BRITISH COLUMBIA.

V. R.

No. 6. An Ordinance for the construction of a Toll Bridge across Thompson River, at Lytton.

[22nd February, 1865.]

Preamble.

WHEREAS Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith have applied to the Government of British Columbia for permission to erect a Bridge at their own expense, across the Thompson River at Lytton, and at a point in the vicinity of the present ferry at the mouth of Thompson River, upon condition of having secured to them certain tolls upon goods, passengers, vehicles and animals, to the extent, and in manner hereinafter appearing.

And whereas the said Government hath approved of such application;

And whereas it is expedient to afford all proper facilities for the construction of works of communication within the said Colony;

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof:

Creates Tolls on goods, &c., crossing Bridge.

I. From and after the due completion by the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators or assigns, certified as hereinafter mentioned, of a substantial wooden bridge across the Thompson River, within the time and manner hereinafter mentioned, it shall be lawful for the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, for and during the date of ten years from the date of the certificate of completion hereinafter mentioned, to assess, levy, and collect from all persons whomsoever by way of toll, the sums following, that is to say:

For every 100lbs avoirdupois of merchandize, stores, productions, and chattels, other than those hereinafter excepted, which shall respectively be carried over or across the said Bridge, or over or across the said Thompson River, within a distance of five miles above and three hundred yards below the said Bridge, the sum of eight pence sterling.

And for every horse, ox, cow, or mule, other than those hereinafter excepted, so as aforesaid crossing or carried, the sum of one shilling per head.

And for every pig, sheep, calf, goat, other than those hereinafter excepted, so taken, crossing or carried, the sum of six-pence half-penny per head.

For every vehicle (save as hereinafter excepted) drawn by four or more horses, or other animals so taken, crossing, or carried, the sum of four shillings and two pence.

For every vehicle (save as hereinafter excepted) drawn by two or less than four horses, so taken, crossing or carried, the sum of two shillings and one penny.

For every passenger so crossing, or carried, over the said Bridge, the sum of one shilling.

Exemptions from Toll enumerated.

II. Provided, nevertheless, that such tolls shall not be demanded upon passengers, goods, chattels, vehicles or animals for the time being belonging to or employed in the service of the Government, or on farm utensils, or farming implements in use upon any farm within the Colony, or on lumber or manure, or on machinery for steamboat purposes, or on passengers' personal baggage, not exceeding fifty pounds weight for each passenger on horseback or in vehicle, or on miners' ordinary packs or personal baggage of the weight aforesaid, carried or borne by passengers respectively using, taken or carried along, or over the said Bridge, or passing (within the said distance of from three hundred yards below to five miles above) such Bridge across the said Thompson River, or upon passengers, goods or chattels transported in boats or canoes up or down the River Fraser, which said boats or canoes shall, by reason of the current of the said River Fraser, be brought within the mouth of the River Thompson, and within the said distance of three hundred yards below the said Bridge.

Tolls not to commence until completion of Bridge.

III. Provided also that none of the said tolls shall be demandable unless and until the Commissioner of Lands and Surveyor General of British Columbia or other officer duly appointed or authorized in that capacity or behalf, by the Governor, or other officer for the time being administering the Government of the said Colony, shall have given to the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators and assigns, a certificate under his hand that the said Bridge has been, and its approaches, duly and satisfactorily completed in all respects for public traffic.

Certificate of completion.

IV. Any such certificate shall state that the said Bridge and its approaches have been duly completed, within the time allowed by this Charter, fit for wagon traffic, and in accordance with such plans and specifications as may be approved of by the Chief Commissioner of Lands and Works, or his Agent, or other officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government, and which plans and specifications shall be lodged with the aforesaid Chief Commissioner of Lands and Works within two months of the passing of this Ordinance.

Conditions of grant.

V. Provided, that in case the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, shall not before the 1st day of January, 1866, make a *bona fide* commencement of the work on the said Bridge, and shall not have completed the said Bridge by the 1st day of June, 1866, then and in that case all and singular the rights, tolls, privileges and powers hereby conferred, shall be forfeited and revert to the use of Her Majesty, her heirs and successors absolutely. Provided also, that the tolls, privileges and remedies, on the part of the Government, and under or by virtue of this Act accorded, are conferred upon this express condition, that on any failure of said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, during said term, (except while prevented by inevitable accident or repairs,) well and substantially to maintain and keep the said Bridge and its approaches in perfect order and thorough repair, to the satisfaction of such Commissioner of Lands and Surveyor General, or other officer, for the time being appointed as aforesaid, and in compliance with any requisition from him from time to time in that behalf. Then upon notice to that effect, and any default of the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators, and assigns, for one calendar month thereafter, to comply with the requirements of such notice, (of which default such Commissioner of Lands and Surveyor General, or other officer as aforesaid, shall be sole judge, any rule of law or equity to the contrary notwithstanding,) then all and singular such tolls, privileges, powers, &c., so acquired as aforesaid, and the said Bridge and all improvements thereto, shall *ipso facto* be forfeited, and revert to the use of Her Majesty, her heirs and successors absolutely, and such moneys, less the cost of collection, shall be deemed and accounted for as part of the Public Revenue, and the powers, remedies, and privileges herein contained, shall thereupon be exercised by and on behalf of Her Majesty, her heirs and successors.

VI. None of the said Tolls shall be demandable whenever, during the said term, the said Bridge and its approaches as aforesaid, or any part thereof respectively, whether from accident or otherwise, shall, in the opinion of such Commissioner, or other officer, expressed in a notice, be in a condition unfit or dangerous for public traffic. Tolls to cease while out of repair.

VII. It shall be lawful for such Commissioner, or other officer, as aforesaid, at any time or times during the said term, whenever the state of the traffic passing at or near the point where the said Bridge shall be constructed, shall require it, to order such improvements to be made in such Bridge or approaches, at the expense of the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, their executors, administrators and assigns, as shall be necessary for the accommodation of such traffic. Necessary improvements may be ordered.

VIII. It shall be lawful for the said Commissioner, or other officer as aforesaid, by notice from time to time, to make such regulations for the safety of the traffic across the said Bridge, or the said Bridge and its approaches, as he shall deem expedient. Regulation of traffic.

IX. Nothing herein contained shall be construed so as to limit or abridge the prerogative rights of Her Majesty, her heirs, or successors, in respect of the said Bridge, or any right of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said Louis Hautier, Louis Lemeure, L. B. Romano and Robert Smith, or any other persons whomsoever, to infringe any existing private rights, or any existing or future public rights. Saving of Crown rights and other rights.

X. It shall be lawful for the Government at any time within five years from the date of this Ordinance, to redeem the said Bridge and Works, and the privileges hereby conferred, at a price to be fixed by such one Arbitrator as shall be mutually agreed upon by the said grantees and the Surveyor General, within one calendar month after publication of any notice to that effect by the Surveyor General in the *Government Gazette*, or, in case of dispute, by such Arbitrator as shall be fixed by the Judge of the Supreme Court, on the *ex parte* application of either party, and the decision of such Arbitrator shall be final. Redemption by Government.

XI. Any person, directly or indirectly, evading, or attempting to evade, the payment of any of the duties or tolls hereby imposed, shall, for every such offence, be fined treble the amount of toll, or any sum not exceeding one hundred pounds, and with or without imprisonment for any term not exceeding three calendar months, at the discretion of the Magistrate convicting. Evasion of Toll penalty.

XII. Any person wilfully infringing any regulation authorized by Clause VIII, shall, for each such offence, be liable to a fine of not exceeding ten pounds, and with or without imprisonment, for any term not exceeding seven days, at the discretion of the Magistrate convicting. Penalties on breaches of Bridge regulations.

XIII. Any penalty under this Act may be recovered before any Magistrate in British Columbia in a summary way, and any fines levied hereunder, shall be paid to the use of the person or persons entitled for the time being to receive the said Tolls. Penalties, how recoverable.

XIV. Every notice required, or authorized by this Act, to be given, shall mean a notice in writing, under the hand of the Commissioner of Lands and Surveyor General, or other officer appointed or authorized as aforesaid, and affixed to some conspicuous part of the said Bridge or approaches, and every such notice shall be good and sufficient notice for all purposes whatsoever of all matters and things therein contained, to all persons therein mentioned or referred to. Notice.

XV. This Ordinance shall be cited as "The Lytton Bridge Toll Ordinance, 1865." Short Title.

Passed the Legislative Council this 10th day of February, 1865.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this twenty-second day of February, 1865.

FREDERICK SEYMOUR,
Governor.