

XVII. *And be it further enacted by the authority aforesaid, That at any time before or after the making and completing the said Harbour, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in any wise appertaining, upon paying to the said Company of proprietors, their successors and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Harbour, and the works connected therewith, together with such further sum as will amount to twenty per centum upon the moneys so advanced and paid, as a full indemnification to the Stockholders, allowing, moreover, six per centum per annum Interest upon the stock paid in: Provided the tolls that shall have been received have not yielded that rate of Interest, or allowing what may be necessary in addition to the tolls received to make up that rate of Interest, as the case may require; and the said Harbour, and all the works and dependencies thereunto belonging, shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place or stead of the said Company of proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Harbour or undertaking.*

Crown may assume possession of the Harbour.

On what conditions;

After assumption Harbour to be vested in the Crown.

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

Legislature may alter or add to the provisions of this Act.

CHAP. XXXIV.

AN ACT to Incorporate certain persons under the title of the "York Bridge Company."

[Passed 16th February, 1840.]

WHEREAS the construction of a Bridge over the Grand River, at the Town of York, would be a great public convenience to the Inhabitants thereof: *And whereas* Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, by their Petition have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with

Preamble.

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 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 Warner Nellis, James Davis, William Ford, Robert Anderson, William Young, Charles Hannah, Richard Martin, Peter B. Nellis, Robert Young, and others, together with all such persons as hereafter shall become Stockholders of the said York Bridge Company, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, and by the name of the "York Bridge Company," and by the same name of the York Bridge Company they and their successors shall be in law capable of purchasing, having and holding any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary: *Provided always* that such Estate shall not exceed ten acres.

A Company incorporated under the name of the "York Bridge Company."

Corporate powers.

Shares in the Company
£6 3s.
Number of shares :

Stock not to exceed
£2,500.

Books of subscription to be opened.

Meeting to be called for the election of Directors.

II. *And be it further enacted by the authority aforesaid,* That a share in the said York Bridge Company shall be Six Pounds Five Shillings, and the number of shares shall not exceed Four Hundred, and that the whole amount of the Stock, Estate and Property, which the said Company shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value Two Thousand Five Hundred Pounds.

III. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened within one month after the passing of this Act, in the District of Niagara, at such time, and by such person or persons as a majority of the Petitioners, at a meeting to be held in the District of Niagara for that purpose, shall appoint.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the sum of Five Hundred Pounds shall have been subscribed, it shall and may be lawful for the subscribers, or any two or more of them, to call a meeting, to be held at some place in the District of Niagara, for the purpose of proceeding to the election of the number of Directors herein-after mentioned, in manner herein-after described, in respect to the annual election of Directors, and the persons then and there chosen

shall be the first Directors, and be capable of serving until the first Monday in the month of May following such election.

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year; which Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in May in each and every year, at such time of the day, and at such place at or near the intended site of the works of the said Company, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in some one Newspaper, published in the District of Niagara, of such time and place, not more than sixty nor less than thirty days previous to the said election, as they shall think fit; and such election shall be had and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy; and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is herein-after provided; and if it shall at any election appear that any two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall by a plurality of votes appear to be chosen Directors, then the said Stockholders herein-before authorised to hold such election, shall proceed to ballot a second time, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be a Director or Directors for the ensuing year, so as to complete the whole number of three; and the said Directors immediately 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 or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company, shall become vacant by death, resignation or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the Director or Directors may appoint.

Affairs to be managed
by three Directors;

To hold office one year:

Notice of election;

By whom election to be
made;

Proviso in case of equal
number of votes;

President;

Vacancies how created;

How filled.

VI. *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 or she shall have held in his or her name, at least one month previous to the time of voting, being one vote for each share.

Regulation as to number
of votes.

Corporation not dissolved
by default in electing
on the proper day.

VII. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of Directors should not be made, when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election, in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Half yearly dividends
to be made.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make such yearly or half yearly dividends of the profits of the said Company as to them, or a majority of them, shall appear advisable.

No person to subscribe
more than twenty shares;

Shares how payable;

Instalments not to exceed
twenty per cent;

Public notice;

Forfeiture of shares on
which instalments are
not paid.

Forfeited shares to be
sold.

Purchaser to pay
instalments as well as
purchase money.

If stock not subscribed
within one month former
subscribers may increase
their subscription;

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, Her Majesty's Subjects or others, to subscribe for any number of shares, not exceeding in the first instance twenty shares, the amount whereof shall be due and payable, as follows, that is to say: ten per cent. on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors herein-before mentioned, and the remainder by Instalments of not more than twenty per cent., at such period as the President and Directors shall from time to time appoint: *Provided* that no Instalment shall be called for in less than thirty days after public notice shall have been given in such Papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the Instalments due on any share or shares held by him, her or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon; and the share or shares so forfeited, shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company: *And provided also* that the purchaser or purchasers shall pay up the residue of Instalments on back shares so purchased as aforesaid, before he, she or they shall be entitled to a certificate for such shares.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his subscription; and that

after the first Instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company. Shares transferable.

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the security to be given by and the duties and conduct of the Officers, Clerks, and Servants employed by the said Company, and all such other matters as appertain to the business of the said Company; and shall have power to appoint such Officers, Clerks and Servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit; also to place such tolls on travellers and carriages as may yield them a return for their outlay, not exceeding twenty per centum per annum: *Provided* that such rules and regulations be not repugnant to the laws of this Province, and that the tolls on the said bridge shall not exceed those which are or may be placed on the bridge at Brantford or at Dunnville. Powers of Directors; To appoint officers, &c. Fix salaries, To impose tolls; Rules not to be repugnant to the laws of the Province.

XII. *And be it further enacted by the authority aforesaid,* That this Act be and the same is hereby declared to be a public Act, and that the same shall be construed as such in all Her Majesty's Courts in this Province. This Act a public Act.

XIII. *And be it further enacted by the authority aforesaid,* That in all actions hereafter to be brought against the said Company, at any time, it shall and may be lawful for them to plead the general issue, and to give this Act and the special matter in evidence under it. In actions brought against the Company they may plead the general issue.

XIV. *And be it further enacted by the authority aforesaid,* That the shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective persons so subscribing the same: *Provided always* that such transfer be entered or registered in a book or books, to be kept for that purpose by the Directors. Shares transferable.

XV. *And be it further enacted by the authority aforesaid,* That this Act of Incorporation shall in no wise be forfeited by any non-user at any time before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-five. Act not to be affected by non-user for a specified time.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors to commence the operations of the Directors may commence operations as soon as five per cent is paid.

said Company, as soon as five per cent. shall be paid on the capital stock subscribed as aforesaid.

Legislature may vary or add to provisions of this Act.

XVII. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration in 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 any advantage, privilege or convenience connected therewith, that may be affected by any of the powers given by this Act.

Manner in which the Bridge is to be constructed,

Person to be kept to open the same:

Penalty

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall construct the said Bridge with a suitable swing not less than thirty-six feet wide, or in such a manner as will not obstruct the navigation of the Grand River, and keep a proper person to open the same at any and all times, and for neglecting or refusing to keep a proper person or persons to attend the same when required, shall for every such offence forfeit the sum of Six Pounds Five Shillings, to be recovered before any one of Her Majesty's Justices of the Peace, in and for the Niagara District, on the oath of one or more credible Witnesses.

Continuance of Act.

XIX. *And be it further enacted by the authority aforesaid,* That this Act shall continue to the full end and term of fifty years, and no longer.

CHAP. XXXV.

AN ACT to establish a College by the name and style of the University at Kingston.

[Passed 10th February, 1840.]

Preamble.

WHEREAS by the Petition of the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and of the Reverend Alexander Gale, Clerk of the said Synod, it appears that certain Lands and Funds have been placed at the disposal of the Presbytery of Toronto, by benevolent individuals, for the purpose of assisting in the establishment of an Academical Institution or College, in connexion with the Church of Scotland: *And whereas* the establishment of a University at Kingston, in the Midland District of this Province, for the Education of youth in the principles of the Christian