

- the said Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares, and merchandize transported in and along the same: Provided always, that if, at any time after the expiration of five years from the time of commencement of the navigation upon any part of the said Canal, the Legislature shall deem the tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than twenty pounds per centum on the capital actually expended in making the said canal. Proviso.
- 10 XVI. The said Company to entitle themselves to the benefit and advantages to them granted by this Act, shall and they are hereby required to make and complete the said canal, railway, towing paths, and other erections required for the navigation thereof, in order to connect the waters of the Niagara River, at the head of the said rapids, called Fort Erie Rapids, with the waters at the foot thereof, within five years from the passing of this Act, so as to be navigable for schooners, boats, barges, and rafts, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void, to all intents and purposes whatsoever. Company to complete works within five years.
- 20 XVII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel navigating upon the said canal; Be it concluded, that the owner or master of every such boat, barge, or vessel shall permit it and suffer every such boat, barge, or vessel to be gauged or measured, and in case of refusal so to do, the owner thereof shall forfeit and pay the sum of forty shillings currency; and it shall be lawful for the said Company or their toll-gatherer, or such other person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same in such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the said rates or dues, and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company, or their toll-gatherer, shall alone have the power of ascertaining such tonnage. Vessels passing through Canal may be gauged or measured, in case of refusal on part of owner.
- 35 XVIII. All persons whosoever shall have free liberty to use with horses, cattle, and carriages, the private roads and ways to be made under the provisions of this Act (except the towing paths) for the purpose of conveying any goods, wares, merchandize, lumber, or commodities, to and from the said canal; and also to navigate the said canal with any schooners, boats, boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber, or commodities, and also to use the said towing paths with horses for drawing and hauling such boats and vessels, upon payment of such rates or dues as shall be established by the said Company, as aforesaid. Roads made under this Act to be open to public use, Canal may be generally used on payment of tolls.
- 45 XIX. The said several dues shall be paid to such person or persons, at such place or places near to the said canal, in such manner and under such regulations as by the by-laws of the said Company shall be directed; and in case of denial or neglect in payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, the said Company may sue for and recover the same in any Court having jurisdiction therein, or the person or persons to whom the said rates or dues ought to be paid, may, and he or they is and are hereby empowered to seize such boat, vessel, barge, or raft, for and in respect whereof Dues to be payable as provided by By-law.
Company may sue for recovery of tolls.