

APPENDIX twenty-four on the Eastern side of the Harbour, agreeable to contract, and a majority of the stone delivered for filling up the Piers. In the excavation, the contractors have failed as yet, from untoward circumstances; and, although in many places it has been made to the required depth, that is eleven feet from high water mark, still, from the action of the sea, and current of the creek, a deposit of sand has been, and, as far as we can judge, will continue to be made, particularly at the head of the old eastern Pier, and thence into the basin, as is more clearly shown in the accompanying small diagram.

Our motive for forming the angle in the western Pier was to prevent the current of sand and gravel from Port Talbot, downwards, accumulating round the outward end, and making a similar bar across the entrance as previous to the construction of the new work; so far it has realized our anticipations, and made a Beach of 384 feet. However, in avoiding one evil, we have encountered another and more serious one, that is, the danger to vessels entering, particularly with a wind from the Eastward.

In the commencement of our operations we were induced to believe that a channel of fifty feet would have a greater tendency to remain open, and be sufficiently wide for any craft to pass through, but experience has taught us that one hundred is none too much: we, in consequence, inclined the eastern Pier farther to the east to obtain that distance.

To obviate the difficulty of the angle on the western Pier, we are of opinion, that one of smaller dimensions, about ten feet wide, be carried out in a direct line from the old head to the extremity of the new, which can be accomplished at a comparatively small expense, and that the eastern Pier be carried out to the same extent and parallel thereto.

The contract for the new work was taken at £3075 currency, and £277 17s. 6d. for sheath piling the old Piers, of which two sums, £2740 has been expended, leaving £612 7s. 6d. to complete the excavation and residue of stone; we have also expended on the basin and other incidental charges, the further sum of £55 18s. 2½ leaving a balance of £91 4 3¾ in the hands of the President, which will be required the ensuing season in partially clearing out the basin.

All of which is submitted by

SIR,
Your Obed't Servant,

JAMES HAMILTON,
President K. C. Harbour Commission.

NOTE.—The level of the water in Lake Erie is at present twenty-two inches below high water mark.

J. H.

PORT STANLEY, 3d DEC. 1833.

TO JAMES HAMILTON, Esq.
President K. C. Harbour.

SIR,

We, the undersigned, owners and masters of vessels sailing to and from Kettle Creek Harbour, beg leave to represent to you its inconvenient state.

At the commencement of the present season, a sand bar had formed at the outer end of the old Piers, and the depth of water, even after crossing this Bar, between the Piers, not allowing vessels of a light draught to enter; and when attempted was always attended with great damage to both vessel and cargo. In consequence, many were under the necessity of discharging and loading outside by means of scows, the expense of which, amounted to more than the Harbour toll; and several have been obliged to leave their anchorage with half cargoes, owing to boisterous weather.

Therefore, taking into consideration the insufficiency of said Harbour, and the difficulties we have had to contend with, we think the toll imposed by law on vessels and property received and shipped at this Port, during the past season, should not be exacted; and not hereafter, till the Harbour is made capable of admitting loaded vessels without hindrance. This toll is also much higher than that received at other ports on this Lake or Lake Ontario.

May we beg that you will represent the foregoing to the Honorable House of Commons at its present session, and use your best endeavours to obviate the evil now existing.

We are
SIR,
Your obedient Serv'ts.

Shaw & Co.
E. C. Warren.
R. & J. Chrysler.
Anson Paul.
William Dickson.
G. J. King.
G. R. Williams.
Samuel Mason.
Benjamin M. Hardison.
John Warren.
George L. Bostwick.
J. Draper.
Elias Moore.
Horatio N. Warren.

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REPORT of Select Committee on Niagara Falls APPENDIX Reservation.

To the Honorable the Commons House of Assembly.

The Committee to whom was referred the enquiry respecting the Reservation, originally made by His Majesty's Government, at the Falls of Niagara, beg leave to Report the draft of an address to His Excellency the Lieutenant Governor, praying for information necessary to enable them to discharge the duties assigned them.

Which is respectfully submitted.

M. BURWELL, Chairman.

Committee Room, Commons
House of Assembly, Dec. 30 1833. }

PETITION of W. J. Kerr, Executor to the Estate of the late John Brant, Esquire.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada and Major General commanding His Majesty's Forces therein. &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Petition of W. J. Kerr, Esquire, of Wellington Square, in the District of Gore, as Executor to the estate of the late John Brant, Esquire,

MOST RESPECTFULLY SHEWETH:

That at the time the Burlington Bay Canal was opened, the late John Brant, Esquire, owned the whole of the land on the North margin of the original outlet of Burlington Bay, excepting half an acre, purchased by Mr. John Chisholm from the late Major Halton, on which he the said Mr. Brant, had erected an extensive warehouse for the accommodation of trade, in receiving and forwarding merchandize and produce, for which he received the annual amount of twenty Pounds—the said profit or income ceased so soon as the canal was made navigable. Independent of the loss above mentioned, the land along the margin of the said original outlet, became of little or no value, whereas, previous to the opening of the Burlington Bay Canal, the same land could have been sold readily for One Hundred Pounds per acre.

Your Petitioner considers it his just right to claim remuneration for the loss of property sustained in consequence of opening the Burlington Bay Canal as a public improvement; inasmuch, as it is a maxim in the British constitution, that private property and private rights are not to be taken or destroyed for public uses without remuneration.

Your Petitioner prays your Excellency will be pleased favorably to recommend this Petition to the consideration of the Legislature.

And as in duty bound your Petitioner will ever pray.

WILLIAM J. KERR,
Executor to the Estate of the late John Brant, Esq. deceased,
Wellington Square, }
10th December, 1833. }

PETITION of Mr. John Chisholm.

To His Excellency Sir John COLBORNE, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, &c. &c. &c.

The Petition of John Chisholm of the township of East Flamborough.

Most respectfully sheweth:

That your petitioner in the year one thousand eight hundred and sixteen, purchased property at the Outlet of Burlington Bay, for the purpose of accommodating the public by forwarding produce and goods.

That your petitioner laid out considerable capital in the erection of buildings, he having every reason to suppose that said Outlet, from its being the natural communication between Burlington Bay and Lake Ontario, would remain so, and that he could not incur risk in preparing suitable premises for public accommodation.

That your petitioner eventually realized from his capital so expended, considerable profit, viz:—in the years 1820, 1821 and 1822, from the forwarding business yearly three hundred pounds, and for each of the years 1823, 1824 and 1825, he received the rent of seventy-five pounds, and for the year 1826, one hundred pounds.

That since the act of the Legislature which authorised the construction of the Canal between Burlington Bay and Lake Ontario, the usual flow of water which formerly passed through the