

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1827. York: Robert Stanton, 1827.

8 George IV – Chapter 12

**An Act to Incorporate certain Persons therein mentioned, under the Style and Title of “the Cataraqui Bridge Company.” Passed 17th Feb’y. 1827.**

Whereas John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M’Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M’Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M’Donell, John Counter, John Jenkins, and Edward Forsyth, have Petitioned to be Incorporated for the purposes of this Act; And whereas, they have represented, by their Agent that they have made arrangements with His Majesty’s Government, in case the object above recited shall be carried into effect, for the passage of Military and Naval, Stores, and of the Officers and men belonging or attached to the various Military and Naval Departments, for a certain consideration to be annually paid by the Government, and that for the purposes of their Incorporation, they have subscribed Stock to the amount of Six Thousand Pounds:

Be it therefore enacted, by the King’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, intituled, “*An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, intituled, ‘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 John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M’Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M’Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M’Donell, John Counter, John Jenkins, and Edward Forsyth, and their Successors, who shall become Stockholders of the Company hereinafter mentioned, shall be, and are, hereby ordained, constituted, and declared to be a body corporate and politic in fact, and by the name of “The Cataraqui Bridge Company;” and that by that name they and their Successors shall and may have continued succession, and by such name shall be capable of Contracting and being Contracted with, of Suing and being Sued, Pleading and being Impleaded, Answering and being Answered unto, in all Courts or places whatsoever, in all manner of Actions, Suits, Complaints, Matters, and Causes whatsoever; and that they and

their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also, that they and their Successors, by the same name of "The Cataraqui Bridge Company," shall be in Law capable of Purchasing, Having, and Holding, to them and their Successors, 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 and expedient. Provided always nevertheless, That the Company shall not be allowed to hold Real Estate, exclusive of the said Bridge, and its immediate Dependencies, of a greater annual value than Five Hundred Pounds, and that nothing herein contained shall be considered to authorize the said Company to transact the business of Banking.

II. Provided always nevertheless, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend to give to any femme covert who may 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 inserted in the Petition hereinbefore recited.

III. And be it further enacted by the authority aforesaid, That the said Company are hereby authorized and empowered, at their own Cost and Charge, to Erect and Build a Good and Substantial Bridge over the great River Cataraqui, near the Town of Kingston in the Midland District of this Province, from the present Scow Landing on the Military Reserve opposite to the North East end of the continuation of Front-Street in the said Town, to the opposite shore on Point Frederick at the present Scow Landing on the Military Reserve, adjoining the Western addition of the Township of Pittsburgh in the said District, with convenient access thereto at both ends of the said Bridge, to and from the adjacent Highways at present in use; that the said Bridge shall be at least Twenty-five Feet in width, and of sufficient strength for the passage of Artillery Carriages, and Cattle of every description, having sufficient Side Rails for the security of Passengers, and a convenient Foot-way for Passengers, separated from the Carriage-way by secure Railings; that the said Company shall also be at liberty to Erect and Build Toll Houses and Toll Bars, and to construct Turnpikes and other necessary dependencies on or near the said Bridge, and also from time to time to alter, repair, amend, widen, or enlarge the same; and that for the purpose of erecting, building, and keeping in repair the said Bridge, the said Company shall have full power and authority to take from time to time and use such land on either side of the said River, at the places aforesaid belonging to His Majesty, as may be necessary, and there to lay Timber, Boards, Lumber, Stone, Gravel, Sand and all other materials which may be requisite 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 the making, preserving, improving, completing and using the said Bridge, in pursuance of, and within the true meaning of this Act. Provided always, That the said Company shall make, or cause and procure to be made, in some part of the said Bridge a Draw Bridge, or moveable part, not less than eighteen feet in length, for the passage of all Vessels, Boats, and Crafts, of every

description, and shall cause the same to be opened for their passage at all hours during the season of navigation, without exacting any Toll or Reward, and that if from any improvement which shall hereafter be made, it shall become desirable to have a passage for Vessels or Boats of larger dimensions, through or under the said Bridge, it shall be incumbent upon the said Company, so soon as may be practicable, to increase the dimensions of their Draw Bridge, so that the navigation shall not be obstructed by the said Bridge.

IV. And be it further enacted by the authority aforesaid, That the said Bridge, Toll Houses, Turnpikes, and all other dependencies at or near thereto, and also the approaches to the said Bridge, and all materials which shall be from time to time gotten or provided for erecting, building, making, maintaining, or repairing the same, shall be, and the same are hereby vested in the said Company and their Successors forever, 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 Travellers, Carriages and Cattle, of every description, and that the same shall be certified by the Clerk of the Peace, by order of a majority of the Justices of the Peace, present at any General Quarter Sessions of the Peace, or at any adjourned General Quarter Sessions, and notice of such certificate shall be published twice in each of the public Newspapers in the Town of Kingston, it shall and may be lawful for the said Company, and their Successors, from time to time, and at all times, to ask, demand, receive, recover, and take, as Toll, to and for their own proper use, benefit and behoof, for pontage, as 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 Waggon or Carriage of any description, on four wheels, (laden or unladen) drawn by two Horses Oxen, or other beasts of draught, Seven Pence Halfpenny, Provincial Currency.

For every Carriage with four wheels and drawn by one Horse, Six Pence.

For every additional Horse, Ox, or other beast of draught, Two Pence Halfpenny.

For every Chaise, Cart, or other Vehicle on two wheels (laden or unladen) drawn by one Horse, Ox, or other beast of draught, Six Pence.

For every additional Horse, Ox, or other beast of draught; One Penny Halfpenny.

For every Carriole, Sleigh, or other Vehicle, without wheels, drawn by one Horse or other beast of draught, Six Pence.

For every additional Horse or other beast of draught; Two Pence Halfpenny. For every Horse and his rider, Five Pence.

For every Horse, Mule, Ass, Ox, Bull, or Cow, Two Pence Halfpenny. For every Hog, Pig, Goat, Calf, Sheep, or Lamb, One Penny.

For every person who shall pass the said Bridge, except children under two years of age, and except the driver of any Chaise, Carriage, Cart, Waggon, Train, Carriole, Sleigh, or other Vehicle, Two Pence.

Provided also, that the said Company, and their Successors, shall affix, or cause to be assized, and kept affixed, at or near the Toll House or Gate, a Table of the Rates of Toll payable for passing over the said Bridge, Painted or Written in plain and conspicuous characters.

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.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall pass over, or wilfully attempt to pass over the said Bridge without paying the Tolls above specified, every such person or persons shall forfeit and pay, for every such offence, to the said Company the sum of Five shillings, Provincial Currency, and that the same may be recovered upon the Oath of one or more credible witness or witnesses, or upon confession of the Party, before any one or more of His Majesty's Justices of the Peace in and for the Midland District, and the said penalty shall be levied by distress and sale of the Goods and Chattels of such offender or offenders, under the hand and seal, or hands and seals of such Justice or Justices, and the overplus, if any, (after deducting the charges of such distress and sale) shall, upon demand, be returned to the owner or owners of such Goods and Chattels, and in case no such distress shall be found, such offender or offenders shall be committed to the Common Gaol of the District, for a time not exceeding one week, at the discretion of such Justice or Justices.

VII. And be it further enacted by the authority aforesaid, That if the said Company shall contract with His Majesty's Government, or with any Public Naval or Military Department of His Majesty's Service, for a consideration to be paid to the said Company, to allow Officers and Men belonging or attached to the various Military and Naval Departments, and Carriages of all descriptions, and Horses, or other beasts of draught or burthen, belonging to, or used in the employment of any Military or Naval Department of His Majesty's Service, to pass Free of all Toll, or Impost, over the said Bridge and its dependencies, then and in such case it shall not be lawful to receive or exact any Toll or Impost, contrary to the said agreement, but all Persons, Carriages, and beasts of burthen, or draught, which it shall be agreed by any such contract to allow to pass Free of Toll or Impost, shall be permitted to pass freely according to such agreement, without interference or obstruction on the part of the said Company or their Assigns.

VIII. 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, and being thereof Lawfully convicted, shall be deemed guilty of Felony.

XI. And be it further enacted by the authority aforesaid, That if any person shall maliciously pull down or destroy any part of the said Bridge, or any Toll House, or other Work to be erected or made by virtue of this Act, or any part thereof, every such person or persons shall forfeit and pay, for every such offence, to the said Company, a Sum not exceeding Forty Shillings, nor less than Two Shillings and Six Pence, and that the same may be recovered (upon the Oath of one or more credible Witness or Witnesses, or upon confession of the Party) before any one or more of His Majesty's Justices of the Peace in and for the said District, and the said Penalty shall be levied by Distress and Sale of the Goods and Chattels of such offender or offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, and the overplus, if any after deducting the charges of such Distress and Sale, shall, upon demand, be returned to the owner or owners of such Goods and Chattels; and in case no such Distress shall be found, such offender or offenders shall be committed to the Common Gaol of the District for a time not exceeding Fourteen Days, at the discretion of such Justice or Justices. Provided, That nothing herein contained shall prevent or be construed to prevent the said Company from commencing or maintaining any Action or Actions at Law against any person or persons.

XII. And be it further enacted by the authority aforesaid, That the Stock, Property, Affairs, and Concerns 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 said Directors shall be Stockholders and inhabitants of this Province, and be elected on the last Monday in January in every year, in the Town of Kingston, at such time of the day as a majority of the Directors for the time being shall appoint, and Public Notice thereof shall be given in the several Public Newspapers of the said Town, 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 person or by Proxy, and all Elections for such Directors shall be by Ballot, and the Five persons who shall have the greatest number of votes at any Election shall be Directors; and if it should happen at any such Election, that two or more have an equal number of votes in such manner that a greater number of persons than Five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorized to hold such Election, shall proceed to Elect by Ballot until it is determined, by plurality of votes, which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole 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 this Province, and cease to be an inhabitant thereof for the space of Six Months, his Office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the said Directors. Provided always, That no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least four Shares.

XIII. 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 own name, at least one month prior to the time of voting; according to the following rates, that is to say:—at the rate of 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.

XIV. 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 on any day when, 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 day to make and hold an Election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

XV. 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 them, or the majority of them, shall appear advisable, and that once in every year, at the general Election of Directors, an exact and particular statement shall be rendered of all debts which shall be due to or by the said Company, and of the surplus profits, if any, after deducting losses, dividends and expenditures.

XVI. 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 Corporation, and touching the duty and conduct of the Officers, Clerks, and Servants, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks, and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet. Provided, that such rules and regulations be not repugnant to the Laws of this Province.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company to make such rules and regulations as shall be deemed necessary for the preservation of the said Bridge, by preventing any person or persons from crossing the same at too rapid a rate, or drawing thereon logs of Timber or other heavy articles without a Carriage.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company, and they are hereby authorized to Let and Farm the said Tolls, (authorized to be taken by this Act) to such person or persons as may be willing and desirous of taking and farming the same; and all such person or persons shall receive the like Tolls, and may recover the same penalties for nonpayment thereof as the said Company can or

might do, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

XIX. And be it further enacted by the authority aforesaid, That each share in the said Company shall be Twenty five Pounds, Provincial Currency, and that the number of shares shall not exceed two hundred and forty. Provided always nevertheless, That in case the sum of Six thousand Pounds already subscribed by the Stockholders of the said Company shall not be sufficient for the building and erecting the said Bridge agreeably to the provisions of this Act, it shall and may be lawful for the Directors, and they are hereby authorized to declare the same by a resolution passed for that purpose, and published in the several Newspapers of the Town of Kingston, 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 Three hundred and Twenty, 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.

XX. And be 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 be given in one or more of the public Newspapers of the Town of Kingston. Provided always, that if any Stock holder or Stockholders shall neglect or refuse to pay to the said Company the instalment 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, 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 or purchasers shall pay to the said Company the amount of the instalment required, over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

XXI. 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 said Company, and that such shares shall be deemed personal property, and as such, shall and may be disposed of and distributed, and shall, like other personal property, be subject to execution and sale for the satisfaction of debts.

XXII. And be it further enacted by the authority aforesaid, That on the second Monday after the passing of this Act, a meeting of the Stockholders shall be held at the Court House in the Town of Kingston, who in the same manner as 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, and who shall, during their continuance in office, discharge the duties of Directors in the same manner as if they had been elected at the annual election in January.

XXIII. 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 mentioned, 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 think expedient, so that such increase shall not exceed the rate of Toll hereinbefore established by the Fourth Clause of this Act.

XXIV. And be it further enacted by the authority aforesaid, That the said Bridge shall be built in such a manner that the Piers shall, at least in one part of the same, be Forty Feet apart, in order that Rafts may pass under and through the same without any hindrance or obstruction.

XXV. 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, Turnpike, and Dependencies, within Three Years from the day of the passing of this Act, and if the same shall not be completed within the time last mentioned so as to afford a convenient and safe passage over the said Bridge, the said Company and their Successors shall cease to have any right, title, or claim of in or to the Tolls hereby imposed, which shall from thence forward belong to His 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 expences 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, Carriages, or Cattle, the said Company and their Successors shall, and they are hereby required, within Twelve 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 Midland District, be declared to be impassable or unsafe, and notice thereof to the Directors by the said Court given, to cause the same to be re-built or repaired 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 re-built, as the case may require, then the said Bridge, and all its Dependencies shall be taken and considered to be the Property of His Majesty, and the right of the said Company and their Successors in the premises shall be wholly and forever determined. Provided always, That before the said default is incurred and during the interval hereby allowed or the repairing or re-building of the said Bridge, it shall and may be Lawful for the said Company and their Successors, and they are hereby authorized and obliged 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 passage 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 authorized to be taken for passing over the said Bridge, any thing hereinbefore contained to the contrary notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That so soon as the said Bridge shall be passable and opened for the use of the public, the present Ferries between the Town of Kingston and Point Frederick shall cease, and from thence forward no person or persons shall Erect, or cause to be Erected, any Bridge or Bridges, or work or use any Ferry for the carriage of any Persons, Carriages, or Cattle, whatsoever for hire across the said River Catarauqui, between any part of the said Town of Kingston and Point Frederick aforesaid; and if any person or persons shall at any time, for hire or gain, pass or convey any person or persons, cattle, carriage, or carriages, across the said River, within one mile of the said Bridge on either side thereof, such offender, or offenders, shall, for each carriage, person, or animal, forfeit and pay to the said Company the sum of Twenty Shillings Currency, which said sum shall be recovered in like manner as the penalty mentioned in the fifth clause of this Act. Provided always nevertheless, that it shall and may, be lawful for any person to hire a boat for the purpose of crossing the said River, within the limits aforesaid, on any occasion, so that no boat shall be used as a Public or Common Ferry, to the prejudice of the said Company.

XXVII. And be it further enacted by the authority aforesaid, That if any action shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders or directions hereinbefore given or granted, every such suit shall be brought or commenced within Six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within Six calendar months next after the doing or committing of such damages shall cease, and not afterwards.

XXVIII. And be it further enacted by the authority aforesaid, That this Act shall be taken and be deemed to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and all other persons, without being specially pleaded.

XXIX. And be it further enacted by the authority aforesaid, That after the expiration of Fifty Years, to be accounted from the passing of this Act, it shall and may be lawful for His Majesty, His Heirs, and Successors under the authority, and upon the conditions, and subject to the provisions of any Act of the Legislature of this Province, to assume the possession and property of the said Bridge, Toll Houses, Turnpikes and Dependencies, and the approaches thereto, upon paying to the said Company the full and entire value thereof at the time of such assumption, which value shall be ascertained by three Arbitrators, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said Company, and a third shall be chosen by such two Arbitrators; And if His Majesty shall, in the manner hereinbefore mentioned, assume the possession and property of the said Bridge, Toll Houses, Turnpikes and dependencies, and the approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to His Majesty, His Heirs, and Successors, to and for the

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uses to be declared in any such Act, who shall from thenceforth be substituted in the place and stead of the said Company for all and every the purposes of this Act.