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No. 158.

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3rd Session, 6th Parliament, 23d Victoria, 1860.

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## BILL.

An Act to incorporate certain persons under the name of the "Upper and Lower Canada Bridge Company."

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Received and Read, first time, Thursday, 4th April 1860.

Second Reading, Wednesday, 19th April, 1860.

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Mr. HEATH.

QUEBEC :

PRINTED BY THOMPSON & CO., ST. URSULE STREET.

An Act to Incorporate certain persons under the name of the  
 "Upper and Lower Canada Bridge Company."

WHEREAS the construction of a Toll Bridge over the River Ottawa, from the Township of Litchfield, County of Pontiac, to the Township of Horton, County of Renfrew, would greatly tend to promote the welfare and intercourse of the Inhabitants of said Townships, and the public generally; and whereas G. W. Osborne, G. A. Purvis, D. F. McLaren, G. E. White, P. F. Fox, Joseph Dolan, James Gordon, Wm. Hill, W. O'Meara, and others, have, by a Petition presented by them for that object, prayed to be incorporated by the name of the "Upper and Lower Canada Bridge Company," and to be authorized to construct a Toll Bridge over said stream, at the place above named: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The above mentioned persons and their heirs, executors and Assigns, together with all such other persons as are now, or shall at any time hereafter, become Shareholders in the said Bridge and its appurtenances shall be, and are hereby constituted and established a body corporate and politic, in fact and in name, by the name of the "Upper and Lower Canada Bridge Company," and the said persons are hereby authorized to erect and construct, at their own cost and expense, a solid and sufficient Toll Bridge over the Ottawa River, from the Township of Litchfield, County of Pontiac, to the Township of Horton, County of Renfrew, and to erect and construct a Toll House and Toll Gate, with other dependencies and approaches, to or upon the said Bridge, and also to do and execute all such other matters and things, as shall be necessary, useful, or advantageous for erecting and constructing, keeping up, and maintaining the said intended Bridge, Toll House, Toll Gate, and other dependencies, according to the true intent and meaning of this Act; and in all suits and other judicial proceedings, service of process upon the President of the said Company, shall be held to be legal and sufficient.

Certain persons incorporated.

Corporate name and general powers.

2. The Capital of the said Company, for the construction of the said Bridge and dependencies, shall not exceed Ten Thousand Dollars, and shall be divided into five hundred parts, or Shares, of the value of Twenty Dollars each. Provided always, that it shall be lawful for the President and Directors of the said Company, to increase the Capital of the said Company by an equal amount, and the said Shares shall be deemed personal and moveable estate, and as such, shall be transferable by sale or otherwise, by the Shareholders in the said Company, and any party acquiring one or several of the said Shares, shall, on the production of a copy of his deed of acquirement to the Directors of the said Company, to be deposited among the Records of the said Company, be considered as a Shareholder in the said Company, and shall enjoy all the privileges and advantages conferred upon, and granted by this Act to the other Shareholders in the said Company. Provided always, that

Amount of capital and number of shares. Proviso.

Shares how transferable

Proviso

- no person who shall acquire any Shares in the said Company, from a Director thereof, shall be entitled to be a Director in the said Company, without having been elected as such. Provided also, that no party who shall have acquired any Share, shall be considered as a Shareholder until he shall have produced his deed of acquirement. 5
- 3.** The first general meeting of the Shareholders in the said Company, after its incorporation, shall be held in the School House, in the Village of Portage du Fort, Township of Litchfield, County of Pontiac, after the expiration of one month from the day of the passing of this Act of Incorporation, of which meeting, notice shall be given to the Shareholders through the public press, by the party calling the said meeting, at least fifteen days before such meeting; at which meeting, the Shareholders present, and the absent Shareholders by their Proxies, shall appoint a Chairman and a Secretary for such meeting, and shall choose among the said Shareholders, three Directors to manage the affairs of the said Company, who shall only remain in office as Directors, until the first Monday in the month of January, then next ensuing, and at the said first meeting, the Shareholders present, and the absent Shareholders by their Proxies, may make and establish such By-Laws, Rules and Regulations, not being inconsistent with the provisions of this Act, as they shall deem expedient for the management and government of the affairs of the said Company, and the said By-Laws, Rules and Regulations, shall be entered in a Book to be kept for that purpose, by the said Company, and shall bind all parties interested in the said Company, as effectually, as if they formed part of this Act, and shall be, and remain in force until altered, amended, extended or repealed. 10 15 20 25
- 4.** In all cases in which the votes of the Shareholders of the said Company shall be taken, the said votes shall be in proportion to the number of Shares held by each Shareholder, in the Stock of the said Company, reckoning one vote for each Share, and any Shareholder, if he shall see fit, may vote by Proxy, and all questions shall be decided by the majority of votes, and in case of an equal division, the President shall have a casting vote. 30
- 5.** The Directors elected as aforesaid, shall, after each election of Directors, elect one among themselves to be the President, who shall cease to be President at the next election, and also a Secretary, who shall at the same time be the Treasurer, but shall not be one of the Directors, and the said Directors shall require good and sufficient security from the said Secretary-Treasurer, whom it shall be lawful for them to remove at their will and pleasure; and the said Directors so appointed, shall exercise all the powers vested in them. Provided always, that no Director shall have more than one vote at the meetings of the said Directors so appointed. 35 40
- 6.** After the first meeting, to be held as aforesaid, a general meeting of the Shareholders in the said Company, shall take place on the first Monday of January, in every year, to choose and elect other Directors in the place and stead of the Directors going out of office, and also to transact the business of said Company, and to modify, amend, alter, repeal, or extend the By-Laws, Rules and Regulations of the said Company, or substitute others in lieu thereof, as may appear to them advantageous, which said meeting shall be called by the Secretary, Treasurer of the said Company, and at all meetings of the said Directors, or of the Shareholders of the said Company, the President of the said Company elected by the said Directors, and in his absence a Chairman 45 50

Proviso.

First general meeting.

Directors to be appointed.

Scale of votes

President, and Secretary-Treasurer, to be elected by Directors.

Annual general meetings and proceedings at such meetings.

Who shall preside.

chosen by the majority of the persons present at such meeting, shall preside, and the Secretary-Treasurer shall act as Secretary at all meetings of said Shareholders. Provided always, that the Directors going out of Office may be re-elected, and after each Election of Directors, the said Directors shall proceed as above mentioned to elect a Chairman of the said Directors, for the time during which they shall be Directors.

Proviso.

7. Any failure to hold the first General Meeting or any other meeting or to elect such Directors or President, shall not dissolve the said Company, but such failure or omission shall and may be supplied by and at any special Meeting to be called as the Directors in conformity with By-Laws of the said Company may see fit to appoint, and until such new Election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof, until such new Election to be made as herein before provided.

Failure to hold meetings or to elect Directors not to dissolve Company.

8. At any general meeting, Auditors may be appointed to examine all accounts of moneys received and disbursed by the Directors, and to report thereon to the Shareholders, and it shall be lawful for the majority of the Shareholders present, their heirs, executors, curators and assigns at any special meeting to remove any of the said Directors and elect others in their stead; and it shall also be lawful for them to elect others in the room of any of the said Directors who may die, resign or become incapable of acting through sickness or any other cause whatsoever, and to repeal, modify or amend any of the By-laws of the said Company, and to enact others in lieu thereof, as they may deem most advantageous for the said Company.

Auditors may be appointed at general meetings.

Directors may be removed and others appointed.

Powers.

9. It shall be lawful for the said Directors to meet at all times and at such meetings to direct such instalments to be paid on the shares as they shall require in order to meet the expenses of the said Company, provided no instalment shall exceed four dollars on each share, and provided also that no instalments shall be made payable within less than two months from each other, and no instalment shall be demanded unless fifteen days' notice thereof, shall be given through the public press, and all such instalments shall be paid into the hands of the Secretary-Treasurer at such times and places as shall be ordered by the said Directors under the restrictions above mentioned; and if any of the said instalments shall not be paid at the time required for the payment thereof, it shall be lawful for the President of the said Company, in the name of the said Company, to sue such Shareholders as shall not have paid the amount of instalments, before any Court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said Company; and the shares of all such Shareholders as shall be sued, and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments in the same manner as their other goods and chattels and as in ordinary actions. Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the said Company (stating the number of shares) and that he is indebted to the Company in the sum of money to which the instalments, in arrear, shall amount (stating the number and amount of such instalments,) whereby an action hath accrued to the Company by virtue of this Act, and it

Instalments the amount thereof, and how and when payable.

Proviso.

Recovery of Instalments not paid.

shall be sufficient to maintain the said action, to prove by one witness that the defendant, at the time of making such call was a holder to the number of shares mentioned in the declaration, and that a demand was made and notice thereof given in conformity with the above mentioned requirements, or of any other By-laws which shall have been made for that purpose by the said Company, and it shall not be necessary to prove the appointment of the said Directors nor any other matter whatsoever, in order to obtain judgment in favor of the said Company. 5

Directors may appoint Agents, Servants, &c.

**10.** It shall be the duty of the said Directors to appoint as many agents, officers, keepers and servants as they shall deem expedient for the interests of the said Company, and to fix the salaries and remuneration of the said agents, officers, keepers and servants, and to make all payments and contracts for the purposes of the said Company, and all other matters necessary for the transaction of its affairs, to answer in the name of the said Company in all legal suits and actions and plead to the same, and generally to do all things which they shall deem necessary and advantageous for the said Company : Provided they shall not be in opposition to the By-laws of the said Company nor to this Act. 10 15

Proviso.

Provision in case of any Person ceasing to be Secretary-Treasurer.

**11.** It shall be the duty of any person who shall cease to act as Secretary Treasurer to the said Company, to deliver over to the President thereof, all books, papers, records, documents, and other objects which he may have in his possession belonging to the said Company, and on his refusal to deliver over the same on demand to the said President, he shall be liable to the said Company in the sum of four hundred dollars, and shall deliver up every article in his possession belonging to the said Company with costs ; and it shall be lawful for the President, in the name of the said Company to sue for the recovery of the said amount and the delivery of the said articles before any Court of Justice of competent jurisdiction. 20 25

Company may take land on both sides of the River.

**12.** For the purpose of erecting, building, maintaining and supporting the said Bridge, the said Company shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused and the value of the land so taken or occupied as aforesaid. 30 35

Bridge vested in Company.

**13.** The said Bridge and the said Toll House, Toll Gate and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said Company for ever : Provided that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her heirs and successors to assume the possession and property of the said Bridge, Toll House, Toll Gate and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and entire value which the same shall, at the time of such assumption, bear and be worth : Provided always, that nothing herein contained shall be construed to prevent the Government or County Council from assuming at any time the possession and property of the said Bridge, Toll House, Toll Gate and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and intrinsic value which the same shall, at the time of such assumption, bear, and be worth, with an addition of 40 45 50

Proviso.

Her Majesty may assume the Bridge.

Proviso.

And so may the Government or County Council.

twenty-five per cent upon such intrinsic value, and that after such assumption of the said Bridge it shall become a free Bridge.

14. When, and so soon as the said Bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in each of the English and French languages in two County papers, it shall be lawful for the said Company, from time to time, and at all times to ask, demand, receive, take, sue for and recover to, and for their own proper use, benefit and behoof, for pontage, as or in the name of a toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say: For every carriage or other four wheeled vehicle, drawn by two horses, *twenty-five cents*; for every vehicle, drawn by one horse, cart or calèche, or for every winter vehicle drawn by one horse, *twelve and a-half cents*; for every extra additional beast of draught, *five cents*; for every horse, ass or mule, with its rider, *six cents*; for every horse, mare, stallion, ass or mule, four-cents; ox, bull, cow or other horned animal, *five cents*; For every sheep, calf, lamb, goat or pig, *three cents*; for every person on foot, *five cents*.

Bridge to be certified as fit for use before tolls are taken.

Tolls to be taken.

15. Provided always, that no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses nor carriages laden or unladen, and drivers attending officers and soldiers of Her Majesty's forces, or of the Militia whilst upon their march or on duty; nor the said officers or soldiers, nor any of them, nor carriages nor drivers or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever: Provided also, that it shall and may be lawful for the said Company to diminish the said tolls or any of them, and afterwards, if they see fit, again to augment the same or any of them so as not to exceed in any case the rates by this Act authorized to be taken: Provided also, that the said Company shall affix or cause to be affixed in some conspicuous place, at or near the said Toll-Gate or upon the said Bridge, a Table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented they shall cause such alteration to be affixed to the said Table.

Proviso. Certain parties are to be exempt from payment of tolls.

Proviso.

Proviso.

16. The said Tolls shall be, and the same are hereby vested in the said Company for ever: Provided that if the Government or County Council assume the possession and property of the said Bridge and dependencies, then the said Tolls shall from the time of such assumption appertain and belong to whoever assumes, who shall from thence forward be substituted in the place and stead of the said Company for all and every the purposes of this Act.

Tolls vested in Company for ever.

Proviso, if the Government or County Council assume the Bridge.

17. If any person shall forcibly pass through the said Toll Gate, or over, or upon the said Bridge without paying the said toll, or any part thereof, or shall interrupt or disturb the said Company, or any person or persons employed by them for building or repairing the said Bridge, or making and repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid, shall for every such offence forfeit a sum not exceeding eight dollars, or be imprisoned for a period not exceeding ten days in the common jail of the District, at the discretion of the Directors.

Fines for forcibly passing toll gate, &c.

No means of passage to be erected within six miles of said Bridge.

18. As soon as the Bridge shall be passable and opened for the use of the public, no person shall erect or cause to be erected any bridge or bridges, or erect or cause to be erected any ferry or ferries for the carriage of any person, cattle or carriage whatsoever, for hire or otherwise, across the said branch of the said river, within the distance of six miles above, and six miles below the said Bridge, measuring along the banks of the said branch of the said river, and following its windings; and if any person or persons shall erect a Toll Bridge or a Free Bridge, or a ferry over the said branch of the said river, within the said limits, he or they shall pay to the said Company trelle the tolls hereby imposed for the persons, cattle, horses and carriages which shall pass over such bridge or bridges, or be ferried over by such ferries.

Malicious damage to Bridge.

19. If any person shall maliciously pull down, burn, destroy, or injure the said Bridge, or any part thereof, or the Toll House, Toll Gate, or other dependencies, to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Period for completion of works.

20. The said Company to enable themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to erect and complete the said Bridge, Toll House, Toll Gate and dependencies, within four years from the day of the passing of this Act, and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said Company shall cease to have any right, title, or claim of, in, or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty, and the said Company shall not, by the said tolls, or in any other manner or way be entitled to any reimbursement of the expense they may have incurred in and about the building of the said Bridge, and in case the said Bridge after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle, or carriages, the said Company shall and they are hereby required, within two years from the time at which the said Bridge shall by Her Majesty's Court of General Quarter Sessions of the Peace in and for the said district of Ottawa, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court be given to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages, and if within the time last mentioned, the said Bridge be not repaired or rebuilt as the case may require, then the said Bridge, or such parts thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty; and after such default to repair or rebuild the said Bridge, the said Company shall cease to have any right, title, or claim of, in or to the said Bridge, or to the remaining parts thereof, and the tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and forever determined.

Recovery of penalties.

21. The penalties hereby inflicted shall, upon proof of the offence, respectively before any one or more of the Justices of the Peace for the said District of Ottawa, either by the confession of the offender, or by the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered and required to administer) be levied by distress and sale of the goods and chattels of such offender by warrant, signed by such Justice or Justices of the Peace, and the overplus after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels.



and one-half of such penalties, respectively, when paid and levied shall belong to Her Majesty, and the other half to the said Company.

5 **22.** Nothing in this or any other Act contained, shall be construed to make or render any Shareholder of the said "Upper and Lower Canada Bridge Company" individually liable or responsible for any debts, losses, or engagements of the said Company, beyond the amount of his or her share or shares in the said Company. Liability of Shareholders.

10 **23.** There shall be opened from time to time a book of subscription for shares in the capital stock of the said Company, in which shall be inscribed the name, calling and residence of each Stockholder, and the number of shares taken by each, and if such book already exists, and such shares have been taken before the passing of this Act, such ~~book~~ and such shares shall be considered and held to all intents and purposes whatsoever, as having been made and taken in conformity with Subscription for Shares.

15 the provisions of this Act, and shall be obligatory upon those concerned.

20 **24.** The shares in the capital stock of the said Company shall be assignable by the delivery of the certificates, to be issue to the Proprietors of shares, and by transfer in the form to be established by a By-law of the said Company, and by such assignment the party accepting it shall thenceforth become, with regard to such share or shares, a member of the said Corporation, with the same rights and privileges, and subject to the same duties, charges, and obligations as the other Members or Shareholders of the Company; but no such transfer shall be Shares to be transferable and how.

25 been wholly paid, and unless such transfer has been approved and accepted by the Directors at one of their meetings, and every transfer so approved and accepted shall be entered in the subscription or stock book of the said Company, or in any other book kept for that purpose.

**25.** This Act shall be deemed a Public Act. Public act.