

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

6 William IV – Chapter 12 (Session 1)

An Act for erecting a Suspension Bridge over the Niagara River at or near Queenston, in Upper Canada. Passed 20th April, 1836.

Whereas Alexander Hamilton, Joseph Hamilton, Joseph Wynn, Robert Grant, Robert Hamilton, Daniel Secord, Richard Woodruff, William Wynn, William Woodruff, Malcolm Laing, Adam Brown, and William McMicking, have by Petition set forth the necessity of a Suspension Chain Bridge across the Niagara River: And whereas, to obviate the great uncertainty and inconvenience attending the crossing of the said River at certain seasons of the year, it is expedient that a better and more perfect mode of crossing the same than by ferry should be provided: And whereas, the greatly increased travel in this direction as anticipated from the prospect of a Rail Way from this Point by Hamilton to Sandwich and to Lake Huron, whereby the distance to Lake Huron will be shortened more than one-half, as compared with the present more dangerous route by water, requires to perfect the chain of communication that a Bridge should be constructed across the said Niagara River: 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 all persons who shall become Stockholders pursuant to this Act, shall be and they are hereby constituted a body corporate and politic, by and under the name, style and title of "The Niagara River Suspension Bridge Company," with power to construct a Suspension Bridge across the Niagara River at or near Queenston; and the said Corporation by the name aforesaid, shall and may, they and their successors, have continued succession, and 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, in all manner of actions, suits, complaints, matters and concerns whatsoever; and 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 under the said name of "The Niagara River Suspension Bridge Company," shall be by 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, and 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 real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using, and preserving the said Bridge, and for objects immediately connected therewith.

II. And be it further enacted by the authority aforesaid, That the capital stock of the said Company shall be twenty-five thousand pounds, Currency, which shall be divided into shares of twenty-five pounds each.

III. And be it further enacted by the authority aforesaid, That the stock, property, affairs and concerns of the said Corporation shall be managed by five Directors, who shall be Stockholders, and shall be annually chosen on the first Monday in May in each year, at such place in the Town of Queenston as a majority of the Directors shall appoint, of which due notice shall be given at least ten days before such election; each Stockholder at all elections of Directors shall be entitled to vote for each share of stock held in his own name at least fourteen days previous to the time of voting; all elections shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold their offices for one year, and until others shall be chosen in their places; the Directors shall at their first meeting after each election appoint one of their number to be President, and some proper person to be Treasurer of the said Company.

IV. And be it further enacted by the authority aforesaid, That the Directors may require from the Stockholders payment of all sums of money by them subscribed, at such times and such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares and all previous payments thereon.

V. And be it further enacted by the authority aforesaid, That David Thorburn, Robert Grant, William Wynn, Alexander Hamilton, and Gilbert McMicking, of Chippewa, shall be Commissioners, who shall on the first Monday in July next, in the town of Queenston aforesaid, and at such other place or places as they or a majority of them shall appoint, open books to receive subscriptions to the capital stock of said Corporation; and thirty days public notice shall be given by the said Commissioners of the time and places of opening said books in a public newspaper printed and published in the District of Niagara; and the said books shall remain open for at least three days at the several places where the same may be opened, under the direction of one or more of the said Commissioners; and the sum of one pound Currency on each share subscribed shall be paid to the said Commissioners attending at the time of making such subscription.

VI. And be it further enacted by the authority aforesaid, That the said Commissioners shall assemble at the Town of Queenston aforesaid, on the first Monday of August next, or as soon thereafter as the whole capital stock of the said Corporation shall be taken up, and shall proceed to distribute the said stock among the subscribers thereto; and in case there shall be subscriptions to more than the amount of such stock within the term specified for keeping open the said books, it shall be the duty of the said Commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the said Corporation; and as soon as the stock shall be distributed, the said Commissioners shall give notice for a meeting of the Stockholders at such time and place as a majority of the Commissioners shall appoint, to choose five Directors; the last-mentioned notice shall be published for the same time and in the same

manner as the notice hereinbefore required to be given of opening the books for subscription to the stock aforesaid; and such election shall be made at the time and place so to be appointed by such of the Stockholders as shall attend for that purpose either in person or by lawful proxy; and the said Commissioners shall deliver over the subscription money and books to the said Directors, and the time and place of holding the first meeting of Directors shall be fixed by the said Commissioners; and the said Directors shall have power to cause such examinations and surveys of the way to and location for said Bridge as may be necessary to the selection of the most advantageous scite for the same; and the said Directors shall select and by certificates designate the way to and site for said Bridge; one of which certificates shall be filed in the office of the Clerk of the Peace of the District of Niagara aforesaid, and which way and site shall be deemed the way to and site for the said Bridge, and on which the said Corporation may make and construct the said way and bridge as hereinafter mentioned.

VII. And be it further enacted by the authority aforesaid, That if any person shall willingly do or cause to be done any act or acts whatever, whereby the said Bridge or any work or thing appertaining thereto, shall be obstructed, impaired, weakened, injured, or destroyed, the said person or persons so offending, shall forfeit and pay to the said Corporation treble damages sustained by means of such offence or injury, to be recovered in the name of the Corporation, with costs of suit by action of debt, and shall moreover be deemed guilty of a Misdemeanor, and be punishable by fine or imprisonment, or both, by any Court having cognizance of the offence.

VIII. And be it further enacted by the authority aforesaid, That whenever the said Bridge shall be completed, and its safety fully tested, and the facts certified by a majority of the Directors, the said Corporation may erect a gate, and determine and establish the rate of Tolls to be demanded for the use of the said Bridge.

IX. And be it further enacted by the authority aforesaid, That if any person shall forcibly pass the gate, without having paid the legal Toll, such person or persons shall forfeit and pay to the said Corporation five times the amount of legal Toll, to be recovered in manner aforesaid.

X. And be it further enacted by the authority aforesaid, That the said Corporation shall have power to prescribe such rules as may be reasonable and proper, and with suitable penalties touching the speed in passing over said Bridge, and the weight to be admitted thereon at any one time; which rules, as well as the rates of Toll, shall be plainly painted upon a hoard or cloth, and put up on or near the gate in a conspicuous place; which penalties if incurred shall be recoverable in like manner as the penalties directly hereby imposed.

XI. And be it further enacted by the authority aforesaid, That if any toll gatherer shall unreasonably and without cause delay or hinder any passenger or the passage of any property, agreeably to the rules prescribed, or shall demand or receive more than the legal

Toll, he shall for every such offence forfeit the sum of one pound five shillings, Currency, to be recovered, with costs, for the use of the person so delayed, hindered or defrauded.

XII. And be it further enacted by the authority aforesaid, That the Directors for the time being, or a majority 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 duties of its officers, clerks and servants, their appointment and salaries, and all such other matters and things as appertain to the business of the said Corporation.

XIII. And be it further enacted by the authority aforesaid, That if the said Bridge shall not be constructed and used within ten years after the passing of this Act, then the said Corporation shall from thenceforth cease.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Legislature of this Province at any time to alter, amend, or repeal this Act.