shall be paid; and if the same shall remain unpaid for the space of Thirty Days after such seizure, the said Collector shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said Toll or dues, by Public Auction, after Ten Days Public Notice.

XVII. And be it further enacted by the authority aforesaid, That before any Commissioners shall be appointed, or other measures taken in pursuance of this Act, a Survey shall be made by a competent Civil Engineer, employed for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government, and estimates made by such Engineer in detail of the expense of completing the said Work; and that unless it shall satisfactorily

appear, upon the report of such Engineer, that the whole work can be completed for a sum not exceeding Three Thousand Pounds, no further measures shall be taken under the provisions of this Act.

XVIII. And be it further enacted by the authority aforesaid, That the Tolls or dues to be collected at the Mouth of Kettle Creek aforesaid, as soon as the intended Pier or Breakwater shall be so far completed as to afford shelter for Vessels, shall be in accordance with the following Scale:—

Pot and Pearl Ashes, per Barrel, One Shilling,

Salt, Pork, Whiskey, or Oil, per Barrel, Seven Pence Half-Penny, Flour, per Barrel, Six Pence,

Ditto per Cwt, Three Pence.

Lard and Butter, per Keg, Five Pence, Sugar per Cwt, Five Pence,

Hollow Ware per Cwt, Seven Pence Half-penny,

Boards and Lumber, per thousand Feet, of Board measurement, One Shilling and Three

Pence, Boats, under Twelve Tons, Two Shillings and Six Pence,

Boats and Vessels, from Twelve Tons and upwards, per Ton Measurement, Two Pence

Halfpenny, Wheat, per Sixty Pounds, Two Pence.

All other articles not enumerated to pay in proportion to the above rates, subject to the direction of the said Commissioners appointed by virtue of this Act. Provided nevertheless, that any Boat, Vessel, or Craft, entering the said Harbour, 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.