BRITISH COLUMBIA.

V. R.

No. 5. An Ordinance for the construction of a Toll Bridge across Thompson River.

[26th February, 1864.]

Preamble.

WHEREAS THOMAS SPENCE hath applied to the Government of of British Columbia, for permission to erect a Bridge at his own expense, upon the Lytton-Alexandria Route, across Thompson River, at a point in the vicinity of Cook's Ferry, upon condition of having secured to him 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 the Bridge.

1. From and after the due completion by the said THOMAS SPENCE, his executors, administrators, or assigns, certified as hereinafter mentioned, of a substantial wooden Bridge across the Thompson River, within the time and in manner hereinafter mentioned, it shall be lawful for the said THOMAS SPENCE, his executors, administrators, and assigns, for and during the date of seven 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 of goods, merchandize, stores, productions, and chattels, other than those hereinafter excepted, which shall respectively be be carried over or across the said Bridge, or over or across the said Thompson River, within a distance of thirteen miles above, and ten miles below the said Bridge, the sum of eight-pence sterling.

And for every horse, ox, cow, ass, 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.

2. 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 15 statute miles of the said Bridge, 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 a vehicle, or on ordinary miners' 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 ten miles below to thirteen miles above) such Bridge across the said Thompson River.

Tolls not to commence until completion of Bridge.

3. Provided also that none of the said Tolls shall be demandable unless and until the Commissioner of Lands and Surveyor General for 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 THOMAS SPENCE, his executors, administrators, or 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.

4. Any such certificate shall state that the said Bridge and its approaches have been duly completed, at the point, within the time in the substantial manner, fit for public traffic, according to the specifications and plans, and subject to and under and in compliance with the directions, and in all respects to the satisfaction from time to time of the said Commissioner of Lands and Surveyor General, or other officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government.

Conditions of Grant

5. 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 the said THOMAS SPENCE, his 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 THOMAS SPENCE, his 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 monies, 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 said Majesty, Her heirs and successors.

6. 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 Bridge out of repair.

7. 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 along the Lytton-Alexandria route, 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 THOMAS SPENCE, his executors, administrators, and assigns, as shall be necessary for the accomodation of such traffic.

Necessary improvements may be ordered.

8. 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.

9. 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 rights of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said THOMAS SPENCE, 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.

10. 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.

11. Any person wilfully infringing any regulation authorized by clause eight 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.

Penalty on breaches of Bridge Regulations.

12. 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.

13. Every notice required, or authorized by this Act to be given, shall mean a notice in writing, under the hand of the said 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.

14. This Ordinance may be cited for all purposes as "The Thompson Bridge Toll Act, 1864."

Short Title.

Passed the Legislative Council the 22nd February, A.D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this twenty-sixth day of February, A.D. 1864,

JAMES DOUGLAS,
Governor.