

Laws of His Majesty's Province of Upper Canada, passed in the year 1833. York: Robert Stanton, 1833.

3 William IV – Chapter 33

**An Act to provide for the Improvement of certain Inland Waters in the District of Newcastle.
Passed 13th February, 1833.**

Whereas it is expedient to Improve the Navigation of the River Otonabee, in the District of Newcastle, and also the adjacent waters, leading from Mud Lake to Scugog Lake, in the Township of Ops, in the said District: and whereas such Navigation is manifestly advantageous to the surrounding Settlement, and would if improved greatly extend the benefits of Commerce in the said District: and whereas Petitions have been presented to the Legislature this Session requesting aid to the above object, and the Committee to whom such Petitions were referred have recommended that a sum of Two Thousand Pounds should be appropriated to that purpose:—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, to authorize and direct the Receiver General to raise by Loan, at a rate of Interest not exceeding Six per centum per annum, and as much lower as can be obtained, from any person or persons, Body Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorized to be issued as hereinafter mentioned, a sum of Money not exceeding Two Thousand Pounds, to aid in completing the Navigation of the said waters.

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 or direct any number of Debentures to be made out for such sum or sums of Money, not exceeding in the whole the said sum of two thousand Pounds, as any person or persons, Bodies Politic or Corporate, shall agree to advance on the credit of the 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 four several Debentures shall issue at the same time, bearing date the day on which the same shall be actually issued, and being each for the payment of one-fourth of the sum so advanced, and payable out of the Tolls, Dues and Rates authorized to be levied by this Act and no other, at the expiration of periods not shorter than three, five, seven and ten 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, shall be and are hereby charged and chargeable upon, and shall be repaid and

borne out of the Monies that shall come into the hands of the Receiver General of this Province arising out of the Rates, Tolls and Dues, hereafter to be collected upon the said Navigation, and from no other source.

IV. And be it further enacted by the authority aforesaid, That the whole of the net proceeds arising out of the Rates, Tolls and Dues hereafter to be raised, levied, and collected on the said Navigation shall be applied to the purpose of redeeming the loan authorized to be made by this Act until it shall be liquidated with the Interest thereon: Provided always, that it shall be lawful for the Collector of the said Tolls to receive out of such Rates, Tolls and Dues, to be collected on the said Navigable waters, such sum or sums as the Commissioners hereinafter mentioned, or the majority of them, shall appoint.

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 late Majesty's Reign, entitled "An Act to authorize the Government to borrow a certain sum of money upon Debenture to be loaned to the Welland Canal Company," respecting the submitting to the Legislature accounts of such Debentures and the Interest paid thereon; the payment of Interest to holders of such Debentures; paying off and cancelling the said Debentures: and also the provision made in the Seventh Section of the said Act for punishing the Forging of any Debenture thereby authorized to be issued, or of any matter or thing relating thereto; or the knowingly uttering any such forged Debenture or other matter as aforesaid, shall apply to and be in force in respect to the Debentures which shall be issued according to 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 to the Receiver General of this Province.

VII. And be it further enacted by the authority aforesaid, That James G. Bethune, Thomas Need, John Hall, John Huston, William Whitla, Robert Brown, and Alexander McDonell, Esquires, be Commissioners for the purpose of receiving plans, tenders and estimates, and of contracting for and superintending the work and labour necessary to be done and performed in order to complete, secure, and make permanent the said Navigation, with the banks, piers, excavations and other works thereto appertaining; and to them or any of them shall be paid 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, the sum or sums required by this Act to be expended for the purpose of completing the said Navigation: Provided always that the sums so applied 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: and that if any of the persons hereby nominated and appointed Commissioner shall die or refuse to Act as such Commissioner under the authority of this Act, it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government, to appoint another Commissioner in the place of him who may die or refuse to act as aforesaid.

VIII. And be it further enacted by the authority aforesaid, That the Commissioners appointed by virtue of this Act shall appoint a Collector of Tolls, whose duty it shall be to collect all such Rates, Tolls and Dues, as are imposed by this Act on all Boats, Steam Boats, Vessels or Barges, using the said Navigation, and on all Goods, Wares and Merchandize, transported in the same, which Collector shall account to the said Commissioners at such time and in such manner as they shall see fit to appoint.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Collector aforesaid to appoint one or more Deputy or Deputies to collect the Tolls or Dues authorized to be levied and collected by virtue of this Act.

X. And be it further enacted by the authority aforesaid, That the following Tolls and Dues shall be levied and collected on the said Navigation, and continued until such time as the said loan and the interest thereon shall have been repaid, that is to say:—

On each trip of every Boat, Steam Boat or Vessel, carrying goods or passengers up or down the River Otonabee, Five Shillings.

On all Goods, Wares or Merchandize transported up or down the said River, per hundred weight, Two Pence.

On Pork or Pot Ash, per Barrel, Three Pence.

On each trip of every Boat, Steam Boat or Vessel, carrying goods or passengers from Mud Lake to Sturgeon Lake, Five Shillings.

On all Goods, Wares or Merchandize, transported from Mud Lake to Sturgeon Lake, per hundred weight, Two Pence.

XI. And be it further enacted by the authority aforesaid, That the Collector or Collectors of Tolls to be appointed by the said Commissioners shall have full power and authority to ask, demand, and receive the said Tolls, and in default of payment to seize and detain the Boat or Vessel, Goods, Wares or Merchandize, on which the Tolls are unpaid, and in case the same are not paid within eight days it shall and may be lawful for such Collector or Collectors, after giving twenty days notice, to sell and dispose of the Boat or Vessel, or Goods, Wares, or Merchandize so seized, and out of the proceeds of such sale pay the said Tolls, and to render the overplus, if any, to the owner or owners thereof.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously break down, damage, or destroy any Bank, Gate, or any Works, Machine or Device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder, or prevent the carrying into execution this Act, or completing, supporting, or maintaining the said Navigation, every such person or persons so offending shall be deemed guilty of a Misdemeanor.

XIII. And be it further enacted by the authority aforesaid, That if any plaint shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, or in execution of the powers or authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within Six Calendar Months next after the fact committed, or in case there shall be a continuation of damages, then within Six Calendar Months after the doing or committing such damages and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matters in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

XIV. And be it further enacted by the authority aforesaid, That the said Commissioners shall have power and authority to appoint one of their own number, or some other person, to act in all matters relating to the management and control of the Works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners, or a majority of them, shall think proper and expedient to impose, and the said Commissioners shall and may allow to the person appointed by them as aforesaid for his services, out of the Monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

XV. And be it further enacted by the authority aforesaid, That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint.

XVI. And be it further enacted by the authority aforesaid, That the said Commissioners are hereby authorized and empowered by themselves, their Agents or Workmen, Contractors or Servants, to enter into or upon the Lands or Grounds of or belonging to any person or persons, Bodies Politic or Corporate, and take, carry away, and lay all such Timbers, Stone and other materials, out of or upon any Lands or Grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing and keeping in repair the said Navigation, and the Roads or approaches thereto; and also to place, lay, work and manufacture the said materials on the grounds near to the place or places where the said Works or any of them are or shall be intended to be made or erected, repaired or done; and also to make, maintain, repair and alter any fences or passages which shall communicate therewith; and also to construct, make and do, all other matters and things which they shall think necessary and convenient for the making, preserving, completing, and repairing the said Navigation and approaches in pursuance and within the true meaning of this Act; they the said Commissioners doing as little damage as may be in the execution of the several powers to them hereby granted.