

Laws of His Majesty's Province of Upper Canada, passed in the year 1837. York: Robert Stanton, 1837.

7 William IV – Chapter 83

An Act granting a sum of Money for the erection of a Toll Bridge over the River Thames, at Chatham, in the Western District. Passed 4th March, 1837.

Most Gracious Sovereign:

Whereas it is expedient to erect a Bridge across the River Thames, at Chatham, in the Western District: And whereas, it is necessary to provide a sum of money to defray the expense of erecting and keeping the same in repair; may it therefore please Your Majesty, that it may be enacted: And be it 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 the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall have power, from time to time, to appoint two or more Commissioners, to superintend the erection and completion of a Bridge across the River Thames, at Chatham, in the Western District, and such Commissioners to remove, and at his pleasure to appoint another or others in lieu thereof whose duty it shall be to procure plans and estimates of such Bridge, and to Contract with such person or persons as shall undertake to build and erect the same, and the works and approaches therewith connected, or any part thereof; and who shall do and perform all and whatsoever act and acts, thing and things, as may be necessary and proper to carry the intentions of this Act into full effect; and shall and may from time to time, after the completion of such Bridge, and the approaches thereto, fix such Rates and Tolls as to them may seem just, and shall report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the information of the Legislature, on or before the first day of January in each and every year, all matters by them annually done or performed by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, from any person or persons, Bodies Politic or Corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding Fifteen Hundred Pounds, at a rate of interest not exceeding six per centum, payable half yearly in this Province.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General of this Province, for the time being, to cause or direct any number of Debentures to be made out, for any such sum or sums of money, not exceeding in the whole the said sum of Fifteen Hundred Pounds, as any person or persons, Body Politic or Corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form, as His Majesty's Receiver General shall think most safe and convenient; and that for each loan or advance, three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one-third of the sum so advanced, at the expiration of eight, nine, and ten years, respectively, with Interest at the rate aforesaid, from the date of each Debenture until the same shall be discharged; and every such Debenture shall and may be signed by the Receiver General of this Province, for the time being.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon, or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture, or any Debenture with any such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment, or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer as in cases of Felony.

V. And be it further enacted by the authority aforesaid, That the Receiver General of this Province, for the time being, shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, correct accounts of the numbers, amounts and dates, of the different Debentures which he may have issued, under the authority of this Act, of the amount of the Debentures redeemed by him, and the Interest paid thereon respectively, and also of the amount of the said Debentures outstanding and unredeemed, at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of this Province.

VI. And be it further enacted by the authority aforesaid, That the Interest growing due upon the said Debentures, shall and may be payable in half-yearly periods, to be computed from the date thereof, and shall and may be paid, on demand, by the Receiver General of this Province, for the time being, who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the period up to which the said Interest shall have been paid, and shall take Receipts for the same from the persons respectively; and that the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, after the Thirtieth day of June, and the Thirty-first day of December, in each year, issue Warrants to the Receiver General,

for the payment of the amount of Interest that shall have been advanced, according to the Receipts to be taken by him, as aforesaid.

VII. And be it further enacted by the authority aforesaid, That a separate Warrant shall be made to the Receiver General, by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, for the payment of each Debenture as the same may become due, and be presented in favor of the lawful holder thereof; and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

VIII. And be it further enacted by the authority aforesaid, That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he think proper so to do, to direct a Notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures, to present the same for payment according to this Act, and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such Debentures, after the expiration of six months, shall cease and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, to nominate and appoint, under his hand and seal, such person or persons as he shall think fit, to fill any vacancy or vacancies which, from time to time, shall or may happen in the said Board of Commissioners, by death, resignation or otherwise.

X. And be it further enacted by the authority aforesaid, That the said Commissioners may, from time to time, appoint such Engineers, Agents, Officers, Workmen and Servants, as they may think fit, and pay them such salaries as they may deem just and reasonable, to carry into effect the provisions of this Act, taking when necessary, good security for the faithful discharge of the trust reposed.

XI. And be it further enacted by the authority aforesaid, That no Commissioner or Secretary appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested, in any Contract or Agreement, for the performance of any work which may be necessary, under the authority of this Act.

XII. And be it further enacted by the authority aforesaid, That the said Commissioners shall, at their first general meeting held after the said Bridge, together with the approaches thereto, shall be completed, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and it shall and may be lawful for the said Commissioners, to alter the said Rates and Dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a Schedule of Rates and Dues shall be affixed on the Gate of the said Bridge.

XIII. And be it further enacted by the authority aforesaid, That the said several Tolls or Dues shall be paid to such person or persons, and in such manner, and under such regulations, as the said Commissioners shall direct or appoint; and in case of denial or neglect of payment of any such Tolls or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same, in any Court having jurisdiction thereof.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously break-down, damage or destroy, any bank, gate, or any works, machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent, the carrying into execution this Act, or completing, supporting, or maintaining the said Bridge, every such person or persons, so offending, shall be guilty of misdemeanor.

XV. And be it further enacted by the authority aforesaid, That all persons whatsoever shall have liberty to use, with Horses, Cattle, and Carriages, the Bridge, Roads and approaches, to be made as aforesaid, upon payment of such Tolls and Dues, as shall be established by said Commissioners.

XVI. And be it further enacted by the authority aforesaid, That all Penalties and Forfeitures for Offences against this Act, or against any rule, order, or by-law of the said Commissioners, to be made in pursuance thereof, shall, upon proof of the Offences respectively, before any two Justices of the Peace for the Western District, either by the confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by Warrant under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures, and the charges of such sale, are deducted, shall be returned on demand to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties or forfeitures shall not be faithfully paid, it shall be lawful for such Justices, by Warrant under their hands and seals, to cause such offender or offenders to be committed to the Common Gaol of the Western District, there to remain without bail or mainprize, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable costs and charges attending the same, shall be sooner paid and satisfied.

XVII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this Act, or against any Rule, Order, or By-law of the Commissioners, to be made in pursuance thereof, when levied and satisfied in manner aforesaid, shall be paid to the said Commissioners, to be by them, with other monies, transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, shall be pleased to direct.

XVIII. And be it further enacted by the authority aforesaid, That if any plaint shall be brought or commenced against any person or persons, for any thing done or to be done in pursuance of this Act, or in execution of the powers or authorities, or the orders and directions hereinbefore given

or granted, every such Suit shall be brought or commenced, within six calendar months next after the fact committed; or in case there shall be a continuation of Damages, then within six calendar months after the doing or committing such damages shall cease, and not afterwards; and the Defendant or Defendants in such Action or Suit may plead the general issue, and give this Act and the special matters in evidence, at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act; and if it shall appear to be done so, or if any Action or Suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

XIX. And be it further enacted by the authority aforesaid, That whenever the Commissioners appointed under this Act shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners, and that the said Commissioners shall have power to make and subscribe such rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the monies coming into their hands, and touching the duties and conduct of the Officers, Clerks and Servants, employed by them, and all such other matters as appertain to the conduct of the said Commissioners, in carrying into effect the provisions of this Act.

XX. And be it further enacted by the authority aforesaid, That the said Commissioners shall have power and authority to appoint one of their own number, or some other person, to act in all matters relating to the management and control of the works, to be carried on under their orders and directions, subject to such restrictions as the said Commissioners, or a majority of them, shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them as aforesaid, for his services, out of the monies which shall come into their hands under the provisions of this Act, such sum as they may consider proper.

XXI. And be it further enacted by the authority aforesaid, That the said Commissioners shall hold their first meeting, at such time and place, as the majority of the said Commissioners may name and appoint.

XXII. And be it further enacted by the authority aforesaid, That all monies that shall be raised by Debenture, under the provisions of this Act, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants, as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, in favor of the said Commissioners, and shall be accounted for through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.