

*Provincial Statutes of Canada*, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 50

**An Act for better enforcing the provisions of the Act of the Legislature of Upper Canada, for the Regulation of Ferries, and for protecting the rights of the Lessees of Ferries. (29th March, 1845.)**

Whereas it is necessary and expedient to afford greater protection than now by law exists to the Lessees of the Crown of Ferries, in that portion of this Province which formerly constituted the Province of Upper Canada, and to provide a more summary mode to punish persons unlawfully interfering with the rights of such Lessees of the Crown: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That if any person, after the passing of this Act, shall unlawfully interfere with the rights of any licensed Ferryman, by taking, carrying, and conveying, at any such Ferry, across the river or stream on which the same may be situate, any person, cattle, carriage, or wares, in any boat, vessel, or other craft, for hire, gain, reward, profit, or hope thereof, or shall do any other act or thing to lessen the tolls and profits of any such Lessee of the Crown at any such Ferry, every offender being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money not exceeding five pounds, as to the Justice shall seem meet, which sum of money shall be paid to the party aggrieved, except where such party shall have been examined in proof of the offence, and in such case the money shall be applied and accounted for in the same manner as any penalty imposed for a breach of the peace: Provided always, that nothing herein contained shall extend to prevent any person or persons from keeping any boat, vessel, or other craft, at any such Ferry for his or her or their own private use and benefit, but that the same shall in no wise be used, directly or indirectly, by him or her, or any other person or persons, to evade the payment of tolls at any such Ferry.

II. And be it enacted, That in every case of conviction under this Act, when the sum forfeited shall not be paid immediately after the conviction, it shall be lawful for the convicting Justice to commit the offender to the Common Gaol of the District, there to be imprisoned for any term not exceeding two calendar months, unless the forfeiture, together with the costs, shall be sooner paid.

III. And be it enacted, That every license for any such Ferry shall be issued by the Governor, Lieutenant-Governor, or person administering the Government of this Province, under the Great Seal thereof, and that any such license shall, on the trial of any offender against the provisions of this Act, be prima facie evidence of title to the Ferry: Provided always, that nothing herein contained shall extend or be construed to make void any license heretofore granted, but that the same shall be received in evidence on any such trial, in the same manner as if issued after the passing hereof.

IV. And be it enacted, That any person who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the next Court of Quarter Sessions, which shall be holden not less than twelve days after the day of such conviction or decision, for the District wherein the cause of complaint shall have arisen; and that in the prosecution, hearing, and determination of the matter of the appeal the same proceedings and forms shall be had, taken, and observed, as are required by a certain Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act for consolidating and amending the Statutes of this Province relative to offences against the person."

V. And be it enacted, That in any case where the limits to which the exclusive privilege of any Ferry extends, are not already established, such exclusive privilege shall not hereafter be granted for any greater distance than one mile and a half on each side of the point at which the Ferry is usually kept.

VI. And be it enacted, That this Act shall extend only to that part of this Province which formerly constituted the Province of Upper Canada.