

Laws of His Majesty's Province of Upper Canada, passed in the year 1828. York: Robert Stanton, 1828.

9 George IV – Chapter 19

An Act to enable William Chisholm, Esquire, to erect a Harbor at the Sixteen-mile-Creek, in the Township of Trafalgar, in the Gore District. Passed 25th March, 1828.

Whereas the construction of a Harbor at the entrance of the Sixteen-mile-Creek into Lake Ontario, in the Township of Trafalgar, in the District of Gore, would be of great advantage to the owners of Vessels navigating the said Lake, as well as to persons in general living in the adjacent Country: And whereas, William Chisholm, Esquire, the owner of the Land on both sides of the said Stream near the mouth, where the said Harbor can alone be constructed, hath, by his Petition to the different Branches of this present Parliament, prayed that permission be granted to him by a Legislative Enactment, to construct a Harbor at the mouth of the said Creek, upon being allowed a reasonable Toll upon Goods, and other Commodities, passing into or out of the same.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "*An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That it shall and may be lawful for the said William Chisholm, his Heirs, Executors, and Assigns, within Five Years from the passing of this Act, to construct a Harbor at the place aforesaid, which shall be accessible to, and fit, safe, and convenient, for the reception of such description and burthen of Vessels as commonly Navigate the said Lake: That it shall and may be lawful for the said William Chisholm, his Heirs, Executors, and Assigns, within five years from the passing of this Act, to construct a Harbour at the place aforesaid, which shall be accessible to, and fit, safe, and convenient, for the reception of such description and burthen of Vessels as commonly Navigate the said Lake: That it shall and may be lawful for the said William Chisholm, his Heirs, Executors, and Assigns, to Erect and Build all such needful Moles, Piers, Wharves, Erections, Buildings, and Edifices, as shall be useful and proper for the protection of the said Harbor, and for the accommodation of Vessels entering or lying within the same.

II. And be it further enacted by the authority aforesaid, That as soon as the said Harbor shall be so far completed as to be capable of admitting the free passage of Vessels into the same, the said William Chisholm shall have full power and authority to ask and demand Toll as hereinafter mentioned.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said William Chisholm, his Heirs, Executors, and Assigns, to ask, demand, and receive Toll of and from all and every Master, Owner, or Person in charge, of any Vessel or Boat, passing into the said Harbor; and also, on any Goods, Wares, or Commodities, loading or unloading within the same, according to the Rates following, that is to say:

Rate Of Fees.

Pot and Pearl Ash per Barrel—Four Pence.

Salt Pork, Beef, and Whiskey, per Barrel—Three Pence.

Flour per Barrel—Two Pence.

Lard and Butter per Barrel—Three Pence.

Lard and Butter per Keg—One Penny.

Boards per Thousand Feet—One Shilling and Three Pence.

Lumber per Thousand Feet, Board measure—One Shilling and Three Pence.

Pipe Staves per Thousand—Ten Shillings.

West India ditto,—Two Shillings and Six Pence.

Wheat, and all other Grain, for exportation, per Bushel—One Penny.

Merchandize per Barrel bulk—Nine Pence.

Merchandize per Hundred Weight—Three Pence.

Boats under Twelve Tons—One Shilling and Three Pence.

All Boats or Vessels under Ten Tons, burthen free.

Boats and Vessels above Twelve Tons and under Fifty—Two Shillings and Six Pence. All

Vessels over Fifty Tons—Five Shillings.

All other articles of Merchandize, not here enumerated, per Barrel Bulk—Nine Pence.

All other articles of Merchandize, not here enumerated, per Hundred Weight—Three Pence.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said William Chisholm, or his Agent, to receive such Tolls or Dues, to seize and detain such Vessel or Boat, or the Goods on which the same were due and payable, until such dues shall be paid; and if the same shall remain unpaid for the space of Thirty Days after such seizure, the said William Chisholm, or his Agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said Toll or Dues, by Public Auction, after Ten Days Public notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

III. And be it further enacted by the authority aforesaid, That the Legislature of this Province shall be at liberty at any time beyond the space of Thirty Years to Purchase the entire Estate, Property and Use of the said Harbor from the said William Chisholm, his Heirs and Assigns, by paying to the said William Chisholm, his Heirs and Assigns, the estimated value of the Works so erected by him the said William Chisholm, his Heirs, and Assigns, at the time that they shall be so purchased, to be ascertained by arbitration of three persons, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said William Chisholm, his Heirs, or Assigns, and a third by such two Arbitrators, together with Twenty per Cent advance thereupon, to the credit of which payment all Revenue exceeding Twenty per Cent upon the said bona fide expenditure, and over and above the expense of maintaining and repairing the said Harbor shall be charged and taken, and it is also hereby provided and declared, that if any deficiency of the said Twenty per Cent annual profit should occur in the receipt of the Tolls or Dues of the said Harbor as hereinbefore established, such deficiency shall be also charged against the increasing Revenue of the subsequent years, so that the said William Chisholm, his Heirs and Assigns, may fairly and actually receive the sum of Twenty per Cent on the Capital expended for the whole time for which he or they shall have been in legal possession and enjoyment of the said Harbor.

IV. And be it further enacted by the authority aforesaid, That whenever the said Tolls shall, in the Annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Harbor, and to afford an Annual Income to the said William Chisholm, his Heirs, and Assigns, of Twenty per Cent profit upon the Capital actually expended in the construction of the said Harbor, from the time of the commencement of its use by Vessels as aforesaid, then and in such case the increasing surplus revenue of the said Tolls shall be charged against the said William Chisholm as so much by him received in the nature of a Sinking Fund, by means whereof to purchase from the said William Chisholm, his Heirs, and Assigns, the entire Estate, Use and Property, of the said Harbor, or with the Wharves, Piers, and other appurtenances, to and for the use of the Public in such manner and form as the Legislature of this Province may hereafter provide.

V. And be it further enacted by the authority aforesaid, That the said William Chisholm, his Heirs, and Assigns, shall at any time, when so required by either branch of the Legislature, furnish a true and correct Copy, verified upon Oath, of the Imports and Exports into and out

of the said Harbor, and of the Tolls and Dues levied and collected on the same, and that after the first day of January, in the year of our Lord, One thousand Eight hundred and Thirty-eight, the rate of Tolls to be charged and taken by the said William Chisholm, his Agent or Agents, at the said Harbor on all goods Imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

VI. And be it further enacted by the authority aforesaid, That this Act shall continue in force for the space of Fifty Years from the time of the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, at which time the Estate, Right, Title, Tolls and Rates, of the said Harbor, together with the Piers, Wharves, Waters and Navigation thereof, shall vest in His Majesty, His Heirs and Successors, to and for the Public use of this Province, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act of the Legislature for that purpose at any time hereafter enacted.