

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

8 George IV – Chapter 19

**An Act to provide for a further Survey of the Works done at the Burlington Bay Canal, and also to afford further aid to complete the same. Passed 17th Feb'y. 1827.**

Whereas it appears from the report of the Commissioners for the Canal at Burlington Bay, and the Survey of a Civil Engineer, accompanying the said Report, that the said Work cannot be completed with the funds at the disposal of the Commissioners, but that a great additional expenditure will be necessary for that purpose; And whereas it also appears that a large sum of money has been expended upon the said Work, and that from the nature of the undertaking no public benefit will accrue from such expenditure, if the Canal and the Works necessary for: its protection are left unfinished; And whereas the interests and convenience of a great portion of the surrounding Country, as well as the general safety of navigation upon Lake Ontario, hold forth strong inducements to persevere in the Work till it is completed, more especially as there are good grounds for believing that the Tolls which the Canal will yield, will ultimately reimburse whatever advance it may be necessary to make from the public revenue.

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 from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to procure a minute inspection and particular survey and report of the work done at the said Canal by two competent Civil Engineers, and if it shall be ascertained that the portion which has been completed is substantially and judiciously executed, so that it may be properly proceeded in and finished according to the present design, 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, at a rate of interest not exceeding six per centum, and as much lower as can be obtained, 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 as hereinafter mentioned, such sums (not exceeding in the whole Eight Thousand Pounds) as may be required for the purposes of this Act.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Receiver General to cause or direct 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 Eight Thousand Pounds, 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 shall be signed by him, and that for each loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced at the expiration of Three, Six, and Nine Years respectively, with interest according to the rate at which such loan shall be negotiated, from the date of such Debenture until the same, shall be discharged.

III. And be it further enacted by the authority aforesaid, That all such Debentures, with the interest thereon, and all 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.

IV. And be it further enacted by the authority aforesaid, That the loan authorized by this Act shall be contracted for upon the express condition, that at any time either before or after the said Debentures, or any of them, which are by this Act directed to be issued, shall 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 shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, and if after the insertion of the said notice for Three Months, any Debenture shall remain out more than Six Months from the first publication of such notice, all interest on the said Debentures, after the expiration of the said Six Months, shall cease, and be no further payable in respect to the time which may elapse between the expiration of the said Six Months and their presentment for payment.

V. 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.

VI. 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.

VII. 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, if the said Sum of Eight Thousand Pounds shall be raised as aforesaid, to appoint a competent Civil Engineer of established reputation, to superintend the said Work, to whom such allowance shall be made for his services as to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall seem just.

VIII. And be it further enacted by the authority aforesaid, That the said Sum of Money to be raised as aforesaid, shall be paid into the Bank of Upper Canada, to the Account of the Commissioners appointed by Law for superintending the said Work, upon any Warrant or Warrants which may be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, in favour of the said Commissioners, and shall be paid out Monthly, upon the order of any Three of the said Commissioners, Countersigned by the Engineer to be appointed as aforesaid, and upon the Estimate of the Work done in each Month, as certified by such Engineer, and attested by him upon Oath, to be a just and true Estimate to the best of his knowledge and belief, which Oath any Justice of the Peace is hereby authorized to Administer.

IX. And be it further enacted by the authority aforesaid, That the Engineers employed to Survey and Inspect the said Work as aforesaid, shall make an accurate Estimate in detail, upon Oath, of the value of the Work which shall have been done at the time of such Survey, as well as of the Cost of Completing the said Canal; and that in Estimating the Work already done to the said Canal, the Engineers to be employed as aforesaid, shall receive the information of the Commissioners heretofore appointed for superintending the said Work, in addition to such other information as may appear to them desirable, and having reference to the Contracts under which the Work was done, shall allow for no damage or accidents, which, according to such Contracts, ought in justice to be borne by the Contractor, and that if the said Estimate shall exceed the amount of compensation which has been paid to the person who has Contracted for the said Work, Two thirds of such excess shall be paid to such person within One Month after it shall be so ascertained, and the remainder when the Canal, and the Works and Erections appertaining to the same, shall be completed. Provided nevertheless, that it shall and may be Lawful for the Commissioners, and they are hereby required immediately after the passing of this Act, to pay to the Contractor for making the said Canal, all such Sum and Sums of Money as are now in their hands and applicable to the Construction of the said Canal.

X. And be it further mooted by the authority aforesaid, That no Monies shall be paid by the Commissioners for the said Canal, to any Contractor employed, or to be employed on the same, on account of Work remaining to be executed after such Survey and Estimates shall

have been made as aforesaid, until such Contractor shall have given a Bond to His Majesty, His Heirs and Successors, in the Sum of Two Thousand Pounds, with good Securities, conditioned to repay such Money to His Majesty, His Heirs and Successors, in case the said Canal and Erections, and Works appertaining thereto, shall not be completed in a sufficient and workmanlike manner, on or before the first day of August, in the Year of our Lord One Thousand Eight Hundred and Twenty-eight.

XI. And be it further enacted by the authority aforesaid, That the Money paid under the authority of this Act, shall be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be pleased to direct.