

XVI. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall give the said Company the exclusive right of fishing ^{Restraints as to right of fishing, &c.} within the said Harbour and Lake-shore, within the limits before-mentioned; and that it shall not be lawful for any person to catch or kill, or attempt to take, catch or kill, any fish by torch or fire-light within one hundred yards of any works erected by the said Company.

XVII. *And be it further enacted by the authority aforesaid,* That if any person shall be duly convicted, by the oath of a credible witness, before any two of Her Majesty's Justices of the Peace for the said District, of having so caught or killed, or so attempted to catch or kill any fish in manner aforesaid, such person, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding five pounds, nor less than five shillings, for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment to be committed to the common Gaol of such District as aforesaid, for a term of not more than thirty days, nor less than two days, unless the fine and costs are sooner paid. ^{Punishment for attempting to take fish, &c.}

XVIII. *And be it further enacted by the authority aforesaid,* That it shall remain in the power of the Legislature to make any alteration in the provisions of this Act, or any addition thereto, which may seem to them expedient. ^{Legislature to have power to alter provisions of Act.}

CHAP. XXXII.

AN ACT to Incorporate certain persons under the style and title of the Waterloo Bridge Company.

[Passed 6th March, 1838.]

WHEREAS William Scollick, Adam Ferrie, the younger, Thomas H. McKenzie, David Clemens, John Erb, Peter Erb, Abraham Erb, Abraham Kolb, Jacob C. Snyder, Jacob Shantz, Daniel Snyder, David Snyder, Henry Bechtel, George Clemens, Isaac Master, Jacob Hespeter, John Scott, and others, have by petition, prayed to be incorporated for the purpose of erecting a Toll Bridge on the Grand River, in the Township of Waterloo, in the District of Gore: *Be it therefore enacted,* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal ^{Preamble.}

Waterloo Bridge Com-
pany incorporated.

certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said William Scollick, Adam Ferrie, the younger, Thomas H. McKenzie, David Clemens, John Erb, Peter Erb, Abraham Erb, Abraham Kolb, Jacob C. Snyder, Jacob Shantz, Daniel Snyder, David Snyder, Henry Bechtel, George Clemens, Isaac Master, Jacob Hespeter, John Scott, and such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared, to be a body politic and corporate, in fact, and by the name of "The Waterloo Bridge Company."

Husband of femme covert
Stockholder to be
regarded as the Corpo-
rator.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend to give to any femme covert who shall be a subscriber to the stock of the said Company, a right to be regarded as a member of the Company, but that her husband shall be regarded as the Stockholder in her stead, notwithstanding the name of such femme covert, and not that of her husband, shall have been subscribed to the Stock of the said Company.

General powers of the
Company to erect Bridge;

of certain dimensions;

and conveniences;

to erect toll-bars;

to take and use land, &c.
for building and repairs.

III. *And be it further enacted by the authority aforesaid,* That the said Company be and they are hereby authorised and empowered, at their own cost and charge, to erect a good and substantial Bridge over the Grand River, at or near the residence of Christian Shantz, the elder, in the Township of Waterloo, in the District of Gore; which bridge shall be at least twenty-five feet in width, and of sufficient strength to carry the heaviest carriages and cattle of every description; with sufficient side-rails for the security of passengers, and a convenient foot-way for passengers separated from the carriage-way by a secure railing; and that the said Company shall also be at liberty to erect and build such toll-houses, toll-bars and dependencies, as they may deem proper, on or near the said Bridge; and that for the purpose of erecting and keeping in repair the said Bridge, they shall have full power and authority to take, from time to time, and use such land on either side of the said River as may be necessary, and there to lay timber, boards, lumber, stone, gravel, sand and all other materials which may be required for building, maintaining or repairing the said Bridge, and there to make, work up and finish the same, doing no unnecessary damage; and also to construct, make, perform, and do all other matters and things which they shall think necessary and convenient for erecting, completing, maintaining, improving and using the said Bridge, in pursuance of and within the true intent and meaning of this Act.

IV. *And be it further enacted by the authority aforesaid;* That the said Bridge, toll-houses and other dependencies, at or near thereto, the approaches thereto, and all materials which shall be, from time to time, gotten or provided for erecting and maintaining the same, shall be and the same are hereby vested in the said Company and their successors for ever; and so soon as the said Bridge shall be erected and built, and the same, as well as the access thereto, shall be made fit and proper for the passage of travelling carriages, and cattle of every description, and the same shall have been inspected and approved of by two Justices of the Peace for the District, it shall be the duty of the said Justices to give to the said Company, a certificate under their hands and seals to that effect, which certificate shall be published twice in some newspaper published in the District of Gore; after which publication it shall and may be lawful for the Company, from time to time, and at all times, to ask for, receive and take, to and for their own proper use, benefit and behoof, as toll or duty, the following sums, that is to say—Every waggon or sleigh, with one pair of horses, six-pence; every waggon or sleigh, with two pair of horses, ten-pence; every pleasure carriage, with two horses, seven-pence half-penny; every sleigh or pleasure waggon, with one horse, four-pence; for every additional horse to such pleasure sleigh or waggon, two-pence; every saddle horse, four-pence; every sleigh or waggon, with one yoke of oxen, four-pence; every additional yoke to ditto, three-pence; every head of horned cattle, two-pence; every hog, pig, goat or calf, one penny; every sheep or lamb, one half-penny; every horse, when in droves, three-pence; every ass or mule, three-pence; every foot passenger, one penny: *Provided*, that the said Company shall affix, and keep affixed, at or near the toll-house or gate, a table of the rates of toll payable for passing over the bridge, painted in plain and conspicuous characters.

Property vested in the Corporation.

Certificate of inspecting Justices that the Bridge is available.

Company entitled to receive tolls

Scale of tolls

V. *And be it further enacted by the authority aforesaid,* That the said tolls shall be, and the same are hereby vested in the said Company, and their successors.

Tolls vested in the Company.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall pass over, or wilfully attempt to pass over the bridge, without paying the toll; every such person shall forfeit and pay to the Company the sum of five shillings, to be recovered on the oath of one or more credible witness or witnesses; or upon confession of the party before some one of Her Majesty's Justices of the Peace for the District of Gore; and in default of payment, the said penalty shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand seal of such Justice, and the overplus (if any) shall be returned to the owner; and in case no such distress shall be found, such offender shall be commit-

Penalty for evading payment of tolls.

ted to the Common Gaol of the District, for a term not exceeding one week, at the discretion of such Justice.

Malicious destruction of Bridge, felony.

VII. *And be it further enacted by the authority aforesaid,* That if any person shall maliciously pull down or destroy the said Bridge, or set fire to any part thereof, every person so offending, being thereof lawfully convicted, shall be deemed guilty of felony.

Penalty for malicious injuries to property of the Corporation.

VIII. *And be it further enacted by the authority aforesaid,* That if any person shall maliciously or wantonly pull down or destroy any part of the said Bridge, or of any toll-house or other work erected or made by virtue of this Act, or any part thereof, every such person shall forfeit and pay for every such offence, to the said Company, a sum not exceeding twenty pounds, nor less than five pounds, and that the same may be recovered, upon the oath of one credible witness, or upon confession of the party before any one of Her Majesty's Justices of the Peace in and for the said District; and in default of payment, the said penalty shall be levied by distress and sale of the goods and chattels of such offender, by warrant under the hand and seal of such Justice, and the overplus, if any, after deducting the charges of distress and sale, shall be returned to the owner; and in case no distress shall be found, such offender shall be committed to the Common Gaol of the District, for a time not exceeding fourteen days, at the discretion of the Justice: *Provided,* that nothing herein-contained shall prevent, or be construed to prevent the said Company, from commencing or maintaining any action at law against any person guilty of such offence.

Election of five Directors.

IX. *And be it further enacted by the authority aforesaid,* That the stock, property, estate and effects, of the said Corporation, shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall be Stockholders, and inhabitants of this Province, and be elected on the last Monday in January in each and every year, at such place and at such time as the Directors for the time being may appoint; and public notice thereof shall be given in some one newspaper published in the District, at least ten days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose in their own proper persons, or by proxy; and all such elections shall be by ballot, and the five persons who shall have the greatest number of votes shall be Directors; and if it shall happen at any such election, that two or more persons have an equal number of votes, then the said Stockholders shall again proceed by ballot, until it is determined which of the persons so having an equal number

Notice.

Election by ballot.

of votes shall be Director or Directors, so as to complete the number of five; and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any Director shall absent himself from the Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered vacant, and if any vacancy shall happen among the Directors, by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of the year in which it may happen, by a person nominated by a majority of the remaining Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of five shares.

Choice of President.

Vacancies in Direction.

X. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he shall have held in his own name, at least one month prior to the time of voting, according to the following rates, that is to say, one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten.

Scale of votes according to number of shares.

XI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make half-yearly dividends in the months of January and July in each year, of so much of the profits of the said Company as to a majority of them shall appear advisable; and that once in each year, at the general election of Directors, an exact and particular statement shall be rendered of the affairs of the Company, for the satisfaction of the Stockholders.

Half-yearly dividends;

And annual statement of the Company's affairs.

XII. *And be it further enacted by the authority aforesaid*, That each share in the said Company shall be Six Pounds Five Shillings, and the number of shares shall be one hundred and twenty: *Provided always*, that if the sum of Seven Hundred and Fifty Pounds, to be so raised, shall be found insufficient to complete the said Bridge, it shall and may be lawful for the Directors to declare the same, by a resolution passed for that purpose, which shall be published in the several Newspapers published in the District of Gore; and that in such case additional stock may be subscribed, and held under the provisions of this Act, so that the whole number of shares do not exceed two hundred and forty; and all persons thus becoming Stockholders shall be entitled to all the privileges and benefits of this Act, in as full and ample a manner as if they had been original Subscribers.

Value and number of shares.

Additional stock may be subscribed, if necessary.

Calling in instalments.

XIII. *And be it further enacted by the authority aforesaid,* That so soon as the Directors shall be elected after the passing of this Act, it shall and may be lawful for them to call in by Instalments of not more than ten per cent. on each share, the amount of the shares subscribed, which are hereby declared to be due and payable to the said Company, as above mentioned: *Provided,* that no Instalment shall be called for in less than thirty days after public notice shall have been given, in one or more of the Newspapers published in the District: *Provided always,* that if any Stockholder shall neglect or refuse to pay to the said Company the Instalment due on any share or shares held by him, at the time required by Law, such Stockholder shall forfeit such share or shares, with the amount previously paid thereon; and the share or shares shall be sold by the Directors, at public auction, after having given thirty days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for, and applied in like manner as any other funds of the said Company: *Provided always,* that such purchaser shall pay to the said Company the amount of the Instalment due, over and above the purchase money of the share or shares so purchased by him, immediately after the sale, and before he shall be entitled to a certificate of the transfer of such share or shares so purchased.

Thirty days' notice.

Forfeiture on non-payment of instalments.

After first instalment paid, shares transferable;

And deemed private property.

XIV. *And be it further enacted by the authority aforesaid,* That after the first Instalment on each share shall have been paid to the said Company, the shares shall become transferable on the Books of the Company; and that such share or shares shall be deemed personal property, and as such may be disposed of and distributed, and shall like other personal property be subject to execution and sale in satisfaction of debts.

First public meeting.

XV. *And be it further enacted by the authority aforesaid,* That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at such place as a majority may agree upon, who in the manner hereinbefore provided shall proceed to elect five persons to be Directors, who shall continue in office as such Directors until the last Monday in January, next after their election.

Diminution of established tolls.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors for the time being, to diminish the rate of toll or duty on passing the said Bridge, as hereinbefore established, to such standard as to them, or a major part of them, shall seem necessary: *Provided always,* that no such diminution shall be construed to prevent them from again increasing the same, as they shall deem expedient, so that such increase do not exceed the rate of toll hereinbefore established by the fourth Clause of this Act.

XVII. *And be it further enacted by the authority aforesaid,* That the said Company, to entitle 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-houses, approaches and dependencies, within two years from the passing of this Act; and if the same shall not be completed within the time specified, 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 thence forward belong to Her Majesty; and the said Company shall not by the said tolls or otherwise be entitled to any reimbursement of the expenses they may have incurred in erecting 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, carriages or cattle, the said Company and their successors shall, and they are hereby required, within two months from the time at which the said Bridge, by presentment of a Grand Jury at any General Quarter Sessions of the Peace in and for the Gore District, shall be declared to be impassable or unsafe, and notice thereof to the Directors by the said Court be given, to cause the same to be repaired or rebuilt, and made safe and commodious for the passage of travellers, carriages and cattle; and if within the time last mentioned the said Bridge be not so repaired or rebuilt, as the case may require, then the said Bridge and all its dependencies shall be taken and considered to be the property of Her Majesty, and the right of the said Company and their successors, in the premises, shall be wholly and for ever determined: *Provided always,* that before the said default is incurred, and during the interval hereby allowed for repairing or rebuilding the Bridge, it shall be lawful for the said Company and their successors, and they are hereby authorized and required to provide proper and convenient ferry-boats or scows, for the passage of travellers, carriages and cattle, over the said River, as near to the said Bridge as conveniently may be, and to demand, collect and receive, for the carriage of such travellers, carriages and cattle, in the said ferry-boats and scows, before they respectively shall be permitted to pass, the like tolls as are hereby authorised to be taken for passing over the said Bridge, any thing herein-contained to the contrary notwithstanding.

Time limited for completion of bridge, &c.

Consequences of allowing the Bridge to become impassable.

Ferry-boats may be established, when rendered necessary by repair &c. of Bridge.