

MEMORANDUM.

It is understood and agreed by the parties in the annexed indenture that the period mentioned therein for the completion of the work shall be extended to the first day of October which will be in the year of our Lord one thousand eight hundred and twenty-six, with the full understanding that the canal shall be open for the purposes of ship navigation, by the first day of July next.

Given under our hands and seals at Burlington Bay outlet, the first day of October in the year of our Lord one thousand eight hundred and twenty-five.

(Signed)

{ JAMES CROOKS,
MANUEL OVERFIELD,
WILLIAM CHISHOLM,
ROBERT NELLES.
J. G. STROWBRIDGE.

(Signed)

In presence of us,
(Signed) FRANCIS HALL,
G. CHAPIN.

H.

REPORT of the Burlington Bay Canal commissioners, made to His Excellency the Lieutenant Governor on the 30th December 1826, and by him transmitted to the House of Assembly.

To His Excellency Sir Peregrine Maitland, Knight Commander of the most honorable military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

The commissioners appointed by your excellency in conformity to the provisions of two several acts passed by the legislature of this province for making a navigable canal for vessels between Burlington Bay and Lake Ontario,

MOST RESPECTFULLY REPORT,

That since your excellency's visit to the work entrusted to their superintendence, the beginning of July last, the completion of it has been proceeded in with all the expedition of which its nature was susceptible, and in order to lay before your excellency a detailed statement of what has been done and what remains to be done they obtained the professional assistance of Mr. Barrett, an engineer employed by the Welland Canal Company: a copy of whose reports they beg leave to submit along with this for your excellency's information. The commissioners have thought it their duty to analyze said reports; and to accompany them with the estimate upon which the work was originally undertaken, and also with a statement of their opinion (in an adjoining column) as to the prices which ought to be allowed, which, although much below those of Mr. Barrett, they yet conceive to be most liberal, and much greater than originally estimated for; the result of which is, that Mr. Barrett's estimate of work done amounts to £12,131 9 5—the commissioners, to £8339 12 5—making a difference of £3791 17. The work to be done he estimates at £3044 6 3½—They, at £2172 2 2½, the difference being £872 4—Both, £4664 1 1: from these estimates it will appear that the work done in the opinion of the commissioners amounts to

The work to be done - - - - -
Add for drawbridge estimated by Mr. Hall - - - - -

Making - - - - -

From which deduct the sum already granted* - - - - -

£8339	12	5
2172	2	2½
296	16	4½
£10,808	11	0
*8000	0	0
£2808	11	0

Leaves to be provided for, the sum of two thousand eight hundred and eight pounds eleven shillings prov. currency—Besides which has to be added the sums required to pile the cut through the beach, on the north side of which, a small part only is done—For building a light house, paying an engineer, and superintendant and other contingent expenses---The commissioners in submitting those estimates for your excellency's consideration think it their duty at same time to state that they have in their hands of the sum originally granted for constructing the canal the sum of

Loaned to contractors on securities - - - - -

£675	0	0
1340	0	0
£2015	0	0

Making together the sum of two thousand three hundred and fifteen pounds province currency---which is nearly equal to finishing the work agreeable to the foregoing estimates were the contractors held rigidly to their original undertaking; but the commissioners feel convinced that it has to them been a losing one, one which no person had formed a just conception of at its commencement, nor of the difficulties and losses which they had to encounter and which if done at the original price, must prove not only their own ruin, but that of their securities and many other individuals, who have advanced necessities of all kinds in furtherance of the work, on the faith that the legislature, when a fair estimate was laid before them of the actual cost incurred would generously step in and afford relief by granting such additional sum of money as to them might seem just.

With a view to lay before the legislature every information in their power the commissioners employed Mr. Barrett as before mentioned, the result of whose labours is before your excellency; but as they considered that he had included what he deemed a fair profit to the contractors, and conceiving that such profit they had no claim to—the commissioners made their estimate with the sole view of relieving them from the loss which their original engagement subjected them to, and in which estimate of Mr. Barrett's is included damages for loss while the work has been in progress, to the amount of £1281 14 7 altho' the original contract placed all such risk and loss upon the contractors; from the foregoing it will appear to your excellency that the sum £2808 11 0 prov. currency, will be necessary to complete the canal but as the breakwater will also require additional works, to ensure its safety, and without it vessels, in heavy weather, could not enter the canal but with great risk, the commissioners think that for this object and other unavoidable expenses which may present themselves in course of the completion of the work, a sum equal to £5000 will be required in addition to the £8000 already granted.

Should your excellency approve of their opinion and of an application to the legislature, they respectfully suggest that for this additional sum an extension of time for its liquidation by the tolls levied at the canal in proportion to that for the sum already borrowed will be necessary; they also beg leave to suggest to your excellency that in any bill which may be introduced for the purposes before mentioned, authority should be given to the commissioners to lease the fishery in the canal from year to year, the proceeds of the sale of which to form part of the fund for liquidating the debt; and was your excellency pleased to authorise the commissioners to lease the land on each side of the canal through the beach for building lots for a term of years, an additional sum might be secured for the same object.

It is conceived that by the present acts no authority is given to the collector to release from tonnage duty, vessels which are but partly loaded, the injustice of which is manifest and might materially interfere with the use of the canal were they to pay for more tonnage they have actually on board—it will also be necessary, if a light house is erected, to authorise the collector to levy dues for its maintenance, to be regulated by law.

The commissioners are happy in submitting to your excellency (which they do along with this report) a statement of the present years shipments at Burlington bay, to observe that the estimate on which the canal was originally undertaken, has been fully supported, altho' the present year is considered one of unusual commercial depression—and when it is recollected that every year adds largely to our population & the productions of our agriculture, there can be no doubt that the money borrowed as well as any further grant that may be made will be repaid within the period limited by law without the commissioners being obliged to exact the full rate of toll on the canal.—The facilities, which it will give to trade must tend to increase it as well as the great improvements making in all parts of the district.

It would have given the commissioners very great pleasure had they been able to accompany this report with a list of toll collected, as was anticipated by them at an early period of the season, but by the month of July nearly all the produce of the country had been brought across

* £500, of this has been expended, say four hundred pounds to Mr. Hall and one hundred pounds to Mr. Kirby for his superintendence and for other casual expenses.