

JOURNAL
OF THE
PROCEEDINGS AND BY-LAWS
OF THE
MUNICIPAL COUNCIL
OF THE
COUNTY OF ONTARIO,
SPECIAL SESSION, SEPTEMBER, 1862.

JOHN RATOLIFF, ESQ., WARDEN.



WHITBY, C. W.

W. H. HIGGINS, COUNTY BOOK AND JOB PRINTER, BROCK STREET

1863.

MINUTES
OF THE
MUNICIPAL COUNCIL
OF THE
COUNTY OF ONTARIO.
SPECIAL SESSION, 1863.

FIRST DAY,

THURSDAY, September 3, 1863.

The Council met in the Court Room at 2 p. m., pursuant to the notice from the Warden.

The Warden in the Chair.

Roll called.

Members all present, with the exception of Mr. Campbell.

The Warden addressed the Council, and explained the object of the Special Session, and laid before the Council a communication from the Honorable, the Finance Minister, in reference to the Port Whitby Harbor and Road, setting forth the offer of the Government of the Road and Harbor to the Coun-

cil. Also a plan of the Whitby Harbor. Also the County Engineer's report, in reference to the Narrows' Bridge.

Mr. White, seconded by Mr. McNab, moves, That the communication to this Council from the Honorable, the Minister of Finance, read by the Warden this day, be referred to a Special Committee of seven members, to consist of Messrs. Fairbanks, Bickell, Button, Thompson, Gamble, Kennedy, and the mover.

Carried.

On motion of Mr. Thompson, seconded by Mr. Button, The Council adjourned.

(Approved,)

JOHN RATCLIFF,
Warden.

H. J. MACDONELL,
County Clerk.

SECOND DAY,

FRIDAY, September 4, 1863.

The Council met.

The Warden in the Chair.

Roll called.

Members all present.

Minutes of yesterday read and approved.

The Warden read, and laid before the Council, certain docu-

ments received by him, in reference to the Port Whitby Harbor and Road.

The Standing Committee on Roads and Bridges brought up their report, which was read.

And on motion of Mr. Fairbanks, The Council went into Committee thereon:

Mr. Bickell in the Chair.

The Committee rose, and reported progress, and asked leave to sit again.

Report received;

The Warden left the Chair until 4 o'clock.

The Council resumed.

The Warden in the Chair.

The Standing Committee on Printing, brought up their report, which was read.

And on motion of Mr. Guy, the Council went into Committee thereon.

Mr. Brethour in the Chair.

Committee rose, and reported the report without amendments.

Report received and adopted.

Mr. Guy, seconded by Mr. McNab, moves, That the Treasurer be authorized, and he is hereby required to pay the account mentioned in the report of the Standing Committee on Printing.

Carried.

Mr. White, seconded by Mr. Fairbanks, moves, That the following shall be added to, and form one of the standing rules of this Council—"That the Warden do leave the Chair each day at half-past 12 o'clock, noon, and do take the same at 2 o'clock p. m., and that he do leave the Chair at 6 o'clock, and do take the same at 7 o'clock p. m.

Carried.

The Special Committee to whom was referred the communication from the Department of the Minister of Finance, offering to sell the Port Whitby Harbor, and the Windsor and Scugog Road to this Municipality, brought up their report, which was read.

The Warden left the Chair until 7 p. m.

The Council resumed.

The Warden in the Chair.

On motion of Mr. Thompson, seconded by Mr. Button, The Council went into Committee of the whole on the report of the Special Committee to whom was referred the offer of the Honorable, the Minister of Finance, of the Whitby Harbor and Road to this County.

Mr. Button in the Chair.

The Committee rose, and reported the report with certain amendments.

Report received, and ordered to be adopted.

Mr. Thompson, seconded by Mr. Gamble, moves, That the Warden be, and he is hereby instructed to communicate to the Government, the report of the Special Committee of this Council, making an offer to purchase the Road and Harbor on certain conditions, and to do so with as little delay as possible.

Carried.

And the Council adjourned.

(Approved,)

JOHN RATCLIFF,
Warden.

H. J. MACDONELL,
County Clerk.

THIRD DAY,

SATURDAY, September 5, 1863.

The Council met at 10 o'clock a. m.

The Warden in the Chair.

Roll called.

Members all present with the exception of Messrs. Campbell, Guy and White.

Minutes of yesterday read and approved.

The Standing Committee on Finance and Assessment, brought up their report, which was read.

And on motion of Mr. Perry, the Council went into Committee of the whole thereon.

Mr. Fairbanks in the Chair.

The Committee rose, and reported the report with certain amendments.

Report received, and ordered to be adopted.

The Council then resumed, in Committee of the whole, on the report of the Standing Committee on Roads and Bridges.

Mr. Bickell in the Chair.

The Committee rose, and reported the report with certain amendments.

Report received, and ordered to be adopted.

Mr. Fairbanks, seconded by Mr. Button, moved and resolved, that the County Treasurer be, and he is hereby authorized to pay over on the order of the Chairman on Roads and Bridges, a sum not exceeding \$300, for the printing of the Report of Thomas C. Keefer, Esq., upon the advantages of a Canal through this County.

Carried.

Mr. Fairbanks, seconded by Mr. Button, moves, That the County Treasurer be, and he is hereby authorized to pay to

the order of the County Engineer, the amount of the keeper's salary at the Narrows' Bridge, as recommended by the report of the Standing Committee on Roads and Bridges last June Session. And that the County Treasurer be also authorized to pay to the order of the County Engineer, the amount recommended to be paid for repairs of Narrows' Bridge, as per said report of Committee on Roads and Bridges.

Carried.

Mr. Fairbanks, seconded by Mr. Button, moves for leave to bring in a By-law to appropriate the sum of \$500 towards improving certain roads therein mentioned, and that the By-law be now read a first time.

Leave granted.

And the By-law was read a first time.

And on motion of Mr. Fairbanks, seconded by Mr. Button the bill was read a second and third time, and passed, and signed by the Warden, the seal of the Corporation being ordered to be affixed thereto.

The Standing Committee on County Property and Gaol Management, brought up their report, which was read.

And on motion of Mr. White, seconded by Mr. Rowe, The Council went into Committee of the whole thereon.

Mr. Button in the Chair.

The Committee rose, and reported the report without amendments.

Report received and adopted.

Mr. White, seconded by Mr. Nelson, moves, That the Treasurer be, and he is hereby authorized and required to pay the several amounts recommended in the report of the Standing Committee on County Property and Gaol Management.

Carried.

Mr. Fairbanks, seconded by Mr. Kennedy, moves, That the

County Treasurer pay the Messenger, Henry Hannam, the sum of \$1 50 per day for attendance at the present Session.

Carried.

Mr. Campbell gives notice that he will at the next meeting of this Council, make application to have a Lock-up built in the Township of Reach.

The Council then adjourned *sine die*.

JOHN RATCLIFF,
Warden.

H. J. MACDONELL,
County Clerk.

APPENDIX

REPORTS OF COMMITTEES

SPECIAL SESSION, 1863.

REPORT OF THE SPECIAL COMMITTEE ON THE OFFER OF THE GOVERNMENT
FOR THE SALE OF THE WHITBY ROAD AND HARBOR.

To the Municipal Council of the County of Ontario:

Your Special Committee to whom was referred the communication from the Department of the Minister of Finance, offering to sell the Port Whitby Harbor, and the Windsor and Scugog Road to this Municipality, beg to report.

That having under their consideration the several documents placed in their hands in reference to the Road and Harbor, and having also gone over accounts of Receipts and Expenditures of the said works, and having made an inspection of the state of repair in which the Harbor now is, are of opinion that it would not be to the interest of the County to purchase the works named upon the terms offered by the Government.

Your Committee are of opinion, that if the works offered by the Government, including all the rights of the Government in connection therewith, were offered to the County for the sum of \$40,000, with the privilege to the County of expending \$15,000, part of said sum in extending the road to the North—the \$40,000 to be payable in twelve equal annual payments, with

interest on \$25,000 only—the said sum of \$15,000 to be allowed by the Government in liquidation of the first instalments, or so soon as expended, should be accepted by the Council!

And your Committee would recommend that if the Government accede to this offer, a By-law should, without delay, be introduced in this Council, providing for the payment of the purchase money, but that before its final passage it should be submitted to the ratepayers of the County for their approval.

That in the event of the government declining to accede to this offer, that they be requested, in the event of disposing of the said Harbor and Road, to do so by public competition, and restricting the parties purchasing from collecting higher rates of toll than at present collected.

J. H. THOMPSON,
Chairman.

Committee Room,
September 4, 1863.

REPORT OF THE STANDING COMMITTEE ON ROADS AND BRIDGES.

To the Municipal Council of the County of Ontario:

The Standing Committee on Roads and Bridges, beg leave to report:

1st. That your Committee, since the last meeting of your Council, have entrusted the survey of a Canal route through

the County between Lakes Ontario and Huron, to Thomas C. Keefer, Esquire, an Engineer of great experience and ability, who has performed the same in a very satisfactory manner for the sum appropriated by your Council, and has furnished your Committee with a report and map thereon, which are herewith submitted.

2nd. That your Committee would recommend that as many copies of the report, map and plan be printed as may be done for \$300, and that the printing and distribution of the same be done under the direction of your Committee.

3rd. That they would recommend that a sum of \$300 be expended on the 4th concession of Exbridge, in front of Lot No. 2, in cutting down the hill known as Vanzant's hill.

4th. That a sum of \$100 be expended on the side road between Lots Nos. 21 and 22, in the 9th concession of the Township of Pickering.

5th. Your Committee recommend that a sum of \$100 be appropriated on the Brock Road, on the 8th concession of Whitby, provided the Corporation of the Township of Whitby appropriate and expend a like sum; and also, that the said Corporation establish the said road as now travelled.

6th. They would further recommend that the foregoing sums be expended under the direction of the County Engineer.

7th. That they would recommend that the County Treasurer be authorized to pay a sum not exceeding \$50, upon the order of the County Engineer, towards repairing the Narrows' Bridge, as mentioned in the report of the County Engineer.

All of which is respectfully submitted.

S. B. FAIRBANKS,
Chairman.

Committee Rooms,
September 4, 1863.

REPORT OF THOMAS C. KEEFER, ESQUIRE, C. E., REFERRED TO IN THE FOREGOING REPORT OF THE STANDING COMMITTEE ON ROADS AND BRIDGES.

To S. B. Fairbanks, Esq., Oshawa ; Chairman of the Standing Committee on Roads and Bridges, County Council, of the County of Ontario.

SIR :

I have the honor to report, that in compliance with your instructions, I have examined the country between the Townships of Whitby and Thorah, in the County of Ontario, as well as the valley of Scugog, Sturgeon, and Balsam, Lakes,—and the Talbot Portage route, in order to determine the practicability of constructing a Canal between Lake Simcoe, and Lake Ontario, by the route of Lake Scugog.

The practicability of connecting Lake Simcoe, with Lake Huron, is assumed,—and I have no reason to doubt, that this may be done, either by the natural route, or by the Nottawasaga,—so that if Lake Simcoe, can be connected with Lake Ontario *via*., Scugog, a route for a Georgian Bay Canal may be had, which will be as direct as any other, and at the same time be in communication with the Inland waters, or the Trent Navigation.

The renewed importance, which had been given to a Georgian Bay Canal, since the division of Western trade from the Mississippi, to the great Lakes, has induced your County Authorities to undertake this examination, in order to bring forward the merits of the Scugog route, in competition with the only one hitherto agitated, that by the valleys of the Holland and Humber rivers—west of Toronto. Before proceeding to give

the result of my examination, I will refer to the question of a Canal between Lakes Huron and Ontario, generally, in order to shew, that the two routes above mentioned, are the only direct ones, which offer any inducements for consideration. The object sought by the Georgian Bay Canal in contradistinction to the Welland route, *via* Lake Erie, on the one hand, and the Ottawa route, *via* a Lake Nipissing on the other, is to afford a navigation which shall avoid the detour, and extra Insurance of Lakes Erie and St. Clair, the Detroit, and St. Clair Rivers, and especially the shoals, known as the "St. Clair flats," and at the same time, give a route,—not only to Montreal, but from Chicago to New-York, *via* Oswego, which the Ottawa route could not do. The height and breadth of the dividing ridges, between Huron and Ontario, make it impracticable, to use the waters of the former as a feeder, and thus obtain the immense lockage, as is the case between Erie and Ontario, on the route of the Welland Canal, and a higher intermediate level must therefore be resorted to,—but there is a shortening of the route, between Chicago, and Oswego, of 250 miles, to be set off against the increased lockage, required on the Georgian Bay route.

The range within which a canal route between Huron and Ontario, can be sought for, is limited to the valley of Lake Simcoe, which is common to every route: and as already mentioned, this Lake may be entered from Lake Huron, either from the mouth of the Nottawsaga, or Seven rivers: but the range by which, communication between Lake Simcoe, and Lake Ontario is possible is much wider, extending from the Humber Valley west of Toronto, to the mouth of the Trent in the Bay of Quinte.

As the extreme Eastern outlet, altho the natural one embra-

ces a length of Navigation of over 200 miles, between Huron and Ontario, in addition to the maximum lockage, it cannot come into competition with either of the other routes, in point of distance, and the question then arises, whether the difficulties in overcoming the Natural barriers between Simcoe and Ontario, or any direct route would force a resort to the circuitous one of the inland waters.

To this it may be said that there is evidently a limit within which the route of a Georgian Bay Canal may be lengthened, because with the inevitable excess of lockage, a direct route is the only one which could, on commercial grounds alone, be advocated in competition with the enlargement of the Welland Canal; a canal which has the advantage not only of the immense lockage and costs, but also of accommodating the trade of Lake Erie as well as that of Huron, Michigan and Superior.

In a military point of view there would be an advantage in favor of a Georgian Bay route, (besides the local benefits conferred) over any enlargement of the Welland, or of a second canal on that route: and if the St. Clair Flats may be regarded as permanent obstacles to navigation, the commercial superiority of such a route for the trade of Huron, Michigan and Superior would be very decided. As a military work the extreme Eastern route already mentioned, by the Trent and Bay of Quinte, might be preferred; but if commercial considerations prevail, the question of route will be limited to the townships of York and Whitby. In these comparisons the question of cost is omitted.

The surveys which have been made not having been carried

far enough to give the data for arriving at the probable cost upon any of the routes, although enough is known to shew that any direct navigation between the Georgian Bay and Ontario must be a costly undertaking in proportion to the length.

The old surveyed route, *via* the Trent and Bay Quinte, would evade the formidable ridges South of Lake Simcoe, but from the extent of shoal water and rock which would be encountered upon the route, the cost for a deep-water navigation, such as is now demanded by the exigencies of the through commerce, would probably be as great a total, (though not so great per mile), as upon the shorter routes.

With these preliminary remarks, I will now describe the natural obstacles to direct navigaton between Lakes Simcoe and Ontario, to follow which it is necessary to bear in mind that Lake Huron is 340, and Lake Simcoe 475 feet above the level of Ontario.

The peninsula of Eastern Canada from the banks of the Niagara river, the natural outlet for the waters of the Upper Lakes rises gradually from an elevation of about 360 feet above Ontario, or Great Western Railway near the Suspension Bridge to 550 feet on the line of the Hamilton and Port Dover Railway, and Seven Hundred and Fifty feet on that of the Great Western, between Hamilton and the Grand River;—where the high lands sweeping round to the North East, an elevation of over 1000 feet above Ontario is encountered at the summit of the Grand Trunk Railway,—in Esquesing between Toronto and Guelph. Here the elevated plateau bears off nearly due North, running into Lake Huron above Collingwood with a precipitous escapment on the East.

ern face,—a fall of between 300 and 400 feet taking place rapidly in that direction. From the face of this escarpment a lower ridge (at about the general level of 700 feet above Ontario) sets out from a point about midway between the head of Lake Ontario and Lake Huron, having its summit, North of Toronto, at a point half-way between Ontario and Simcoe, but approaching the former as it proceeds Eastward until it reaches the Township of Whitby where the summit which had set out in Caledon three Townships back from Lake Ontario, enters the N. E. corner of Whitby a Township fronting on that Lake. Before reaching this point however the ridge attains its highest elevation about 900 feet in Uxbridge, from whence a broad "spur" strikes out to the North East, the angle between the main line and spur being occupied by Lake Scugog. This "Spur" separating Scugog valley from that of Lake Simcoe extends, at a very uniform elevation (with one remarkable break) up to Balsam Lake, where it falls off. The main line of the ridge between Scugog and Ontario has a summit of about 800 feet above Ontario, but here the ridge attains its narrowest dimensions, being "drawn up" as it were,—the breadth on the top being from 200 to 300 yards: at a level one hundred feet below the summit the breadth, through, is less than half a mile. The spur between Scugog and Simcoe valleys has a tolerably uniform summit of 700 feet above Ontario, but it has great breadth,—the high ground approaching near to Lake Simcoe and Scugog. The spur is cleft nearly on a direct line between Beaverton, on Lake Simcoe, and Port Perry on Lake Scugog, by the valley of the Beaver and Nonquon streams, on which route a narrow ridge, giving a summit of about 615 to 620 feet above Ontario is found.

Scugog Lake stands about 575 feet above Lake Ontario, so

that the highest ground between it and Simcoe would be about 40 to 45 feet above the level of the former,—while the extreme summit of the ridge between it and Ontario would be 212 feet above Scugog Lake, on the lowest; but 234 feet on the shortest route.

SUPPLY OF WATER.

The first question which presents itself in projecting a Canal between Simcoe and Ontario, *via* Scugog, is in supply of water.

Scugog Lake could not be depended upon for this purpose, and a supply either independent of it, or auxiliary to it must be sought. This can only be obtained from that portion of the Trent waters which lie above the Scugog level. If Lake Scugog be made the feeder, an auxiliary supply must be thrown into it; and this can only be done either by bringing Sturgeon Lake to the same level with Scugog, (abolishing the dam at Lindsay), and sending a portion of the waters which pass Bobcaygeon Dam to Port Perry, or by bringing down a feeder from Cameron's Lake, and throwing it into the Scugog, *above the Dam* at Lindsay.

To effect this it is probable that it would be found advisable to lower Scugog Lake, say one-third, and raise Sturgeon Lake two-thirds of the difference between them. But in order to make Scugog a feeder—in view of the Summit to be overcome between it and Simcoe and Ontario—it would be desirable to raise rather than lower its level—as every foot which could be put upon it would seriously diminish the cost of the Summit cuttings.

It is impossible without a careful survey to express any opinion as to the effect of raising Scugog Lake above its present level any indefinite number of feet. If it be raised at all, or even maintained upon its present level (as there is no probability that Sturgeon Lake could in that case be brought to the same level with it,) it would be necessary to resort to the more expensive plan of bringing down a feeder from Cameron's Lake. There would be the disadvantage that as Cameron's Lake is nearly fifteen feet higher than Scugog Lake, the whole benefit which could be derived from such an expensive feeder would not be obtained unless Scugog Lake could be raised ten feet or more—a proposition, I take it, which could not be entertained.

In view of the formidable character of the cutting between Scugog and Ontario, and the length of the Summit one between Scugog and Simcoe, it would very much diminish the difficulty and cost of these, which are the keys to the undertaking, if a feeder, at least as much higher than Scugog as the depth of the proposed navigation, could be procured,—by which these Cuttings could be reduced in length and depth, and thorough drainage in both directions be secured. Moreover, it would be desirable that the scheme should be carried out without affecting the physical features of the country to the extent which would be done by serious alterations in the level of Sturgeon and Scugog Lakes.

The plan which therefore appears to me the most feasible, would be, to make Balsam Lake or Gull River, the feeder, the waters of which could be had at an elevation of nearly 600 feet above Ontario, and to throw a sufficient quantity of these into the Talbot River and conduct them by a feeder towards Cannington, in Brock, and thence to the East Branch of the

Beaver Creek in Lot 19 seventh concession of that township, where it would strike the line of the proposed navigation. With a feeder, at a level say 15 feet above Scugog, the length of the cutting between Scugog and Simcoe would be still a long one, say eight miles—of which seven miles would be under 25ft. If Gull river can be tapped above the level of Balsam Lake, the height of the ridge or spur, before described, between the East Branch of the Beaver Creek, and the tread water of Talbot River, is such that it should carry a feeder on a higher level than Balsam Lake, and thus attain a greater command of the ridge between Simcoe and Scugog. Of course every foot added to the height of feeder, would add two to the lockage of the route, but, within certain limits, this would be preferable to long deep cuttings in the bottom of valleys which have high banks, or in swamps.

With respect to the supply of water which could be afforded from Gull River, or Balsam Lake, I am of opinion that it could be materially increased by impounding the Flood Waters in the Lakes which are the sources of this stream, nor do I doubt that a survey would shew a further supply could be added by diverting the waters from the sources of such streams as the Muskoka, Madawaska, Pettewawa, or Burnt River, or some of these. I have generally found that the chains of Lakes which occupy the "height of land," are divided often by low and narrow barriers, and that water may be turned from the higher into the lower without serious difficulty.

If the feeder be maintained on a level above the Scugog Lake, the Canal need not enter this Lake at all, (except by locks for the purpose of branch navigation,) unless the Lake were raised to the level of the Canal by a dam at its outlet,

which would not probably be entertained. Instead of this the Nonquon Valley might be dammed across at the junction of the North and South branches on the 13th line of Reach, and the Canal be continued in the South Branch Valley as far as the 10th concession, when it could be taken out to the shore of Scugog Lake, and thence by the valley of Cedar Creek, to the Pine Ridges.

No steps were taken to ascertain the character of the summit cutting between Scugog and Simcoe, in the Nonquon and Beaver Creek Valleys, and intervening ridge, but, as I believe no rock has been discovered in Brock or Reach, it may be assumed to be earth excavation. As to the more lofty elevation, southward of Scugog, it would be difficult to surmise what might be found at the bottom of an excavation of 200 feet, and over, in its deepest portion, and several miles in extent—as shewn on the top, the ridge is a hard clay, overlaid in some places with sand. It may be that the core of the ridge is rock which material is found near the Ontario level at Port Hope and Toronto, and again at Lindsay on the Scugog River.

In a cutting of such depth, and in a district devoid of stone, rock would be the most desirable material to encounter, as it would be a guarantee against slides, and give the minimum quantity to be removed, while, if of a useful quality, its value to the work would be considerable.

If the Severn route were adopted between Lake Simcoe and Lake Huron, the Georgian Bay Canal route, via Scugog, would be between 5 and 10 miles shorter than the one via the Humber and Holland Rivers; but if the Nottawasaga route be taken between Simcoe and Huron, there would be about the same difference the other way.

If the Severn route be found preferable, it would not be necessary to enter Lake Simcoe at all; and this may then prove the better course. It would be better for the Canal if it had a continuous towing path (like the Welland) from Huron to Ontario, as both these Lakes are well adapted for sailing craft.

Since the feeder will leave the Talbot River valley, it may be found practicable to continue upon it as the main line of Canal, and descend from thence to Lake Couchiching or Severn bridge, or the Canal may keep above the Lake level, from the shore near Beaverton, to the same points, and thus avoid the cost of a harbor, dredging, towage, &c., which are involved by entering the Lake.

LOCKAGE.

The total lockage on this route would be very heavy, amounting to 840 feet, or about 500 feet greater than that upon the Welland Canal. The lockage upon the Holland and Humber Rivers route, with Lake Simcoe as the feeder, would be 230 feet less than this, as that Lake is 100 feet lower than Scugog, and 115 feet lower than the proposed summit or feeder level of a Canal through the County of Ontario; but the obstacles are so great to any route with a feeder so low as Lake Simcoe, that I am of opinion the extra lockage would be preferred to attempting the long deep cutting between the Holland and Humber Rivers. I have shewn a section of ridge compared with the one South of Scugog Lake, by which the difference in the two undertakings will be perceived at a glance.

I have the honor to be,

Sir, your obedient servant,

THOS. C. KEEFER.

Ottawa, September 3, 1863.

REPORT OF THE STANDING COMMITTEE ON PRINTING.

To the Municipal Council of the County of Ontario:

The Standing Committee on Printing beg leave to report:

Your Committee have had placed in their hands the account of W. H. Higgins, amounting to \$98 98, which they have found correct, and recommend its payment.

Your Committee would also express their satisfaction at the superior manner in which the Journals, By-laws, &c., have been printed by the Contractor during the past year.

All of which is respectfully submitted.

JAMES O. GUY,
Chairman.

Committee Room,
September 4, 1863.

REPORT OF THE STANDING COMMITTEE ON FINANCE AND ASSESSMENT.

To the Municipal Council of the County of Ontario:

The Standing Committee on Finance and Assessment beg to report:

1. That on the 24th of August, the County Treasurer issued his warrant to the Sheriff for the sale of lands for unpaid taxes,

which sale is advertised to take place on the 7th December next.

2. Your Committee, at the June Session, clearly understood from the County Treasurer, that it was not his intention to issue a warrant the present year.

All of which is respectfully submitted.

J. HAM PERRY,
Chairman.

Committee Rooms,
September 5, 1863.

REPORT OF THE STANDING COMMITTEE ON COUNTY PROPERTY AND GAOL
MANAGEMENT.

To the Municipal Council of the County of Ontario:

The Standing Committee on County Property and Gaol Management beg leave to report:

That the sidewalk on the north side of the Court House block, recommended in the report of this Committee in June last, has been constructed at a cost of \$20, the account for which is certified by the County Engineer.

Your Committee would recommend the payment thereof, and

also the payment of \$2.50 for small improvements made under the authority of the Engineer, and certified to by him.

All of which is respectfully submitted.

T. P. WHITE,
Chairman.

Committee Rooms.

September 5, 1863.

COUNTY ENGINEER'S REPORT.

To the Municipal Council of the County of Ontario :

The County Engineer begs to report :

That on the 18th inst., he met the Engineer of the County of Simcoe, at the Narrows' Bridge, to devise some means of preventing the constant recurrence of damage to the bridge from rafts passing through it, and after duly considering the matter, agreed with Mr. Peter Prince to properly secure and brace the piles at the entrance, and to plank the piling on each side of the opening ; the effect of which will be to strengthen the piling, and to cause rafts coming in contact in an oblique direction, to glance off, instead of striking with full force against a single pile. The whole expense will be about \$100, or \$50 for each

County, which I trust will meet your approbation, and that you will provide for the payment thereof.

All of which is respectfully submitted.

JOHN SHIER,
County Engineer.

County Engineer's Office,
Whitby, September 3, 1863.

APPENDIX.

BY-LAWS.

By-law for appropriating the sum of \$500 for the purposes therein mentioned.

Be it enacted by the authority of the Corporation of the County of Ontario,—

That the sum of three hundred dollars be, and is hereby appropriated, for the purpose of cutting down, and grading the hill known as Vanzant's hill, upon the fourth concession of the Township of Uxbridge, in front of lot number two.

That there be appropriated the sum of one hundred dollars in improving the side line between lots numbers twenty-one and twenty-two, in the ninth concession of the Township of Pickering.

That there be appropriated the sum of \$100 towards improving the Brock road in the 8th concession of Whitby, provided the Corporation of the Township of Whitby expend a like sum.

That the foregoing sums be expended under the direction of the County Engineer.

That the County Treasurer be, and he is hereby authorized to pay the foregoing amounts upon the order of the County Engineer.

(Signed,)

JOHN RATCLIFF,

Warden. **L.S.**

H. J. MACDONELL,

County Clerk.

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APPENDIX.

COMMUNICATIONS.

COMMUNICATION FROM THE DEPARTMENT OF THE MINISTER OF FINANCE TO
THE WARDEN.

Department of the Finance Minister, }
Quebec, 22nd August, 1863. }

SIR,—The Port Whitby Harbor and Windsor Road Company having being resumed by the Government, I am prepared to recommend that these works shall be sold to the Municipality of the County of Ontario for forty-eight thousand dollars, (\$48,000,) payable in twelve equal annual instalments with interest thereon, at the rate of six per cent per annum. For this amount the Corporation of the County would be required to issue and deliver to the Receiver General its bonds, bearing date the first day of September next, and each conditioned for the payment of four thousand dollars, and payable in the year 1864, and in each of the following years, and having thereto attached coupons for payment of interest thereon at the rate aforesaid, on the first day of March, and first day of September in each year. The sale will be made subject to the usual conditions, and reservations touching the maximum rates of toll to be levied, the maintenance of the works, and the right of the Government to resume them on the failure of the Municipality to fulfil its engagements.

The maximum rates of the toll are fixed by law, but it is thought desirable that the Municipality should be restricted from reducing them below the present tariff without the con-

sent of the Governor in Council, until the purchase money be paid.

As it is necessary that some disposition of the works should be made without much delay, the Government will be glad to learn the decision of the County Council as soon as it can be conveniently arrived at.

I have the honor to be,

Sir, yours respectfully,

L. H. HOLTON,

Minister of Finance.

To JOHN RATCLIFF, ESQUIRE,

Warden of the County of Ontario,

Columbus, C. W.

FROM THE DEPARTMENT OF PUBLIC WORKS TO J. V. HAM, ESQUIRE.

(*Copy of No. 14161.*)

11th October, 1853.

SIR:—

I enclose to you herewith, an official document, conveying permission to Messrs R. E. and Jno. H. Perry, to build a pier or wharf at Port Whitby, upon certain conditions therein mentioned.

(Signed,)

CHARLES DAWSON SHANLY,

Chief Clerk.

JNO. V. HAM, ESQUIRE.

8th October, 1853.

Permission is hereby given, pursuant to the 13th clause of the order of His Excellency the Governor General in Council, dated, Quebec, 3rd July, 1852, and first published in the *Canada Gazette*, on the 13th November, 1852, to Robert Ebenezer Perry and Jno. Ham Perry, proprietors in fee of the South end of lot number Twenty-six, in the broken front concession of the Township of Whitby, to build any pier or wharf they may think fit, in front of such land within the limits of the harbor of Port Whitby, between the pier and said land, which will not obstruct the proper using of the said harbor. Reserving to John Walsh, James Wallace and Carleton Lynde, and their assigns, all the rights heretofore granted to them, and specified in the said order in Council, and reserving also to the Port Whitby and Lakes Scugog, Simcoe and Huron Road Company, the right to demand, take and receive the usual tolls on all property passing over the pier,

(Signed,)

J. CHABOT,

Chief Commissioner.

HAMILTON H. KILLALY,

Asst. Com, Public Works.

FROM THE DEPARTMENT OF PUBLIC WORKS TO, THE HON. D. DALY, PROVINCIAL SECRETARY.

(*Copy of No. 274.*)

18th June, 1847.

SIR:—

I am directed to enclose a letter from Peter Perry, Esquire, on the subject of certain improvements contemplated at Windsor Harbor.

The Commissioners cannot conceive how the lease of a water lot to Mr. Welsh, or any other individual, can, on the site proposed, in any way interfere with Mr. Perry's property, or injure its value. The erection of a large warehouse, such as proposed by Mr. Welsh, will be a great benefit to the surrounding country, induce a large shipment of produce at Windsor Harbor, and consequently by attracting business to that locality, increase rather than depreciate the value of all property in its vicinity.

It will be seen on referring to the plan of the Harbor, that the lot leased to Mr. Welsh is about 100 yards from the shore, and therefore cannot belong to Lot No. 26.

There are sites for many more warehouses along the pier, which are open to Mr. Perry for lease, or to any one else who desires to build on them.

The same objection, of taking possession of his property, might have been raised by Mr. Perry when the pier was laid down. It will be seen by the plan, that Mr. Perry is in error, when he states that lot 27 is situated the same as his—any warehouse built in front of 27, would be the harbor, and consequently occupy the space intended for shipping, whereas the

lot leased to Mr. Walsh is behind the pier, and in a place where no vessel can possibly come.

I have the honor, &c.,

(Signed,)

T. A. BEGLY,
Secretary.

The Hon. D. DALY,
Provincial Secretary.

FROM THE DEPARTMENT OF PUBLIC WORKS TO MR. J. WELSH.

PUBLIC WORKS, 13th Sept., 1847.

SIR :—

Referring to an application made by you through Mr. Gzowski, for a lease of a second lot in rear of the north pier at Windsor Harbor, I am directed to inform you that it will be granted on the same terms as required for the previous lot, viz., £25 per annum for 100 feet frontage.

The rent of this lot will be calculated as for a frontage of 55 feet, thus being the moiety of the two sides abutting the pier. Mr. Gzowski has been instructed on the subject, and upon receiving his report, a lease for both lots will be prepared.

With respect to the opposition threatened by Mr. Perry, I am directed to inform you that it is the intention of the Government to sustain you in proceeding to make the necessary

erections, and to guarantee the quiet possession of the lots for the term to be granted.

I have, &c., &c.,

T. A. B.

M^r. J. WELSH,
Windsor.

FROM JAMES WALLACE TO THE DEPARTMENT OF PUBLIC WORKS.

(*Copy of 4440.*)

WHITBY, 29th December, 1847.

To the Hon. the
Commissioners of Public Works,

GENTLEMEN :—

I beg to apply to you for a lease of a water lot at Whitby Harbor, for which I am willing to pay the price already put on by the Government, namely, £25 per annum, for 100 feet of frontage, and 8 feet depth of storage.

The lot for which I now make application, commencing on the North East side of the inner pier, 57 feet, in a course S. 72° E. from the first angle of the said pier, and running thence S. 72° E. 100 feet, on the North East side of the said pier,

to the turning place; thence N. 18 °, E. 80 feet; thence N. 72 °, W. 100 feet; thence S. 18 °, W. 80 feet, to the place of beginning, containing 8,000 square feet.

I remain,

Gentlemen,

Your obedient servant,

(Signed,)

JAMES WALLACE.

FROM THE ENGINEER'S DEPARTMENT OF PUBLIC WORKS, TO THE SECRETARY
OF THE DEPARTMENT.

ENGINEER'S OFFICE, }
Toronto, 3rd January, 1848. }

SIR:—

Enclosed, I beg leave to forward an application from Mr. James Wallace, to lease a water lot at Whitby Harbor.—The lot is described in the application, and is the same that Mr. Lynde applied for, and afterwards declined taking, in consequence, as he stated, of interfering with Mr. Perry.

Mr. Wallace is desirous of constructing a warehouse, and offers the same rent per foot, as that asked by the Government from Mr. Lynde.

May I request the Board's instructions on the subject.

I remain,

Sir,

Your very obdt. servant,

(Signed,)

C. S. GZOWSKI.

Engineer.

THOS. A. BEGLEY, ESQUIRE,
Secretary, Montreal.

FROM THE SECRETARY, DEPARTMENT OF PUBLIC WORKS, TO C. S. GZOWSKI,
CIVIL ENGINEER.

(*Copy of 2658.*)

12th January, 1848.

SIR:—

In reply to your letter of the 3rd instant, I am directed to inform you that a lease will be granted to Mr. Wallace of the water lot at Port Whitby, upon the same terms as it was offered to Mr. Lynde, and refused by him, and am therefore to request you will lay out the lot, and send a description of it to this office, with such suggestions regarding the terms of the

lease, as are alluded to in my letter of the 13th September last, to which I am directed to draw your attention.

I am, Sir,

&c., &c., &c.,

(Signed,)

THOS. A. BEGLY,
Secretary.

C. S. GZOWSKI, ESQUIRE,
Civil Engineer, Toronto.

FROM JAMES WALLACE TO SECRETARY DEPARTMENT PUBLIC WORKS.

(*Copy of 13768.*)

WHITBY, 26th March, 1851.

BEGLY, ESQUIRE,
Secretary, Board Works,

SIR:—

I am this morning in receipt of a communication from a Mr. Richards, making enquiry as to my claim on a water lot at Whitby Harbor, and stating that the Board of Works are about to transfer said harbor to a company. That he is drawing the transfer, and wishes my concur-

rence in certain conditions to be embodied in said transfer, affecting the lot in question. I have replied to this Mr. Richards, stating that I am not yet aware of having any other party to treat with, in this matter, but the Department of Public Works.

You are perfectly aware, Sir, that for the last three years and upwards, I have been urging the Department to a settlement of this water lot, but without effect, and now, if Mr. Richards is correct, the Board are about to transfer the lot to a company, regardless of my claim altogether. However, I can scarcely allow myself to think that the Department would, under any circumstances, commit such an act of injustice.

I have already been subjected to serious loss and great inconvenience by not getting possession of said lot, and surely the Board cannot now think of depriving me of it, by giving it to a party who well knew my claim previous to their purchasing Whitby Harbor. I again request of the Department, possession of the lot in question.

I am, Sir,

Yours respectfully,

(Signed,)

JAMES WALLACE.

FROM SECRETARY DEPARTMENT OF PUBLIC WORKS, TO JAMES WALLACE.

(*Copy of 8668.*)

2nd April, 1851.

SIR:—

I am directed to acknowledge the receipt of your communication of the 26th ult., and to inform you in reference thereto, that you appear to have misunderstood Mr. Richards' letter to you, respecting your claim to a certain water lot at Whitby, as the Government has no intention whatever, to deprive you of your right thereto. Mr. Richards is employed by the Government, and it is intended to give you a deed for the lot referred to, previous to making out one for the company, by which the Harbor has been purchased.

(Signed,)

T. A. BEGLY,
Secretary.

JAS. WALLACE, ESQUIRE,
Whitby, C. W.

FROM SECRETARY DEPARTMENT OF PUBLIC WORKS, TO JOHN WELSH, ESQ.,

(*Copy of 1772.*)

Department of Public Works, }
26th June, 1847. }

SIR:—

I have the honor to acquaint you that His Excellency in Council has been pleased to accede to your application for a

Lease of a site for a warehouse at Windsor Bay, and that Mr. Gzowski has this day received the necessary instructions for laying out the ground required by you. The dimensions are 100 feet front, and 80 feet deep, for a term of 21 years, at an annual rent of £25 cy., or should you require 20 or 25 feet more, the rent will be charged at the same rate.

I am, Sir,
&c., &c., &c.,
(Signed,)

T. A. BEGLY,
Secretary.

JOHN WELSH, ESQUIRE
&c., &c., Whitby.

FROM SECRETARY, DEPARTMENT OF PUBLIC WORKS, TO C. S. GZOWSKI, C. E.

(Copy of 2131.)

Department of Public Works, }
13th September, 1847. }

SIR;—

I am directed to inform you that this Department has received authority to grant Leases of sites for warehouses in rear of the North pier, at Windsor Harbor, upon the same terms as are required for the lot to be leased to Mr. Welsh, in

pursuance of my letter of the 26th June last, say £25 per hundred feet frontage. You will, therefore, be good enough to communicate the terms to Mr. Lynde, and also of any special conditions, (in case there should be any,) to be inserted in the Lease, respecting the nature of the buildings, mode of construction, or the traffic on the pier. In case Mr. Lynde accepts the terms and conditions you may propose, please report the same to this office, and a lease will be prepared as early as possible, embracing whatever you may think necessary to provide for, besides payment of rent.

The second lot will also be granted upon the same proportionate terms. You will calculate the rent as for a frontage of 55 feet, being the average of 40 feet in front, and 70 feet in rear.

It is presumed you will mark off the lots according to the description already sent, but in case there should be any change made, you will please mention it in your report, with a short abstract of all the conditions to be required by the lease.

With respect to the opposition which Mr. Perry threatens, to the erection of any buildings within the pier, it is the intention of the Government to support the Lessees, and to guarantee them possession of the lots for the term to be granted, viz., 21 years, and then continued upon such terms as the Government may then determine upon.

I am,

&c., &c., &c.,

(Signed,)

T. A. BEGLY,
Secretary.

C. S. GZOWSKI, ESQUIRE,
C. E. Toronto.

D

FROM SECRETARY DEPARTMENT OF PUBLIC WORKS, TO JOHN WELSH, ESQ.,

(*Copy of 2139.*)

Department of Public Works, }
13th Sept., 1847. }

SIR:—

Referring to an application made by you through Mr. Gzowski for lease of a second lot in rear of the North pier at Windsor Harbor, I am directed to inform you that it will be granted on the same terms as required for the previous lot, viz: £25 per annum for 100 feet frontage.

The rent of this lot will be calculated as for a frontage of 55 feet, that being the moiety of the two sides abutting the pier. Mr. Gzowski has been instructed on the subject, and upon receiving his report a lease for both lots will be prepared.

With respect to the opposition threatened by Mr. Perry, I am directed to inform you that it is the intention of the Government to sustain you in proceeding to make the necessary erections, and to guarantee the quiet possession of the lots for the term to be granted.

I have, &c., &c.,

(Signed,)

T. A. BEGLY,
Secretary.

MR. J. WELSH,
Windsor.

FROM HUGH CHISHOLM, TO DEPARTMENT OF PUBLIC WORKS,

To the Hon. Commissioner
of the Board of Works,
Quebec.

Under the 13th section of the transfer of the Whitby Harbor from the Government to the Company, who purchased the Harbor and Scugog Road, the right to grant wharf and warehousing privileges to persons owning land on the borders of the water in said harbor, was reserved to the Commissioner of the Board of Works.

Having purchased from Robert E. Perry, and John H. Perry, a certain quantity of land fronting on the beach and harbor East of the East Pier, and am desirous of occupying and using said property for the purpose of erecting a wharf and warehouses.

I beg to apply for permission from the Chief Commissioner of the Board of Works for a license to occupy and use the water in front of said lands for the above purposes. As the water for which I apply for license lies on the inside of the Eastern Pier, the contemplated wharf and warehouses will not interfere with the business or navigation of the harbor for public or private purposes.

I have the honor to be,
Sir,
Your obedient servant,
(Signed,)

HUGH CHISHOLM.

Description of water lot on the within application, situate and being on the inside of Eastern Pier, bounded as follows,—

to the north by the property of Hugh Chisholm, on the south and west by the Eastern Pier, and on the east by the Government reserve leased to James Wallace.

The above described lot is shewn on the annexed plan and colored pink.

FROM THOMAS HUSTON, SECRETARY PORT WHITBY, LAKES SCUGOG, SIMCOE
AND HURON ROAD COMPANY, TO HUGH CHISHOLM.

WHITBY, 26th May, 1862,

SIR:—

Herewith, I beg to hand you a copy of a resolution passed by the Directors of the Port Whitby, Lakes Scugog, Simcoe and Huron Road Company, on the 24th inst., in reference to a proposition made by you to lease a water lot from said Company.

I am, Sir,

Yours truly,

(Signed,)

THOMAS HUSTON,
Secretary.

HUGH CHISHOLM, ESQUIRE,
Whitby.

Mr. Perry, seconded by Mr. Rowe, moved,—“That the proposition of Hugh Chisholm to lease a water lot, in rear of the pier, on which to erect a warehouse, be accepted, and that the President be authorised to consult and employ J. H. Cameron, Esquire, to ascertain the rights of the Company, and draw up a proper form lease to be submitted to the Board of Directors for approval, and that the Secretary forward a copy of this resolution to Mr. Chisholm.”

Carried.

(Signed,)

T. HUSTON,
Secretary.

MEMORIAL OF MESSRS. R. E. AND J. H. PERRY, TO HIS EXCELLENCY THE
GOVERNOR GENERAL IN COUNCIL, DATED 13TH SEPTEMBER, 1852.

*To His Excellency the Right Honorable James, Earl of Elgin
and Kincardine, K. T., Governor General, &c., &c., &c.,
in Council.*

The petition of Robert Ebenezer Perry, and John Ham Perry, of the Town of Whitby, gentlemen, devisees of the last will and testament of Peter Perry, late M. P. P., deceased,—

HUMBLY SHEWETH,—That the said Peter Perry, by his last will and testament, made your petitioners his residuary devisees not having specifically devised the land hereinafter mentioned.

That about the year 1837, the said Peter Perry purchased the front or south end of Lot No. 26, in the broken front of Whitby, for the purpose of erecting storehouses and wharves along the beach, to ship produce and timber, and to receive goods, wares and merchandize, in the same way and manner that other persons have heretofore done, and still continue to do, who own water lots or land bounded by navigable waters, either at Port Whitby, or other parts of this Province.

That when the harbor at Port Whitby was erected by the Government, a pier was, contrary to the original intention, unnecessarily constructed entirely within the harbor, and directly in front of all the land of the said Peter Perry at said harbor, and in front of no other persons land, thereby depriving the public of the use and benefit of a very large part of the said harbor, and shutting out the said Peter Perry from that free access to and from the lake, which he formerly enjoyed, and prevented him from enjoying his said land as others similarly situated at the said harbor, and in other places in the Province have heretofore, and still enjoy theirs, as by reference to the plan of said pier and harbor, in the Office of Public Works, will more fully and at large appear.

That as the land hereinbefore mentioned, is of comparatively no value, except for the purposes for which it was originally purchased by the said Peter Perry, and of no value for those purposes without the use of the water, and land covered with water, between the said pier, and the said land of the said Peter Perry. The said Peter Perry always supposed that the same would be always kept by the Government at his disposal,

and the said Peter Perry during his life time, and your petitioners since his death, have retained, and still do retain, possession and occupation thereof, except a small spot leased to John Welsh.

Your petitioners therefore, most humbly pray, that your Excellency in Council will be pleased to take their case into consideration, and as the only means of placing your petitioners in as good a position as their ancestor was before the building of the said pier by the Government, to grant to your petitioners all the water, and land covered with water, in front of your said petitioner's land, up to the said pier, except such part or parts thereof heretofore leased by the Government to other parties, and your petitioners as in duty bound will ever pray.

(Signed,)

ROBT. E. PERRY,
J. HAM PERRY.

Whitby, September 13th, 1852.

DEPT. CROWN LANDS, }
Quebec, Aug. 29th, 1863. }

Exd. and cert. true copy.

ANDREW RUSSELL,
Asst. Comr.

MEMORIAL OF MESSRS. R. E. AND J. H. PERRY, TO HIS EXCELLENCY THE
GOVERNOR GENERAL IN COUNCIL, DATED NOVEMBER 13TH, 1852.

*To His Excellency the Right Honorable James, Earl of Elgin
and Kincardine, K. T., Governor General of British
North America, &c., &c., &c., in Council.*

The Petition of Robert E. Perry, of the Township of Whitby, in the Province of Canada, gentleman, and John Ham Perry, of the same place, gentleman, devisees of the last will and testament of Peter Perry, late of the said Township of Whitby, Esquire, deceased,—

HUMBLY SHEWETH,—That said Peter Perry, in his life time, became the purchaser of the south or front end of lot number twenty-six, in the broken front concession of Whitby, in the Counties of York, Ontario and Peel, long before the break-water and piers at Windsor Harbor were erected, or made by the Board of Works.

That the said Peter Perry purchased the same for the purpose of shipping and forwarding the wheat, and other grain and produce that he, the said Peter Perry, might purchase or grow on his farms, in the said Township of Whitby.

That the said South part of said Lot No. 26, lies within the harbor called Windsor harbor.

That some years after such purchase by the said Peter Perry as aforesaid, and after he had used the said land for the purposes aforesaid, the Board of Works constructed a break-water and pier in front of the whole of the said land he owned, and used by the said Peter Perry, as by reference to the maps and plan hereto annexed, and will fully and at large appear, and thereby deprived the said Peter Perry, during his life time, and your petitioners, his devisees, since his death, of the use and enjoyment of the said land for the purposes for which the

said Peter Perry purchased it, and thereby made the said land almost valueless to your petitioners.

Your petitioners, therefore, most humbly pray, that your Excellency in Council will be pleased to take the hardships of your petitioners' case into consideration, and give them such relief as your Excellency in Council may deem just and equitable, by granting to your petitioners all such parts of the land covered with water between the said pier hereinbefore mentioned, and the land of the said Peter Perry hereinbefore mentioned, on such terms as your Excellency in Council may seem meet, without infringing or lessening the rights of any person who has a lease, or promise of a lease, of any part of the said land so covered with water as aforesaid, and thereby place your petitioners property in as good a plight and condition, as to value and usefulness, as it was before the erection of the said break-water and pier, as aforesaid by the Board of Works, on your petitioners producing satisfactory evidence of ownership to your Excellency in Council, or your Commissioner of Crown Lands, of the said land by your petitioners.

And your petitioners as in duty bound will ever pray.

(Signed,)

ROBT. E. PERRY,
J. HAM PERRY.

By their Attorney,

J. V. HAM,

Quebec, 13th Nov., 1852.

DEPT. CROWN LANDS, }
Quebec, Aug. 29, 1863. }

Exd. and cert. true copy.

ANDREW RUSSELL,
Asst. Comr.

ALEX. GORDON, CROWN LAW DEPARTMENT, TO ANDREW RUSSELL, AS-
SISTANT COMMISSIONER OF CROWN LANDS.

CROWN LAW DEPARTMENT,

Upper Canada,

Quebec, July 11th, 1863.

SIR,—

In reference to a question regarding certain encroachments made by Mr. Robert E. Perry, on the land adjoining the Eastern Pier at Whitby Harbor, I am directed by the Attorney General to request that you will ascertain, and inform him, whether any authority has ever been issued from the Crown Lands Office, other than the patent, which granted the south half No. 26, in the broken front concession of Whitby, under which Mr. Perry could assert any claim to the land between the Eastern pier and the beach.

I am,

Sir,

Your most obdt. servant,

(Signed,)

ALEX. GORDON.

ANDREW RUSSELL, Esq.,

Assistant Commissioner

of Crown Lands.

DEPT. CROWN LANDS, }
Quebec, Aug. 29, 1863. }

Exd. and cert. true copy,

ANDREW RUSSELL,
Asst. Comr.

13TH CLAUSE OF THE ORDER IN COUNCIL PUBLISHED IN GAZETTE, NOV.
13TH, 1852.

THIRTEENTH.—That any person or persons, or any body or bodies, corporate now, or hereafter holding any land in freehold, or for a term of years, bordering on the waters of the said harbor, and desirous of building any pier or wharf within the limits of the said harbor, which, in the opinion of the Commissioners of Public Works of said province, will not obstruct the proper use of the said harbor, shall have the right to build such pier or wharf into the waters of the said harbor, in front of such land, having first obtained the authority, in writing, of the said Commissioner so to do, which authority shall be valid and effectual against the said Company, their successors and assigns to all intents, as if the right to build such wharf or pier, and the water, or land covered with water, occupied by such pier or wharf, had been granted in fee to such person or persons, body or bodies corporate, by Her Majesty previous to the making of this order.

