



1914

c 127 Ferries Act

Ontario

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SECTION IX.

PROPERTY IN WATERS AND STREAMS.

CHAPTER 127.

An Act respecting Ferries.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ferries Act*. 9 Edw. VII. c. 60, s. 1.

Issue and duration of licenses.

2. Save as herein otherwise provided every grant or license of ferry shall be by the Lieutenant-Governor under the Great Seal and shall not extend for a longer term than seven years at any one time. 9 Edw. VII. c. 60, s. 2.

Requisites to issue.

3. Save as herein otherwise provided no ferry shall be leased by the Crown, nor shall any lease thereof be renewed or any license of ferry be granted by the Crown, except by public competition, and after notice of the time and place at which tenders will be received for the lease or license for such ferry inserted at least once in each of four consecutive weeks in the *Ontario Gazette*, and in one or more of the newspapers published in the county or district in which the ferry is situated, and to persons giving such security as the Lieutenant-Governor in Council may prescribe. 9 Edw. VII. c. 60, s. 3.

Limits of ferries.

4. Except in the case of municipalities as hereinafter provided, where the limits to which the exclusive privilege of any ferry extends are not already defined, such exclusive privilege shall not be granted for a greater distance than one mile and a half on each side of the place at which the ferry is usually kept, but nothing herein shall invalidate or infringe upon any existing grant or right of ferry. 9 Edw. VII. c. 60, s. 4.

License for ferry between two municipalities.

5.—(1) Where a ferry is required over any stream or other water and the two shores are in different local municipalities

not in the same county, or one shore is in a city or town separated from a county and the other is in another municipality in the same county, the Lieutenant-Governor may grant a license to either of such municipalities exclusively, or to both jointly, or to either of the counties or to both jointly, or to one of the counties jointly with a city or town, as he may consider most conducive to the public interest.

Grantee.

(2) The license shall confer the right to establish a ferry from shore to shore on such stream or other water, with such limits and extent as may appear advisable to the Lieutenant-Governor in Council, and be expressed in the license.

Extent of right conferred, etc.

(3) The license shall be upon conditions as to the description of craft and motive power to be used and upon such further terms and conditions as the Lieutenant-Governor in Council may direct, and the terms and conditions shall be expressed in the license.

Conditions of license as to motive power and other matters.

(4) The council of the municipality may pass by-laws, not inconsistent with the terms of the license, for subletting the ferry to such person and upon such terms and conditions as the council may think fit.

Municipalities sub-letting ferries.

(5) Where a license is granted to two municipalities jointly no by-law of the council of one municipality shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the council of the other municipality.

Concurrence of municipalities where joint license.

(6) The provision as to the duration of the license and the provisions of section 3 shall not apply to this section. 9 Edw. VII. c. 60, s. 5.

Application of certain provisions excluded.

6.—(1) The council of every township, town or village may pass by-laws for establishing and for maintaining and operating, and the council of every municipality, other than a county, may pass by-laws for licensing upon such terms and conditions as may be deemed proper and for regulating ferries between any two places in the municipality, or over any navigable waters in or upon the boundary of the municipality, and for establishing the rates of ferriage to be taken thereon; but no such by-law shall have effect until approved by the Lieutenant-Governor in Council.

Municipal by-laws to establish, operate and license ferries.

(2) The council of every county shall have the like power in regard to ferries between places which are both situate within the county but not within the same local municipality, provided that neither of such places is situate in a city or town separated from the county for municipal purposes.

Powers of county councils.

(3) Until the council exercises the powers conferred by this section the Lieutenant-Governor in Council may license and regulate such ferries and establish the rates of ferriage to be taken thereon. 9 Edw. VII. c. 60, s. 6.

Powers of Lieutenant-Governor in Council.

Granting
exclusive
privileges.

7. The council of any municipality may grant exclusive privileges in any ferry vested in the corporation of the municipality. 9 Edw. VII. c. 60, s. 7.

Right of
persons to keep
boats at ferry
for their
own use.

8. Any person may keep at a ferry a boat, vessel or other craft for his own private use, or may use, for the accommodation of himself or of his employer, his own or his employer's boat, vessel or craft to cross the river or stream on which the ferry is situate; but such privilege shall not be used for the purpose of taking, carrying or conveying any other person or property for hire, gain, reward or profit, or hope thereof, or directly or indirectly to enable any such other person to evade the payment of tolls at the ferry. 9 Edw. VII. c. 60, s. 8.

Penalty for in-
terfering with
licensed ferry-
man's rights.

9. If any person unlawfully interferes with any right or license of ferry by taking, carrying or conveying at any ferry across the stream or other water on which the same is situate any person, cattle, carriage or wares in any boat, vessel or other craft for hire, gain, reward, profit or hope thereof, or unlawfully does any other act or thing to lessen the tolls and profits of any lessee or licensee of the Crown of any such ferry, the offender shall incur a penalty not exceeding \$20 to be recovered under *The Ontario Summary Convictions Act* and to be paid to the person aggrieved. 9 Edw. VII. c. 60, s. 9.

Rev. Stat. c. 90.