

NO. 100

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to incorporate *The Queenston
Suspension Bridge Company.*

Received and Read a first time, Wednesday, 7th
March, 1849.

Second Reading, Monday, 12th March, 1849.

HON. MR. MERRITT.

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BILL.

An Act to incorporate *The Queenston Suspension Bridge Company.*

WHEREAS Joseph Wynn, Robert Hamilton; John Stayner, Andrew Tod, William Duff, Richard Miller and others, have by a Petition, set forth the facility and convenience which the construction of a Suspension Bridge over the Niagara River at or near Queenston, would offer to the public, and have prayed that they, and such others as may be associated with them for the purposes hereinafter mentioned, may be incorporated, and certain powers granted them, to enable them to construct such a bridge; Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the said Joseph Wynn, Robert Hamilton, John Stayner, Andrew Tod, William Duff, Richard Miller, and all persons who shall become Shareholders in the undertaking hereinafter mentioned, pursuant to this Act, shall be and they are hereby constituted a body corporate and politic by and under the name, style and title of *The Queenston Suspension Bridge Company*, with power to unite with any other persons, company or body politic, to construct a Suspension or other Bridge across the Niagara River at or near Queenston, with the necessary approaches thereto, with rail, macadamized or other roads, and to connect the same with any road now or hereafter to be made, at any point within half a mile of the said Town of Queenston; and the said Corporation, by the name aforesaid, shall and may, they and their successors, have perpetual succession and be capable of contracting and being contracted with, sung

Preamble.

Company incorporated for the purpose of building such bridge.

Corporate name.

Corporate powers.

and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever, and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasue ; and also that they and their successors under the said name of *The Queenston Suspension Bridge Company*, shall be by law capable of purchasing, having and holding any real or personal estate, for the use of the said Company, and of departing therewith for the benefit of the said Company ; Provided always, nevertheless, that the value of the real estate so holden by the said Company at any time, exclusive of the said Bridge, shall not exceed the sum of

Common seal.

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May hold real and personal estate.

Proviso: amount of such property limited.

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Amount of Stock limited.

II. And be it enacted, That ten thousand pounds shall constitute the Capital Stock of the said Company, and that the same shall be divided into shares of twenty-five pounds each.

Commissioners appointed to open books for subscription.

III. And be it enacted, That the said Joseph Wynn, Robert Hamilton, John Stayner, Andrew Tod, William Duff, and Richard Miller, with Richard Woodruff, and Gilbert McMicken, Esquires, shall be Commissioners, who shall, on the next, at Queenston aforesaid, or at such other place or places as they or a majority of them shall appoint, open books to receive subscriptions to the Capital Stock of the said Corporation ; and that thirty days public notice shall be given the said Commissioners of the time and place of opening such books, in a newspaper printed and published in the District of Niagara, and that the said books shall remain open for at least three days at the several places where the same may be opened, under the direction of one or more of the said Commissioners ; and such sum as they may think expedient, not exceeding ten per cent. shall be paid on each share subscribed at the time of subscribing.

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Giving thirty days notice.

Sum to be paid on subscribing.

- IV. And be it enacted; That the said Commissioners shall assemble at Queenston on the first of next, or as soon thereafter as the whole Capital Stock of the said Corporation shall be taken up, and shall proceed to distribute the said stock amongst the subscribers thereto, and in case there shall be subscriptions to more than the amount of such stock, within the term specified for keeping open the said books, it shall then be the duty of the said Commissioners to apportion the same among the subscribers in such manner as a majority of them shall deem most advisable, and as soon as the stock shall be distributed the Commissioners shall give notice of a meeting of the Shareholders at Queenston, to choose seven Directors; the notice last mentioned shall be published for the same time and in the same manner as the notice hereinbefore mentioned, and such election shall be made at the time and place so to be appointed by such of the Shareholders as shall attend for that purpose either in person or by lawful proxy; and the said Commissioners shall deliver over the subscription money and books to the said Directors, and the time and place of holding the first meeting of Directors shall be fixed by the Commissioners.
- First Meeting for distributing the Capital Stock among the Subscribers.
- Notice to be given by the Commissioners of the first Meeting for the Election of Directors.
- Papers to be delivered to the Directors.
- V. And be it enacted, That the stock and affairs of the said Corporation shall be managed by seven Directors who shall be Shareholders annually chosen (except at the first election) on the first Monday in May in each year, at Queenston, at a meeting of the Shareholders of which due notice shall be given at least ten days before such election; and each Shareholder at all elections of Directors shall be entitled either in person or by proxy to one vote for each share of stock held in his own name at least fourteen days previous to the time of voting; all elections shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold their offices for one year and until others
- Affairs of the Company to be managed by seven Directors.
- Qualification for voting at elections.
- Election by ballot.
- Term of office.

President to
be chosen.

shall be chosen in their places; the Directors shall, at their first meeting after each election, choose one of their number to be President, and shall have power to appoint a Treasurer.

Payment of
sums sub-
scribed for,
how enforced.

VI. And be it enacted, That the Directors may require from the Shareholders, payment of all sums of money by them subscribed, by instalments not exceeding ten per cent per month, at such time and in such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares, and of all previous payments thereon. 5

Power of the
Directors to
make By-laws
for the ma-
nagement of
the property of
the Company.

VII. And be it enacted, That the Directors for the time being or a majority of them, shall have power to make and subscribe such Rules and By-laws as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties of its officers, clerks and servants, their appointments and salaries, and all such other matters and things as shall appertain to the the business of the said Corporation. 15 20

Survey of site
for bridge,
and Roads
connected
with it, and
power to the
Company to
take the land
requisite.

VIII. And be it enacted, That the said Directors shall have power to cause such examination and surveys of the way to and locations for the said bridge as may be necessary to the selection of the most advantageous site for the same, and shall have full power to enter upon, take and occupy any lands necessary for the construction of the rail or other roads leading to and from the same, within the limits aforesaid, first paying or tendering the value thereof, which value shall be determined by two persons selected, one by the claimant and the other by the said Company; and in case they do not agree a third person shall be selected by them (or if they cannot agree upon such third person, then by the District Judge on the application of either of them,) whose decision shall be final; and the said Directors shall select and 25 30 35 40

Compensation
to parties how
to be settled.

Directors to

by certificate designate the ways to and site of the said bridge, copies of which said certificate shall be filed in the office of the Register of the County of Lincoln, and such 5 ways and site shall be deemed the way to and site for the said bridge, and on which the said Corporation may make and construct the said ways and bridge as hereinbefore mentioned.

file certificates of the site chosen, &c.

10 IX. And be it enacted, That whenever the said bridge shall be completed and its safety fully tested, and the fact certified by the Warden of the District, the said Corporation may erect a gate or gates, and determine and es- 15 tablish the rates of toll to be demanded for the use of the said bridge.

What Tolls may be taken.

X. And be it enacted, That the said Directors shall have power to make such rules and pass such By-laws as they may think rea- 20 sonable and proper, with suitable penalties (not exceeding in any case *twenty pounds*) touching the speed in passing over the said bridge, and the weight to be admitted there- on at any one time; which rules as well as 25 the rates of toll shall be plainly painted on a board or cloth, and put up on or near each gate, in a conspicuous place; and such penalties if incurred shall be recoverable in like manner as the penalties hereby imposed.

Corporation authorized to make By-laws.

Penalties limited.

30 XI. And be it enacted, That if any person or persons shall forcibly pass any gate with- out having paid the legal toll, such person or persons shall forfeit and pay to the said Corporation a sum of not less than *two pounds* 35 and not exceeding *twenty pounds*, to be recovered before any Justice of the Peace of the Niagara District, in the same manner as any other fines are recoverable before Jus- tices of the Peace.

Penalty on person forcibly passing the bridge.

£20.

How recovered.

40 XII. And be it enacted, That if any toll gatherer shall unreasonably and without cause delay or hinder any passenger or the passage

Penalty on toll-gatherer for misconduct in certain cases.

of any property agreeably to the rule prescribed in such case, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of *one pound five shillings* currency, to be recovered with costs, for the use of the person so delayed, hindered or defrauded, before any one Justice of the Peace for the Niagara District, who may on conviction of such offender, condemn such person to pay the said penalty, and levy the same in the manner hereinafter mentioned. 5 10

Penalty on persons wilfully injuring the bridge, or the works connected with it.

Proviso: jurisdiction of Magistrates under 4 & 5 Vic. cap. 26, not to be affected by this Act.

Fines and forfeitures how levied.

XIII. And be it enacted, That if any person shall wilfully do or cause to be done any act or acts whatever whereby the said bridge or anything appertaining thereto shall be impaired or injured, the said person or persons so offending shall forfeit and pay to the said Corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the Corporation, with costs of suit, by action, and shall be moreover guilty of a misdemeanor, and be punishable by fine or imprisonment or both by any Court having cognizance of such offence; Provided that nothing in this Act contained shall be construed to extend to take away the jurisdiction given to Justices of the Peace by any Act passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, "*An Act for consolidating and amending the Laws in this Province relative to malicious injurious to property.*" 15 20 25 30

XIV. And be it enacted, That the fines and forfeitures authorized to be imposed by any Justice of the Peace by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant to be for that purpose issued by such Justice, who is hereby authorized and empowered to grant the same. 35 40

XV. And be it enacted, That if any action Limitation of actions.
 or suit shall be brought against any person
 or persons for any matter or thing done in
 pursuance of this Act, such action or suit
 5 shall be brought within six calendar months
 next afterwards; and the Defendant or De-
 fendants in such action or suit may plead the
 general issue only, and give this Act and the
 special matter in evidence on the trial.

10 XVI. And be it enacted, that if the said Bridge to be constructed within five years.
 bridge shall not be constructed and used
 within three years from the passing of this Act,
 then the said Corporation and the privileges
 hereby conferred upon it, shall from thence-
 15 forth cease and determine.

XVII. And be it enacted, That this Act Public Act.
 shall be deemed and taken to be a Public Act,
 and as such shall be judicially noticed by all
 Judges, Justices of the Peace and other per-
 20 sons without being specially pleaded.

XVIII. And be it enacted, That notwith- Legislature may at any time alter the provisions of this Act.
 standing the privileges hereby conferred, the
 Legislature may at any time hereafter make
 such addition to this Act or such alterations
 25 of any of its provisions as they may think
 proper for affording just protection to the
 public, or to any person or persons, body
 politic or corporate in respect, to their estate,
 property or rights or any interest therein, or
 30 any advantage, privilege or convenience con-
 nected therewith, or in respect to any way or
 right, public or private, that may be affected
 by any of the powers given by this Act.