

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Third Day of March, Anno Domini 1796, in the Thirty-Sixth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Fourth Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

36 George III – Chapter 7

An Act to encourage the building of a Bridge across the Harbour of Halifax.

Whereas the building of a bridge across the harbour of Halifax, would greatly facilitate the communication of the settlements in the eastern parts of the province, with the town of Halifax: and whereas, Jonathan Tremain, Esquire, and others, have proposed to raise, by private subscription, a sufficient sum of money, for the purpose of building a bridge of boats, or other practical structure, across the said harbour and have prayed the aid of the legislature of this Province, to enable them to carry into effect this intention:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by letters patent, under the great seal of this province, to incorporate Jonathan Tremain, Esq. and all and every person and persons, who, in their own right, or as executors, administrators, or assigns, for the original proprietors, at any time or times hereafter, shall have, and be entitled to, any part, share or interest, therein, to be one body, politick and corporate, in deed and in name, by the name of the Halifax Bridge Company, and by that name to have a succession, to continue for the term of ninety-nine years, and to have a common seal, with power, from time to time, to chuse their president, vice-president, and other officers, in such manner, and under such qualifications, with regard to the electors, and elected, as shall be directed in such letters patent: the first president, vice-president, and other officers, being qualified in the like manner, as all subsequent president, vice-president, and officers, shall, by the said letters patent, be directed to be qualified, and to continue in their respective offices for such space of time, as, by the said letters patent, shall be limited and directed.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by the said letters patent of incorporation, to empower the said company to make bye laws, from time to time, as well for the management and direction of the building and repairing the said bridge, as for the regulation and government of the said company, and for the government of the servants and others who may be employed by the said company.

III. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said

letters patent, to empower the said company, by a voluntary subscription, to raise a sufficient sum of money, in shares of twenty-five pounds each: which sum, when so raised, shall be the capital stock of the said company: and to direct how the property of the persons subscribing and holding shares may be ascertained, transferred and alienated.

IV. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent, to empower the said company, or such part thereof, as, in the said letters patent, shall be named for that purpose to make calls, and direct the payments of any part of the said subscriptions, which any person or persons shall subscribe, towards carrying on the said undertaking, at such times, and in such proportions, and to such person or persons, as the said company, or such part thereof, as shall be for that purpose named, shall direct and appoint: and that all payments be pursuant to the direction of a general meeting of the said company, to be assembled for that purpose, or of a majority of those present at such meeting. And if any person or persons shall refuse, or neglect, to pay any money which shall be so called for by the said company, at the time when the same shall be appointed to be paid, it shall be lawful for the said company to sell and transfer such share or shares of the person or persons so refusing or neglecting, as shall be requisite for raising the sum which such person or persons ought to have paid; and the purchaser of any share or shares, so sold, shall be liable to advance and pay therefor, to the said company, as much money as will be sufficient to answer the call aforesaid, and to reimburse to the person or persons, whose share or shares shall be so sold, in proportion to the then value of such share or shares, whatever sum or sums the former proprietors shall have advanced and paid thereon.

V. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said company, to erect, maintain and keep, a bridge across the harbour of Halifax, to commence from, or near to, the Black Rock, on the eastern side of said harbour, and to terminate on the opposite or western shore of said harbour, to the north of the Navy Hospital: and that the said company shall, and may, occupy, possess and enjoy, during the said term of ninety nine years, all the waters, and lands covered with water, from high water mark, on the eastern side, to high water mark, on the western side of said harbour, whereon, or over which, said company shall erect such bridge.

VI. Provided always, and be it further enacted, by the authority aforesaid, that the said company shall be obliged to construct, and keep, in the most convenient situation, at least, one draw bridge, of sufficient width to admit of the passing and repassing of ships, vessels or boats, which drawbridge shall, from time to time, as occasion may require, be raised up, or drawn, for the passage of any ship, vessel, raft or boat, passing up or down the said harbour, upon any lawful business.

VII. And be it further enacted, by the authority aforesaid, that for an encouragement to such persons as shall become subscribers to the said sum to be raised for building the said bridge,

and to indemnify and recompense them for the great costs and charges of the said undertaking, it shall be lawful for the said company at any time or times during the said term of ninety nine years, to set, establish, demand and receive, a reasonable toll or tolls for all persons, horses, cattle, sheep, carts, wagons, trucks, coaches, chaises or carriages, of any kind, passing or repassing over the said bridge, which toll or tolls the said company may, from time to time, and at any time during the said term, alter and change: provided such alteration and change be pursuant to the directions of a general meeting of the said company, to be assembled for that purpose, or of a majority of those who shall be present at such general meeting. And provided also, that a notification of the several toll or tolls, so set and established, altered and changed, be publicly posted, or fixed, upon some post or posts at each end of the said bridge for general inspection, and that such notification remain so publicly affixed, or put up, for at least seven days before any establishment, alteration or change of any toll or tolls, shall take place.

VIII. And be it further enacted, by the authority aforesaid, that, in order to secure the due payment of the said tolls, it shall be lawful for the said company to erect toll bars, or toll gates, at both, or either, of the ends of the said bridge, and to appoint and empower one or more person or persons to demand and take at the toll bars, or toll gates, so to be erected, the respective toll or tolls to be established or set, altered or changed as aforesaid, before any persons, horses, cattle, sheep, carts, wagons, trucks, coaches, chaises, or carriages of any kind, shall be permitted to pass through such toll bars, or toll gates.

IX. And be it further enacted, by the authority aforesaid, that the property of the said bridge, and the landings and abutments of the same, shall be vested and remain in the said company during the said term of ninety-nine years, and that from and after the expiration or determination of the said term, all the right, title and claim, of the said company in and to the said bridge, and the landings and abutments thereof, shall cease and determine, and the same shall henceforth be, and for ever remain, the property of the public.

X. Provided always, and be it further enacted, by the authority aforesaid, that, unless the said company shall erect a good and sufficient bridge for the passage of men, horses, carts, wagons, and carriages of all kinds, loaded or unloaded, within the terms of ten years, to be computed from the end of this present sessions of the general assembly, the several provisions of this act, and the encouragement therein granted to the said company, shall cease, determine, and remain without effect.