

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 172

An Act to incorporate the Toronto Island Bridge Company. Assented to 10th Tune, 1857.

Whereas it is desirable to make a Bridge communication across the Don River, at the Eastern end of the City of Toronto to the Island, and the persons hereinafter named (amongst others) have petitioned for an Act of Incorporation for facilitating that object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Francis Heward, William Botsford Jarvis, John Beverly Robinson, junior, William Rees, James Hallinan, John Ewart, Alexander Leith, Dalrymple Crawford, and all such other person or persons as shall tender the provisions of this Act become subscribers to or proprietors in the Company hereby intended to be incorporated shall be and are hereby united into a Company for constructing, maintaining, working and managing a Draw-Bridge across the navigable Don River from some point at or near Ashbridge's Bay, at the Eastern end of the City of Toronto, to the Island, and a Bridge across the small Don stream, at or near the same place, and to connect the same points by a Road, of the width of sixty-six feet, passing over the said Bridges and along the said Island, to be made by the said Company, according to the rules, orders and directions of this Act, and shall for that purpose be a body corporate and politic by the name of "The Toronto Island Bridge Company;" and the said Company shall be and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Bridges aforesaid, for the passage of persons on foot and in carriages.

II. The Capital of the said Company shall be Two thousand pounds, divided into four hundred shares of five pounds each; such shares as aforesaid shall be and the same are hereby vested in the shareholders and their respective heirs, executors, administrators and assigns as personal estate; and such shareholders respectively may sell, transfer, give or alienate the shares held by them respectively, whensoever they think fit; and such capital may be increased to five thousand pounds.

III. At all meetings of the said Corporation each shareholder may vote by proxy, duly appointed in writing, or in person, and shall be entitled to one vote for each share.

IV. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the City of Toronto aforesaid, for thirty days, until the meeting of the share-holders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for this purpose it shall be their duty and they are hereby required to give public notice in one newspaper published in the said City of Toronto, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered Bank into which the ten per cent, thereon is to be paid at the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall

have paid within ten days after the closing of the said books into the Bank aforesaid ten per centum on the amount of Stock so subscribed for to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation; and such ten per centum shall not be withdrawn from the said Bank or otherwise applied, except for die purposes of the said Company or upon the dissolution thereof for any cause whatsoever: Provided always, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the said sum of Two thousand pounds, then in such case the shares of each subscriber or shareholder shall be as near as may be, proportionably reduced by the persons hereinbefore named or a majority of them, until the total number of shares shall be brought down to four hundred shares.

V. So soon as the Capital Stock of the said Company shall have been subscribed and the ten per cent, paid as aforesaid, it shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the City of Toronto aforesaid, and eight days previous notice thereof shall be given in a newspaper published in Toronto; at which said general meeting the shareholders shall choose eight Directors in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead.

VI. In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Monday in May, in each year, at the said City of Toronto, at such time and place as the Directors may appoint.; and public notice shall be given thereof 'by notice inserted once at least eight days previous to each said meeting in some newspaper published in the said City of Toronto.

VII. At such first, and at every subsequent annual general meeting of the said shareholders hereinbefore directed, the said shareholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose eight persons then being shareholders in the said Corporation, which persons so chosen shall be the Board of Directors to manage, direct, and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed, and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall from time to time be ordered by such annual or other general meetings of the said shareholders; and shall have power to name and appoint from the members of the said Committee, a President, Vice President, Treasurer, and Secretary: And at any meetings of the said Committee duly held, any three members of such Board shall be a-quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice President in the absence of the President, to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in ease of an equal division of votes, at the meetings of the aforesaid Committee: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of, the said general meetings of the shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time, be ordered and directed by the said shareholders at any such general meetings, such orders and directions not being contrary to the

provisions of this Act or to the laws of this Province: Provided also, that the Directors who are to be chosen at the first meeting of the said shareholders shall be a Board for the purposes aforesaid, until the said first annual general meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting: Provided also further, that the members of any such Board at any time going out of office may be re-elected; Provided also further, that security may be taken from any of the office-bearers of the said Company for the due fulfilment of their duties; And provided also, further, that any stockholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company; and no person shall be qualified as Director unless he shall hold four shares.

VIII. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose; and until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

IX. The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things —

Firstly — To appoint and employ and remove all such engineers, agents or agent, servant or servants, of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said Corporation;

Secondly — To regulate the form of certificates of shares and all matters relating to their transfer;
Thirdly — To choose and acquire for and in the name of the said Corporation, the requisite sites for the construction of the said Bridges and their dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after their construction, to have the entire management and disposition thereof, and to fix and determine by By-law the amount of tolls to be paid for passing the said Bridges; Provided, that the amount of tolls shall not exceed in any case the amounts named in the Schedule A hereunto annexed, which shall be a part of this Bill; Provided further, that foot passengers shall pass free of toll;

Fourthly — To order the payment of any sum of money they may deem necessary for the purposes of this Act;

Fifthly — To make such calls of money for the time being upon the shares subscribed for by them respectively as the said Board shall find necessary, and in the name of the said Corporation to sue for,

recover and get in all such calls, and to cause and declare such shares forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law;

Sixthly — To make the necessary By-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said Corporation, subject always to the provisions of this Act and of the laws of this Province; with power to the said Board to vary, alter, repeal or revive any of the said By-laws; Provided always, nevertheless, that all such By-laws, rules or orders, and any such variation, alteration, or repeal thereof may be reviewed or disallowed at any general meeting of the said shareholders.

X. The said Board shall and may call and convene special and general meetings of the shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall at each annual general meeting, or at any special meeting to be called for the purpose, submit to the shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the capital stock is thereupon to be made, the same shall at such meeting thereby be declared.

XI. In the absence of the President and Vice-President, at any meeting thereof, it shall be in the power of the members present to elect from among themselves a Chairman for the time being, who, in addition to his own vote, shall also in case of an equal division of votes, have a casting vote at such meeting, and in the event, of the death, resignation, continued absence, incapacity, or disqualification of any member of the said Board, the shareholders shall, at a meeting to be called for that purpose, as hereinbefore provided, choose a shareholder instead and in place of such member, and such shareholder so chosen shall form part of the said Board until their next annual election.

XII. The said Draw Bridge shall be so constructed as not materially to affect, the navigation of the Don River; the said bridge on the said navigable river shall have one draw of ample width to give free and unobstructed passage to all vessels navigating the said river; such draw shall at all times be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel; Provided that the said Company shall, prior to proceeding with the construction of the said Bridge and the other Bridge hereby authorized to be built, submit the Plans thereof to the Mayor or Engineer of the Corporation of the City of Toronto, for his approval.

XIII. Whenever the said Draw Bridge is completed the said Company may erect such gates and fixtures to guard the entrance of such Bridge as the said Directors may deem proper, and may make such By-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of said Bridge, its machinery, appurtenances and approaches, and also as to the Bridge on the smaller stream, as the Directors may think proper.

XIV. If any person shall force or attempt to force any gate or guard of the said Bridge, or the approaches thereto, without having paid the established toll or compensation for passing the same, such person shall forfeit and pay to the said Company five times the amount of such toll as

compensation, to be recovered by information and summary conviction thereupon, before any Justice of the Peace in and for the City of Toronto, according to the form of the several Statutes in relation to summary convictions before Justices of the Peace; and if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said Bridge, its lights, works, machinery, fixtures or other appurtenances thereto, or any part thereof, or any work or approach appertaining thereto shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the said Corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the said Company, with costs of suit, by any proper action for that purpose, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any Court or Justice having cognizance of the offence.

XV. The receipts of the tolls of the said Bridges shall be applied, after payment of working expenses and interest at six per cent, to the shareholders, to form a sinking fund, with which to redeem the subscriptions of the Stockholders, and when such fund shall be sufficient for such redemption, the Stockholders shall be paid off and the Bridges and appurtenances shall thereupon become the property of the Corporation of the City of Toronto, to be ever after used as bridges by the public free from any toll whatever; Provided always, that if at any time previously to such redemption the Corporation of the City of Toronto shall desire to assume the property of the said Company in the said Bridges and Road, they shall have the right to do so upon paying the actual expenditure upon and cost of the same incurred by the said Company, including the preliminary expenses, first deducting the amount of the sinking fund therefrom; and upon payment of that amount, the rights and privileges of the Company shall cease, and all the rights of the Charter and the property acquired by the Company thereunder shall become the property of the Corporation of the said City, to be for ever used by the public free from any toll whatever.

XVI. The said Bridges shall be completed within two years from the passing of this Act.

XVII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Schedule A.

For each passage to and from the Island —

Horsement, each two pence;

Cabs, each four pence;

Private Carriages, each . . seven pence half-penny