

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 19

An Act for the Imposing and Collection of Tolls on the Public Works. Assented to 10th June, 1857.

Whereas it hath become necessary to provide by one General Law for the imposing and collection of Tolls and Dues on the Public Works in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall be lawful for the Governor of this Province in Council, by Orders in Council to be issued for such purpose and published as hereinafter provided, to impose and authorize the collection of Tolls and Dues upon any Canal, Harbor, Road, Bridge, Ferry, Slide, or other Public Work, in this Province, now vested or hereafter to be vested in Her Majesty, or in the Commissioners of Public Works, or in any Public Officer, person or persons, or body or bodies corporate, for the public uses of this Province, or hereafter to be acquired therefor, and from time to time, in like manner, to vary, alter and change such Tolls or Dues, and to declare the exemptions therefrom; and all such Tolls and Dues shall be payable in advance and before the right to the use of the Public Work in respect of which they are incurred shall accrue, if so demanded by the Collector thereof.

II. Provided always, That no such Tolls or Dues shall exceed the maximum rates in the Schedule to the Act passed in the twelfth year of Her Majesty's Reign, chapter four, with reference to the Works in the said Schedule mentioned or referred to.

III. And for the due use and proper maintenance of all such Public Works as aforesaid, and to advance the public good, the Governor in Council shall have power, by Orders in Council, to enact from time to time such Rules and Regulations as he may deem necessary for the management, conduct, proper use and protection of all or any of the said Public Works, or for the ascertaining and collection of the Tolls, Dues and Rates thereon.

IV. It shall be lawful for the Governor in Council, by such Orders and Regulations, to impose such fines, not exceeding in any one case one hundred pounds currency, for any contravention or infraction of any such Order or Regulation, as he may deem necessary for ensuring the due observance of the same and the due payment of the Tolls and dues to be imposed as aforesaid, and to provide for the non-passing or detention, at the risk of the owner or owners, of any steamboat, vessel or other craft, carriage, animal or goods, oil which Tolls or Dues shall have accrued and shall not have been paid, or in respect of which any such Orders or Regulations, shall have been contravened or infringed, or any injury done to such Public Works and not paid for, or any fine which may have been incurred and remain unpaid, and for the sale thereof, if such Tolls, dues, damages or line be not paid by the, time to be fixed for the purpose, and the payment, of such Tolls, Dues, Damages or Fine out of the proceeds of such sale returning the surplus, if any, to the owner or his agent; but no such provision shall impair the right of the Crown to sue for and recover such Tolls, Dues, Fines or Damages in the ordinary course of law, if so advised; and any such Tolls, Dues or Fines may always be recovered under the twentieth

section of the: Act passed in the ninth year of Her Majesty's Reign, chapter thirty-seven, the provisions of which section shall apply to all Tolls, Dues or Fines imposed by any Order in Council to be made under this Act.

V. The goods on board of any such steamboat, vessel or other craft, or the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same may belong, shall be liable for any Tolls, Dues or Fine so to be imposed and levied, and they, or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel or other craft, carriage or vehicle in which they may be or to which they may be attached, and as if they belonged to the person or persons contravening any such Orders or Regulations, — saving the recourse of the real owners thereof against such person or persons, who shall be deemed the owner or owners thereof for the purposes of this Act and the Acts herein referred to only.

VI. All Orders in Council made under this Act shall be published in the Official Gazette, and a copy of such Gazette purporting to be printed by the Queen's Printer, and containing any such Orders and Regulations, shall be legal evidence of the tenor and effect thereof.