

Laws of His Majesty's Province of Upper Canada, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 10 (Session 1)

An Act to Incorporate certain persons under the style and title of the Cayuga Bridge Company. Passed, 20th April, 1836.

Whereas the construction of a Bridge over the Grand River, on the main Canboro and Simcoe road, at the Town of Cayuga, would greatly conduce to the advantage of the inhabitants thereof: And whereas, Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph 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 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, 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 Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph Young, together with all such other persons as hereafter shall become Stockholders of the said Cayuga 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 Cayuga Bridge Company," and by this name they and their successors shall and may have perpetual 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 and places 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 Cayuga Bridge Company, 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, not over ten acres.

II. And be it further enacted by the authority aforesaid, That a share in the said Cayuga 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, 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 two thousand 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 hereinafter mentioned; and such election shall then and there be made by a majority of shares, voted for in a manner hereinafter 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 two 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 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 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 hereafter 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 hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be 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.

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 own name at least one month previous to the time of voting, being one vote for each share.

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 a manner as shall have been regulated by the laws and ordinances of the said Corporation.

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 His Majesty's Courts in this Province.

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

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.

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.

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

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.

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 manner as will not obstruct the navigation of the Grand River, and keep a proper person or persons 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 forfeit the sum of six pounds five shillings, to be recovered before any one of His Majesty's Justices of the Peace in and for the Niagara District, on the oath of one or more credible witness.

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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.