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SECOND REPORT OF COMMISSIONER.

REPORT OF SELECT COMMITTEE.

CANAL BILL.

SECOND GENERAL REPORT

FROM

Robert Kandal, Esquire,

THE

COMMISSIONER APPOINTED "UNDER AND BY VIRTUE OF" AN ACT PASSED IN THE
ELEVENTH YEAR OF HIS MAJESTY'S REIGN,

ENTITLED,

*"An Act to grant a further loan to the Welland Canal Company and
to regulate their further operations."*

FEBRUARY 8th, 1831.

ALSO: THE REPORT OF SELECT COMMITTEE OF THE HOUSE OF ASSEMBLY, APPOINTED TO CONSIDER THE PE-
TITION OF THE PRESIDENT AND DIRECTORS OF THE WELAND CANAL COMPANY;

AND

THE BILL REPORTED BY THEM TO THE HOUSE.

ORDERED BY THE HOUSE OF ASSEMBLY TO BE PRINTED.

YORK:

JAMES BAXTER, PRINTER.

1831.

1831
(14)

SECOND REPORT, &c.



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

MAY IT PLEASE YOUR EXCELLENCY:

The Report which I had the honor to lay before Your Excellency eight months ago contains a full account of my proceedings under the authority of the Canal Act up to that period. The following statements are a continuation of the same subject.

In November last I examined the Deep Cut, and found that its banks had sustained no additional injury; but that they remained in the condition stated in my former report.

Since the month of July last seven hundred and ninety-seven cords of stone have been laid on the dam at Dunnville in the Grand River.— That work is now in good condition; substantial and likely to prove permanently useful. It may possibly require a few additional cords of stone yearly for eight or ten years to come.

The inclined plane at or near its centre, is seventy feet long and thirty wide, having a fall of one foot in ten; at each end of the dam is an abutment filled with stone. The embankment has been improved within the last eighth months. It is now fifteen hundred feet in length; seventy-five feet wide at base, and fifteen at surface, twelve feet high, with a piling for a breakwater extending from the dam three-fourths of its length. Three waste weirs are placed at the south side of the dam; one of which is one hundred and fifty feet, one one hundred and thirty feet, and the third two hundred and ten feet in length. At Dunnville there are three Saw Mills, a Grist Mill, and Carding Machine, all of them in full operation.

The state of the Locks justifies the expectations I formerly expressed: with some little repairs they have been kept in good order during the past season:

The feeder, extending from the Grand River to Robinson, is in length about twenty-six miles and varies in depth from four to six feet. It also answers the purpose of a boat navigation.— From Broad Creek to the aqueduct, the width of the feeder or boat Canal is from thirty-six to forty-four feet at the surface. From the head of the Barefoot Rapids on the Grand River down to the dam at Dunnville there is a fall of twenty nine feet. To obtain a feeder from these rapids for the Welland Canal would, according to the estimate of Mr. Geddes in 1828, cost upwards of fifty thousand pounds.

To make the Grand River navigable from Brantford to Dunnville for boats it is estimated by Cusack and Lewis that eight or nine locks of four to five feet lift would be required, with dams, involving an expenditure of seventeen thousand five hundred pounds,

A towing path is now in progress from the Grand River dam to the Mouth of the River, a distance of four and three quarter miles. The expense is estimated at five hundred pounds.— From five to six thousand dollars are to be expended in a dredging scow, long boats, and warehouses at the mouth of the Grand River, by which to hasten the transit of goods and produce between Lakes Erie and Ontario at the opening of the navigation in the spring.

The towing path from the locks at the head of the Deep Cut to the mouth of the Chippawa Creek will cost about one thousand pounds: two thirds of this distance have been completed.

A detailed statement of the improvements made within the last eight months, or in progress at Port Dalhousie, is annexed to this report and marked A.

In September last I accompanied Mr. Samuel Keefer the Engineer, in a survey of the North shore of Lake Erie and the Niagara river from the mouth of the Grand River to the mouth of the Welland, the distance being sixty one miles thirteen and a half chains: the particu-

Plans of that survey are appended to this Report, marked B.

Messrs. McDonell, Barrett, Leftery and myself were appointed by the Board of Directors, a Committee to examine and report on the damages sustained by the Indians and others in consequence of raising the Dam at the Grand River; and as an enquiry into complaints made by individuals of injury done them by the operations of the Company became a part of my duties under the Canal Act, I accompanied Mr. George Keefer Junior, and Mr. McDonell in August last on a survey and examination of the drowned lands on the Grand River up to the head of the Delaware Flats. A copy of Mr. Keefer's Estimates, with remarks, is herewith submitted to Your Excellency's consideration, numbered or marked C.

In the months of September and October last I took soundings at the mouth of the Grand River, at the sand-bar, at its entrance. The depth of the channel is four feet and it shifts its place. The width of the bar is a chain and a half; and twenty chains from the mouth of the River, the depth is fifteen feet on the bar; in other places than the channel, the depth varies from one and a half to three and a half feet.

I examined the several Bays and Inlets on the Lake, commencing with the Bay in front of Furry's Lot, township of Moulton, Boulton's tract; at a distance of three hundred feet from the beach or north shore, the depth of water increases from four to ten feet; at nine hundred feet distance, the depth is fourteen feet, and at sixteen hundred feet it increases to twenty two feet. This Bay is much exposed to South West winds—its bottom is rocky.

Boulton's Bay in the same townships is in front of lot number five Boulton's Tract; at a distance of ninety feet from the beach or north shore opposite Cranberry Creek, the depth of water is four feet; thence out one hundred and fifty feet, the depth increases to five and a half, six and six and a half feet; in the centre of the Bay at three hundred feet seven and a half, at six hundred feet nine; at nine hundred feet ten. A quarter of a mile from the shore the depth is fourteen feet, and seventy chains out it is five fathoms: this bay is well covered from South West and Westerly winds by Bluff point and by a small point below Furry's—it has a sandy bottom. An estimate of the expence of completing the Canal to this Bay is attached to this report and Marked F. My remarks on Kinpard's Bay and Gray Biel's Bay together with estimates by the Engineer, are entered in the Appendix, marked D. and E.

Gravelly Bay is situated in the township of Humberstone, in front of Lots number twenty-six, twenty-seven and twenty-eight. It seems formed by nature for a harbour, being protected on the West and South East sides by rocky shoals, the first extending five hundred and fifty yards from the shore into the Lake and the second five hundred and seventy yards. Between the extreme points of these shoals there is a grand entrance of six hundred and twenty yards into deep water, a capacious basin with a sandy bottom. A description of Gravelly Bay with the soundings and distances will be found on the map of the Niagara peninsula which accompanies this report.

It will thence be seen that the depths of water at the entrance of the bay between the shoals, varies from eight to twenty-five feet, leaving a channel adapted to ships of any burthen; that the soundings in the bay from the North shore in a line to the entrance seven hundred and seventy yards, varies from seven to twenty-five feet; that from the beach at lot number twenty-seven traversing the curve of the bay to the South Eastern shoal, midway, the depths are seven, ten, eleven, twelve, eleven and a half, ten and a half, eleven, thirteen, twelve and eleven; that opposite Steel's Tavern, between lots twenty-nine and thirty, West, beyond the Bay, the depth of water three hundred feet out in the Lake is only five feet; that four hundred & fifty feet out it is a fathom; six hundred, seven feet; nine hundred, eleven feet; twenty chains, fourteen feet; forty chains, three fathoms; and that two hundred yards South of Sugar Loaf Point which lies in a South West direction from the North shore of the Bay the depth of water is seven feet: four hundred and forty chains out it is ten feet.

The land adjacent to *Gravelly Bay* is, first, a narrow ridge or bar of sand, then descending to a marsh, beyond which is a swamp.

Gravelly Bay appears to me to possess very superior advantages for a harbour at which to terminate the Ship Canal; it is the best and the deepest on the Coast and also the nearest to the Aqueduct. The line of cutting described on the Map extends five miles one thousand three hundred and twenty yards to the nearest point of the Ship Canal, but as it is probable, that in choosing the most favorable ground for excavation it would be found expedient to depart from a straight course, the extent of Canal to be made might perhaps exceed in length six miles.—(See Appendix, G.)

I personally examined the route from Boulton's Bay across the country to the Canal feeder, al-

so the surveyed routes from Kinnaird's, Graybiels and Gravelly Bays, to where they intersect the Canal.

I have reason to believe the reports of the Engineers concerning these routes, to be generally correct. With regard to the estimates of expense of excavation, they are, at best, conjectural. The distance that would be saved in navigating the Canal from Lake to Lake by opening a sloop navigation on the shortest Route from Lake Erie to Lake Ontario would be forty-one miles thirty-seven chains.

I have examined into the mode of doing business, letting out and measuring work done by Contract; and generally into the pecuniary af-

fairs of the Canal, and find no great cause of complaint.

In the statements of the last annual report of the Canal Directors I fully concur; and consider their intended application for a further loan justified by the condition of the work, and the advantages that are anticipated from its early completion.

This report is accompanied by a profile of the Canal, a Map of the Niagara Peninsula and an Official Copy of the Report of the Board of Directors of the Welland Canal herein before referred to.

ROBERT RANDAL.

York, 4th February, 1881.

REPORT

ON PETITION OF PRESIDENT AND DIRECTORS OF THE WELLAND CANAL.



To the Honourable the House of Assembly,

The Committee to whom was referred the petition of the President and Directors of the Welland Canal Company, praying for certain alterations in the laws relative to said Company and also praying for such further aid by way of loan as on examination may be deemed sufficient to enable the said Company to complete the Canal to that point on Lake Erie most advantageously situated for the formation of a harbour;

RESPECTFULLY REPORT,

That your Committee have examined and considered the various matters referred to them and they feel great satisfaction in being enabled to state, that this work, so important to the commercial interest of the Province, has been so far completed that a communication for vessels from Lake Ontario to Lake Erie is now opened by way of the Niagara River.

Although this route cannot be so advantageous to the Province, or to the Company as the one contemplated by an extension of the Canal to a port on Lake Erie, yet it has already drawn so much attention and proved the utility of the connection between the Lakes so fully that the necessity of a thorough completion of the work is, in the opinion of your Committee a matter no longer to be doubted. In order however to effect this object a considerable expenditure remains to be incurred, and it appears from the report of the Board of Directors that the available funds of the Company have been absorbed by the engagements of the last season. Your Committee fully aware that it is decidedly opposed to the interest of the Province to confine the Company to the one channel by way of the Niagara River now completed, have had under their serious and deliberate consideration the manner in which the Company should be aided.

The estimates of expenditure for the different routes differ materially and there are various opinions in relation to the advantages of each. The amount of expenditure within any reasonable bounds is not so important as that the most advantageous harbour should be selected. The interest of the Province and the Stockholders being the same no better prospect of a judicious decision can be obtained than by leaving it to the determination of the Directors themselves, the larger sum therefore that may be required for this purpose should be provided.

There are however considerations of an important nature which have induced your Committee to propose an entire variation in the manner of making the loan to the Company.

For the present debt due from the Company to the Province there is no other security than such as shall remain after the debt to the British Government shall have been paid.

The Company have already discovered that this prior lien upon the Canal and its tolls has prevented their negotiating a loan on their own responsibility without providing for the payment of that debt. It has been presented for the consideration of the committee; that the Province instead of affording specific aid for the particular object merely by borrowing on its own credit and loaning the precise sum required should adopt a measure that would prevent a pledge of its incomes and enable the Company to restore to the Province the security which it ought to hold either for the money loaned or responsibility assumed. In doing this the Committee have also considered what sums might possibly be required by the Company in order to produce an advantageous and profitable use of the Canal. As the Province will in the event of the recommendation being adopted be the sole creditor of the Company and hold a lien upon the Canal which shall prevent the Company ever looking to any other quarter it is necessary that in the arrangement a sum should be provided for, within the bounds of

perfect safety to the province and sufficient for all the exigencies of the Company.

Your committee therefore propose that authority shall be given for the issue of the debentures of the Province for £200,000, in sums not less than £200 each to the President and Directors of the Welland Canal Company, bearing an interest at the rate of five cent. per annum, payable half yearly in London, the principal to be paid in 25 years in the same place, and that the said debentures be not issued to the said Company until security shall have been duly given for the punctual payment of the interest and principal of these debentures, as your Committee have particularly provided for in the bill which they have prepared. The Committee have been governed in naming this sum more by the conviction that the security which will be given is abundantly sufficient for the Province, than by any opinion that this whole amount will necessarily be used by the Company.

The result of the examination they have given this branch of the subject enable them to state the following as the probable situation of the company subsequent to this arrangement.

| | | | |
|---------------------------------------------------------------------------------------------------|---------|----|---|
| The debt to the Imperial Government, | £55,553 | 10 | 0 |
| The debt to the Province, | 50,000 | 0 | 0 |
| Expenses of extending the Canal to Lake Erie, including harbour and contingent expenses, say, ... | 50,000 | 0 | 0 |
| Provision to be made for one years interest on the £200,000 in advance, | 10,000 | 0 | 0 |
| Interest due upon Imperial and Provincial Loans, | | | |

The amount of balance thus left will not be more than may be required to enable the Company to give the requisite aid to forwarding by being prepared to pass vessels and boats with the necessary despatch.

This statement is exhibited to show what may be required from the company and that the sum of £200,000 currency is not too large to put under their command, should the Imperial Government

do what may reasonably be expected, the company will then be enabled to retire the amount they shall allow under their former contract to pay a part of the debt incurred by this engagement.

The Committee have had presented to them correspondence and other information that give assurance of immediate business on the Canal, at least sufficient to pay the interest on the whole debt.

They feel therefore confident that the Province by making this arrangement will be in a better situation than it now is, and the operations of the Company be unfettered by pecuniary difficulties which must embarrass their proceedings, subject them to exactions, otherwise to be avoided, and render a desirable result doubtful which may thus be made certain. The Committee have bestowed upon this branch of the application much attention and have treated it more fully owing to its great importance.

The other objects embraced in the petition of the Directors they have also examined and are of the opinion that the prayer of the petition in relation to them ought to be granted.

The difficulty which has occurred in some few instances with regard to the compensation to owners of property ought to be provided for so far as Legislative enactment will conduce to that object. A clause has therefore been added with a view to remedy the inconvenience complained of.

The Company will also, if the aid recommended by the committee shall be afforded by the Legislature, be released from pecuniary embarrassment and enabled promptly to pay to individuals the amount of damages assessed which heretofore they could not do for want of means.

The Committee have prepared a Bill to meet these various objects, which they beg leave to present with this report. All which is respectfully submitted.

H J. BOULTON,
Chairman.

Committee Room,
Commons' House of Assembly, }
February 11th, 1831.

DRAFT

Of a Bill Reported by the Select Committee to which was referred the Petition of the President and Directors of the Welland Canal Company.

An Act relative to the Welland Canal Company and for granting such further aid as they may require for completing the said canal and the purposes thereof.

Whereas some doubts have arisen relative to the powers of the said company in adopting the measures requisite for the construction of their canal and the occupation of the ground necessary therefor, both at the Grand and Welland Rivers, and it is proper such doubts should be removed by express enactment, the object of this improvement in the internal navigation, requiring that the powers of occupation and jurisdiction, should for this purpose be more certainly defined, as vested in said company.

Be it, &c. That the President and Directors of the Welland Canal Company shall be permitted to occupy such portion of the Grand River or River Ouse and the land adjoining the same from the upper part of the dam erected by the said Company across the same and thence to the mouth of the said River as may be necessary for a towing path ware houses and other buildings or erections and to improve the navigation thereof by the use of dredging machines and otherwise, and that the said Company shall have the privilege to extend their canal for ship navigation to the said Grand River and to any other Bay or Harbor on Lake Erie, to the Eastward from the mouth of the said River and occupy the same as aforesaid, as they may think the public convenience and the interest of the said Company may require: and the said Company are also hereby authorised in order to render the new channel made by them across a point of land, between the Niagara and Welland Rivers more easily navigable, to throw a dam across the natural channel of the Welland River, and that their jurisdiction under the limitations of their charter shall be extended over all such works and improvements, as they are or shall be authorized to make, provided however that in checking the current by throwing a dam across the Welland River, every facility in their power shall be given to pass rafts of timber or lumber

of every description, and no charge of toll made therefor, or for boats not constructed for or used in lake navigation, which may enter and use the Welland River only, through said cut.

And be it, &c. That the second and eleventh clauses of the Act to grant a further loan to the Welland Canal Company and to regulate their further operations, passed 6th March, 1830, by which the said company are restricted from extending said canal to Lake Erie without further Legislative provision for that purpose, and the 15th and 16th clauses of the Act passed April 13th, 1825, entitled "An Act to repeal part of and extend the provisions of an act passed in the fourth year of his present Majesty's reign, entitled 'An Act to incorporate certain persons therein named under the style and title of the Welland Canal Company,' be, and the same are hereby repealed."

And be it &c. That _____ shall be Arbitrators to settle and award the damages sustained by individuals, whose property has been injured by the operations of the Company, and with whom the Company have not agreed or cannot agree, and whose claims have not been adjusted under former laws, whose decision shall be final between the parties, and the said Arbitrators shall be allowed for every day of their attendance to the duties of such arbitration, the sum of _____

And Whereas the Welland Canal Company are indebted to the Provincial Government of Upper Canada in a large sum of money and are also indebted to His Majesty's Government in the sum of £50,000 sterling, and further aid is still required to complete the said Canal in the way that will be most beneficial as a public work: And whereas the lien held by His Majesty's Home Government for the £50,000 sterling has a preference to the claim of the Province: In order therefore to render the security of the Province more perfect and to enable the Welland Canal Company to accomplish the object of their Incorporation, and also to pay the

debt of £50,000 Sterling due to His Majesty's Government and to redeem the Debentures of the Provincial Government issued for money loaned to them and payable within a short time:

Be it, &c. That whenever the said Welland Canal Company shall have executed a bond in due form, conditioned for the punctual payment of the interest and principal of such debentures as shall by the authority of this Province be issued for their benefit, and shall also have executed a mortgage upon the Canal and the tolls thereon as collateral security for the performance of the said condition, then it shall and may be lawful, and the Receiver General is hereby required, to issue and deliver to the directors of the said Company, the Debentures of this Province to the amount of £50,000, in sums not less than £200 each as may be required by said Directors payable to the order of said Company at the expiration of 25 years, from the passing of this act with interest at the rate of five per cent. per annum, semi-annually in the City of London, at such place as shall be named by the said Company and published in two newspapers of said City, at least three months before such interest shall become due and whenever any change in the place of payment shall be made, such notice shall again be given in the same manner.

And be it, &c. That the Receiver General may from time to time issue such further Debentures, in the same form as may be required by the said Board of Directors, to the amount of £150,000 Canada currency, making the whole issue of Debentures to said Company not exceeding £200,000 Canada currency, with which Debentures the said Company, shall be required to raise a sum sufficient to pay the debt of the Province, incurred for the Loan to them of £50,000, and pay the same into the Treasury of the Province; and the Receiver General is

hereby required to use the said money for the redemption of the debentures issued for the loan to said Company. And the said Company are also required to remove the lien of His Majesty's Government by paying off the same or procuring a discharge therefrom. The remainder of money so raised by the Debentures aforesaid, the company are authorised to use in any manner they may deem expedient for such purposes and objects as the beneficial and active use of the Canal may require.

And be it &c.—That it shall be the duty of the Directors in the appropriation of their tolls to make provision for the payment of the interest of the aforesaid Debentures pursuant to their tenor, sufficient for one year in advance and to have that sum always at their command before any dividend of profits to the stockholders shall be declared; and further in their annual report to the Parliament they shall particularly name the place and manner in which the same is deposited or invested.

And be it &c.—That all such Debentures with the interest thereon and all charges incident or attending the same shall be and are hereby charged and chargeable upon the fund provided by the securities given for the repayment thereof by the said Welland Canal Company and if at any time satisfactory provision shall not have been made, in the manner named in the preceding clause for the payment of the interest and the principal when due, it shall then be lawful and the——is hereby required in the name and by the authority of this Province to take possession of the said Canal and appoint such agents, collectors and other officers as may be requisite to manage the same, and deposit and apply the proceeds thereof to the payment of the interest and principal aforesaid.