

suffered to be made except upon an estimate prepared by the resident engineer, and approved by the Board.

The funds appropriated by the Legislature for the construction of the canal were drawn from the receiver-general by the president from time to time as they were required, and were immediately deposited in the bank of Upper Canada. They never came into the hands of the Commissioners, but were paid to the contractors and other claimants by the secretary, upon the cheques of the president on the bank; and for every disbursement vouchers were taken, of which the original remained in the commissioners' office, and the duplicate, with a copy of the minutes of the proceedings of the Board, and a detailed statement of expenditures was annually submitted to the Lieutenant-governor, and by him, in pursuance of the statute, communicated to the Legislature. In this manner full publicity has been given to the whole of our proceedings.

Upon the resignation of Mr. Mills, as resident engineer, Major Phillpotts, of the Royal Engineers, was appointed to succeed him, and under that officer's immediate superintendence the work has been since conducted.

The first president chosen by the Board was Mr. Jones, who continued to act in that capacity until his elevation to a seat in the Court of King's Bench, in the year 1837, when Mr. John M'Donald, who has since become a member of the Legislative Council, took his place as president; Mr. M'Donald had been previously appointed a member of the Board, upon Mr. Macaulay's resignation.

James Sampson, esq., was appointed a commissioner to supply the vacancy occasioned by the resignation of Mr. Justice Jones, and James Morris, esq., was appointed in the place of Mr. Norton, one of the commissioners originally named in the Act, and a member of the House of Assembly, upon his resignation and removal from the province. In consequence of these various changes the Board now consists of the following members: John M'Donald, esq., of Gananoque, member of the Legislative Council, president; John Hamilton, esq., of Queenston, member of the Legislative Council, and named in the Act; Philip Van Koughnet, esq., of Cornwall, member of the Legislative Council, and named in the Act when a member of Assembly; Peter Shaver, esq., of Matilda, member of the House of Assembly, named in the Act; George Longley, esq., of Augusta, named in the Act; James Morris, esq., Brockvill, member of the House of Assembly; James Sampson, esq., Kingston.

Under the system pursued it will be evident that not a shilling of the Legislative appropriation was expended without the authority of the Board specially declared, and duly and formally supported by a regular voucher.

The commissioners were allowed by the Act 20 s. a day while they were on duty, to cover their expenses, and to this extent only did they receive any portion of the public money for their own uses.

If the Earl of Durham, while in this country, received information from any person that we had been concerned in jobbing, his Lordship left us in entire ignorance of it. In whatever quarter the calumny adverted to in the Report may have originated, his Lordship, if he himself believed it, should, we humbly venture to think, have called us to account.

If he did not believe it, we are at a loss to conceive what good purpose could be served by its circulation over the empire.

To our great disappointment and mortification, his Lordship while in Upper Canada, notwithstanding our solicitations, neither inspected the canal, which is admitted to be the most stupendous work of the kind in America, nor instituted any inquiry into our conduct or management.

If he had at that period received any charges against us, we should have been rejoiced to have been allowed an opportunity of meeting and disproving them. We should then have challenged, as we now freely and fearlessly do, the whole population of Upper Canada, to show that we have in any one instance diverged from the line of our duty as honest and faithful servants, in our capacity of commissioners.

Not a single contractor, or other person in any way connected with the canal, has hitherto found just reason to complain of the Board, nor do we imagine that any ever will. The principle on which the business of the Board was conducted placed its proceedings beyond the reach of suspicion or cavil among the individuals by whom the commissioners were surrounded.

Nevertheless, Your Majesty's late High Commissioner has been pleased to intimate to Your Majesty, that in our application of the public funds committed to our care, there has been "perhaps no little jobbing," and the noble Earl has thus done us an injury, which Your Majesty's Petitioners would fain hope his Lordship, on further consideration, may find that his honour and his dignity may require that he should acknowledge and repair.

But his Lordship informed Your Majesty, that "It is said that there was great mismanagement in the application of the funds, and in the execution of the work." Upon this point we would respectfully observe, that if his Lordship had seen fit to make due inquiry while he was in the country he would probably have satisfied himself that the rumours on which he has built the charge of mismanagement were without solid foundation. The commissioners were of course guided by the advice and estimates of engineers, and in works like the canal at the Long Saut, the uncertainty of estimates is proverbial.

It has already been said that the contracts were let in an open manner. Alterations in the line of the canal, found necessary by the engineer in the progress of the work, combined with many unfavourable contingencies of a nature which could not be foreseen,