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No. 359.

3rd Session, 5th Parliament, 20 Victoriae, 1857.

B I L L .

**An Act for the Imposing and Collection
of Tolls on the Public Works.**

Received and read first time, Friday, 15th May,
1857.

Second reading, Saturday, 16th May, 1857.

Mr. Sol. Genl. SMITH.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act for the Imposing and Collection of Tolls on
the Public Works.

WHEREAS it hath become necessary to provide by one Preamble.
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 Legis-
5 lative Council and Assembly of Canada, enacts as follows :

I. It shall be lawful for the Governor of this Province in Governor in
Council to
impose tolls
for the use of
any Public
Work, and
make regula-
tions for their
collection.
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,
10 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
15 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
20 Collector thereof.

II. Provided always, that no such Tolls or Dues shall exceed Proviso : as to
maximum of
such tolls.
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.

25 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
30 protection of all or any of the said Public Works, or for the
ascertaining and collection of the Tolls, Dues and Rates
thereon. Regulations
for the proper
use, &c., of
any such work.

IV. It shall be lawful for the Governor in Council, by such Fines may be
imposed by
such regula-
tions.
Orders and Regulations, to impose such fines, not exceeding in
35 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
40 owner or owners, of any steamboat, vessel or other craft, car- Vessels, &c.,
may be detain-

ed until tolls
or fines incur-
red are paid.

riage, animal or goods, on 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 may have been incurred and remain un- 5
paid, and for the sale thereof, if such Tolls, dues, damages or fine 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 10
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 Penalties 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 15
which section shall apply to all Tolls, Dues or Fines imposed by any Order in Council to be made under this Act.

Act not to af-
fect other pro-
visions for
their recovery.

Goods, &c., in
Vessels or car-
riages, liable
for tolls or
fines.

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 20
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 25
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.

Proof of orders
under this Act.

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