

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1855.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1855.

18 Victoria – Chapter 71

**An Act to incorporate the Saint Stephen Lower Bridge Company. Passed 12th April 1855.**

Section.	Section.
1. Company incorporated.	8. Authority to form a connecting roadway.
2. Authority to erect a bridge to the centre of the Saint Croix with piers, &c.	9. Refusing to raise the draw, penalty.
3. A toll granted; collection thereof; revision.	10. Passageway under bridge to be kept clear.
4. Bridge to have a draw for passage of vessels.	11. Suit for damage by obstructions.
5. Toll to be in full for passage to opposite bank of River.	12. Two members may call a meeting of the Company.
6. Pace for horses, &c. on the bridge to be a walk.	13. Wilful injuries to the bridge, piers, &c. to be a misdemeanor.
7. Running or evading payment of toll, penalty.	14. Limitation of Act.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That David Upton, Robert Watson, A. H. Thompson, and Zachariah Chipman, their associates, successors, and assigns, be and they are hereby created and declared to be a body politic and corporate, by the name of "The Saint Stephen Lower Bridge Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may make any bye laws for the management of their concerns, not repugnant to the laws of the Empire and of this Province, and may choose and appoint by election all officers necessary and proper for the management of their corporate business, by a majority of votes present at any meeting, allowing one vote to each share; provided that no individual be entitled to more than one vote upon five shares.

2. It shall and maybe lawful to and for the said Company, and their successors, and any and all persons employed by them, and they are hereby authorized and empowered to design, erect, order, and build, or cause to be built, and to complete, maintain, and keep in repair a Bridge, from and commencing at the public landing opposite the Old Ridge Road, so called, in Saint Stephen, in the County of Charlotte, immediately below Chipman and Eaton Wharf, to the centre of the River Saint Croix, at such place as may be deemed advisable and fit for such bridge, and to dig and level, and make foundations upon the flats and in the channel of the said River, for the said bridge, and to erect the necessary towers, piers, and abutments for the same thereupon; and also to erect or build piers, or landing places on either side of the said bridge, either at the flats or in the channel adjoining the same, and to cut and level the bank of said River in such manner as shall be

necessary and proper for building the said bridge, and to cut, remove, and carry away all and every impediment whatever, which may in any wise tend to hinder the erection and completion of the said bridge, and to do and execute all other things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said bridge, according to the true meaning and tenor of this Act; provided always, that this Act shall not be construed to warrant or authorize any injury to or interference with or trespass upon the private rights or property of any individual.

3. A toll is hereby granted for the benefit of the said Corporation according to the following rates, viz:— For each foot passenger, one penny half-penny; one person and horse, two pence half-penny; one horse and cart or wagon, four pence; a pleasure carriage drawn by one horse, six pence; each team consisting of two oxen and a vehicle of any kind, ten pence; for every additional beast, a half-penny; four-wheeled carriages and two horses, one shilling; for every additional horse, two pence half-penny; beasts of burthen, exclusive of those rode upon, or in carriages, two pence; sheep and swine, a half-penny each; and to each team one person only shall be allowed as driver to pass free of toll; and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open; and the toll shall be collected in such manner as shall be prescribed by the Corporation; and the rates of toll herein mentioned, and all others hereafter granted, shall be fairly and legibly painted or printed, and kept constantly exposed to the view of passengers; and after ten years from the time when this Act shall come into operation, the rates of toll shall be subject to the further regulation of the Legislature; provided always, that the said Corporation shall have the power to diminish the said tolls, or any of them, and afterwards if they see fit, to augment the same, or any of them, so as not to exceed in any case the rates herein authorized to be taken.

4. The said bridge shall be constructed with a draw over the deepest water in the channel of the said River, or in lieu thereof a draw on either side, to admit of the passage of vessels through the same either up or down, which said draw when raised shall provide and afford an unobstructed opening or passage way, and be of a width not less than forty feet, and the same shall be withdrawn or raised when required for the passing through or transit of vessels, steam boats, or crafts of any kind up or down the River, upon application to the toll gatherer or collector appointed for the said bridge for the time being, and without any charge or expense to the owner, pilot, captain, or other person having charge of the said vessel, steam boat, or craft passing through or under the draw as aforesaid; provided always, that a passage way for timber, rafts, boats, and logs, shall be kept open under the said bridge at least forty feet wide.

5. The rates of toll hereby granted and allowed, shall be in full for passing or crossing over the said bridge to the opposite bank of the said river.

6. No horse and other beast or carriage of any kind shall be taken or driven over the said bridge at a pace faster than a walk, under a penalty or forfeiture of twenty shillings for each and every offence, to be recovered, together with costs of suit, in an action of debt before any Justice of the Peace of the County of Charlotte, on complaint of the toll gatherer or any proprietor in the stock of

the said bridge, upon legal proof thereof, the money when recovered to be applied to the use of the said Corporation.

7. Any person who shall run or evade the payment of toll by crossing the said bridge, shall forfeit and pay for the use of the said Corporation the sum of ten shillings for every offence, to be recovered as is directed in the last preceding Section of this Act.

8. It shall and may be lawful for said Corporation to lay out and make a sufficient road not less than four rods in width, over and upon the public landing aforesaid, for the purpose of connecting the said bridge with the old Ridge Road aforesaid, which said road when so laid out shall be in all respects a public highway.

9. If the toll gatherer or receiver of tolls from passengers or teams, for the time being, upon the bridge to be erected by virtue of this Act, shall when required so to do, neglect or refuse to withdraw or raise the draw so to be constructed on the said bridge as aforesaid, and shall thereby hinder or delay the passage of vessels of any kind through the same, the said Corporation is hereby made subject to and shall forfeit and pay a sum not exceeding ten pounds, which shall, together with the costs of suit, be recovered by action of debt before any Justice of the Peace in and for the County of Charlotte not being a shareholder in the said bridge, and be paid to and for the use of the owner or owners of such vessels; but the said suit shall be in the name of the captain or other person having charge of the said vessel for the time being; which said costs shall be the same, and proceedings as nearly as may be similar to those now allowable, had, and taken before Justices of the Peace in civil cases for the recovery of demands not exceeding five pounds; provided always, that the words "or other persons having charge of the said vessel," in this Section mentioned, are not intended and shall not be construed to mean the pilot on board of such vessel.

10. It shall be the duty of the said Corporation to keep the main passageway under the said bridge clear and unoccupied by ice or other obstructions, and to remove the same when lodged against or accumulating on the upper side of said bridge, excepting always at those periods when the said River is frozen over both above and below, or either, the said bridge.

11. If any ice or other obstruction shall accumulate in the passageway or against the said bridge upon the upper side thereof, and in consequence of the failure or neglect of the said Corporation to remove the same as directed in the last preceding Section of this Act, any person or persons, individual, or body politic or corporate, sustaining any loss, damage, or injury thereby, shall be at liberty to prosecute the said Corporation by action on the case in the Supreme Court of this Province, and upon proof of such loss, damage, or injury for and on account of such default and failure of the said Corporation as aforesaid, shall recover a compensation in damages therefor, together with full costs of suit; and the property of said Corporation may be taken upon execution and sold in the ordinary way in payment of the said damages and costs.

12. Any two of the members of the said Corporation may call a meeting of the said Company by posting up a notification thereof in two public places in the Parish of Saint Stephen, at least ten

days before such meeting, and specifying in such notice the time and place of meeting; which meeting shall be held in said Parish.

13. If any person shall wilfully and maliciously pull down, break, or destroy the said bridge, or any part thereof, or the piers, abutments, or landing places attached or belonging thereto, to be erected by virtue of this Act, such person so offending, and being thereof legally convicted, shall he deemed guilty of a misdemeanor.

14. This Act shall continue and be in force until the first day of June which will be in the year of our Lord one thousand eight hundred and seventy five.