

## CAP. XXXII.

An Act to authorize Henry Wulf Trigge, Esquire, and others, to construct a Toll-bridge on the North-east branch of the River Nicolet, near the Church of the Parish of St. Monique, in the County of Nicolet, and to incorporate the said Henry Wulf Trigge, and others, under the name of the "St. Monique Bridge Company."

[Assented to 16th May, 1856.]

Preamble.

WHEREAS the construction of a Toll-bridge on the north-east branch of the River Nicolet, in the Parish of St. Monique, in the County of Nicolet, in the District of Three-Rivers, opposite to the Church of the said Parish, about an arpent and a half higher up than the Banal Mill of the said Parish of St. Monique, would greatly tend to promote the welfare and intercourse of the inhabitants of the said Parish, and of the neighbouring Parishes and Townships, and of the public generally; And whereas Henry Wulf Trigge, Samuel Waterford Woodward, Sévère René, Esquires, Célestin Zéphirin Rousseau, Priest, *Curé*, Etienne Beauchemin, Jean René and Felix Beauchemin, of the said Parish of St. Monique, have by a petition presented by them for that object, prayed to be incorporated by the name of the "St. Monique Bridge Company," and to be authorized to construct a Toll-bridge on the said North-east branch of the said River Nicolet, at the place above mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and general powers.

I. The above mentioned persons, and their heirs, executors, curators and assigns, together with all such other persons as are now or shall at any time hereafter become Shareholders in the said Bridge and its appurtenances, shall be and are hereby constituted and established a body corporate and politic in fact and in name, by the name of the "Saint Monique Bridge Company;" and the said persons are hereby authorized to erect and construct at their own cost and expense, a solid and sufficient Toll-bridge over the said North-east branch of the River Nicolet, in the said Parish of St. Monique, at the place aforesaid, and to erect and construct a Toll-house and Toll-gate, with other dependencies and approaches to or upon the said Bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said intended Bridge, Toll-house, Toll-gate and other dependencies, according to the true intent and meaning of this Act; and in all suits and other judicial proceedings, service of process upon the President of the said Company shall be held to be legal and sufficient.

II. The Capital of the said Company for the construction of the said Bridge and dependencies shall not exceed three hundred and fifty pounds currency, and shall be divided into one hundred and forty parts or shares of the value of two pounds ten shillings, currency, each; Provided always, that it shall be lawful for the President and Directors of the Company to increase the Capital of the said Company by the sum of two hundred and fifty pounds; and the said shares shall be deemed personal and moveable estate; and as such shall be transferable by sale or otherwise by the Shareholders in the said Company; and any party acquiring one or several of the said shares shall on the production of a copy of his deed of acquirement to the Directors of the said Company, to be deposited among the Records of the said Company, be considered as a Shareholder in the said Company, and shall enjoy all the privileges and advantages conferred upon and granted by this Act to the other Shareholders in the said Company; Provided always, that no person who shall acquire any shares in the said Company from a Director thereof, shall be entitled to be a Director in the said Company without having been elected as such; Provided also, that no party who shall have acquired any share shall be considered as a Shareholder until he shall have produced his deed of acquirement.

Amount of  
Capital and  
number of  
shares.

Proviso.

Shares, how  
transferable.

Proviso.

Proviso.

III. The first General Meeting of the Shareholders in the said Company after its incorporation, shall be held in a house or place in the Village of the said Parish of St. Monique, to be designated by the party calling the meeting, after the expiration of one month from the day of the passing of this Act of Incorporation, of which meeting notice shall be given at the door of the Church of the said Parish of Saint Monique by the said Company or by any of the Shareholders appointed for that purpose; and the said notice shall be read and posted up at the door of the Church of the said Parish, and given in writing to the Shareholders residing without the limits of the said Parish at least eight days before such meeting, and shall state the day and hour at which such meeting shall take place; at which meeting the Shareholders present and the absent Shareholders by their proxies, shall appoint a Chairman and a Secretary, for such meeting, and shall choose among the said Shareholders four Directors to manage the affairs of the said Company, who shall only remain in office as Directors until the second Monday in the month of December thence next ensuing, and at the said first meeting the Shareholders present and the absent Shareholders by their proxies, may make and establish such By-laws, Rules and Regulations not being inconsistent with the provisions of this Act, as they shall deem expedient for the management and government of the affairs of the said Company; and the said By-laws, Rules and Regulations shall be entered in a book to be kept for that purpose by the said Company, and shall bind all parties interested in the said Company as effectually as if they formed part of this Act, and shall be

First general  
meeting.

Directors to be  
appointed.

be

be and remain in force until altered, amended, extended or repealed.

Scale of votes. IV. In all cases in which the votes of the Shareholders of the said Company shall be taken, the said votes shall be in proportion to the number of shares held by each Shareholder in the stock of the said Company, reckoning one vote for each share, and any Shareholder, if he shall see fit, may vote by proxy; and all questions shall be decided by the majority of votes, and in case of an equal division, the President shall have a casting vote.

President and Secretary-Treasurer to be elected by Directors.

V. The majority of the Directors elected as aforesaid, shall, after each election of Directors, elect one among themselves to be the President, who shall cease to be President at the next election, and also a Secretary who shall at the same time be the Treasurer, but shall not be one of the Directors; and the said Directors shall require good and sufficient security from the said Secretary-Treasurer, whom it shall be lawful for them to remove at their will and pleasure; and the said Directors so appointed, three of whom including the President shall form a *quorum*, shall exercise all the powers vested in them: Provided always, that no Director shall have more than one vote at the meetings of the said Directors, and in case of any equal division the President shall have the casting vote; And provided also, that the said Directors shall conform to the orders and directions given to them by the Shareholders, at the general meetings of the said Shareholders, in conformity with the rules and regulations of the said Company.

Proviso.

Proviso.

Annual general meetings, and proceedings at such meetings.

VI. After the first meeting to be held as aforesaid, a general meeting of the Shareholders in the said Company shall take place on the second Monday of December in every year, in a house or place in the village of the said parish of St. Monique, to be designated by the party who shall call the meeting, to choose and elect other Directors in the place and stead of the Directors going out of office, and also to transact the business of the said Company, and to modify, amend, alter, repeal, or extend the by-laws, rules and regulations of the said Company, or to substitute others in lieu thereof, as may appear to them advantageous: which said meeting shall be called in the same manner as the first meeting, except that the said notices shall be given and signed by the Secretary-Treasurer of the said Company: and at all meetings of the said Directors, or of the Shareholders of the said Company, the President of the said Company, elected by the said Directors, and in his absence, a Chairman chosen by the majority of the persons present at such meeting, shall preside: and the Secretary-Treasurer shall act as Secretary at all meetings of the said Shareholders: Provided always, that the Directors going out of office may be re-elected, and after each election of Directors, the said Directors shall proceed as above mentioned, to elect a Chairman of the said Directors for the time during which they shall be Directors.

Who shall preside.

Proviso.

VII. Any failure to hold the first general meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Company, but such failure or omission shall and may be supplied by and at any special meeting to be called as the Directors, in conformity with the by-laws of the said Company, may see fit to appoint, and until such election of new Directors, 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: Provided always, that it shall be lawful at all times for any six of the Shareholders in the said Company, if they shall deem it necessary and expedient, to call a special meeting of all the Shareholders at some house or place in the village of the parish of Saint Monique, to be designated by the person who shall call the meeting, after having given notice thereof and read and posted the same at the door of the church of the said parish, at least a fortnight before such meeting, and also after having given notice in writing of such meeting to the Shareholders residing without the limits of the said parish: which said notice shall state the purpose of such meeting, and the said meeting shall proceed to transact the business for which it shall have been called, in the same manner as at the annual meeting.

Failure to hold general or other meeting, or to elect Directors, not to dissolve Company.

Proviso.

Special general meetings & how called.

VIII. At any general meeting, three Auditors may be appointed to examine all accounts of moneys received and disbursed by the Directors, and to report thereon to the Shareholders: and it shall be lawful for the majority of the Shareholders present, their heirs, executors, curators and assigns, at any special meeting, to remove any of the said Directors and elect others in their stead: and it shall also be lawful for them to elect others in the room of any of the said Directors who may die, resign or become incapable of acting through sickness or any other cause whatsoever: and to repeal, modify or amend any of the by-laws of the said Company, and to enact others in lieu thereof, as they may deem most advantageous for the said Company.

Auditors may be appointed at general meetings.

Directors may be removed & others appointed.

Powers.

IX. It shall be lawful for the said Directors to meet at all times, and at such Meetings to direct such instalments to be paid on the shares as they shall require, in order to meet the expenses of the said Company: Provided that no such instalment shall exceed twelve shillings and six pence currency, for each share, and provided also that no instalments shall be made payable within less than one month from each other; and no instalment shall be demanded unless eight days' notice thereof shall be given at the door of the church of the said parish of Saint Monique, on a Sunday or Holy-day, and unless eight days' notice in writing shall be given to the Shareholders residing without the limits of the said Parish; and all such instalments shall be paid into the hands of the Secretary-Treasurer, at such times and places as shall be ordered by the said Directors,

Instalments, the amount thereof, and how and when payable.

Directors, under the restrictions above mentioned, and if any of the said instalments shall not be paid at the time required for the payment thereof, it shall be lawful for the President of the said Company, in the name of the said Company, to sue such Shareholders as shall not have paid the amount of their instalments, before any court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said Company ; and the shares of all such Shareholders as shall be sued and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments in the same manner as their other goods and chattels, and as in ordinary actions : Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the said Company, (stating the number of shares), and that he is indebted to the Company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments), whereby an action hath accrued to the Company by virtue of this Act ; and it shall be sufficient to maintain the said action, to prove by one witness that the defendant at the time of making such call, was a holder to the number of shares mentioned in the declaration, and that a demand was made and notice thereof given, in conformity with the above mentioned requirements, or of any other By-laws which shall have been made for that purpose by the said Company ; and it shall not be necessary to prove the appointment of the said Directors, nor any other matter whatsoever, in order to obtain judgment in favor of the said Company.

Proviso :  
Recovery of  
instalments  
not paid.

Directors may  
appoint agents,  
servants, &c.

X. It shall be the duty of the said Directors to appoint as many agents, officers, keepers and servants as they shall deem expedient for the interests of the said Company, and to fix the salaries and remuneration of the said agents, officers, keepers and servants ; and to make all payments and contracts for the purposes of the said Company, and all other matters necessary for the transaction of its affairs ; to answer in the name of the said Company in all legal suits and actions, and plead to the same, and generally to do all things which they shall deem necessary and advantageous for the said Company ; Provided they shall not be in opposition to the By-laws of the said Company, nor to this Act.

Proviso.

Provision in  
case of any  
person ceasing  
to be Secretary-Treasurer.

XI. It shall be the duty of any person who shall cease to act as Secretary-Treasurer to the said Company, to deliver over to the President thereof, all books, papers, records, documents, and other objects which he may have in his possession, belonging to the said Company ; and on his refusal to deliver over the same on demand, to the said President, he shall be liable to the said Company in the sum of twenty-five pounds currency, and

and shall deliver up every article in his possession belonging to the said Company, with costs ; and it shall be lawful for the President in the name of the said Company, to sue for the recovery of the said amount, and the delivery of the said articles, before any Court of justice of competent jurisdiction.

XII. For the purpose of erecting, building, maintaining and supporting the said Bridge, the said Company shall from time to time have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing, or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.

Company may take land on both sides of the river.

XIII. The said Bridge and the said Toll-house, Toll-gate, and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time found or provided, for erecting, building, or maintaining and repairing the same, shall be vested in the said Company for ever ; Provided that

Bridge, &c., vested in Company.

after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and entire value which the same shall at the time of such assumption, bear and be worth : Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said bridge from assuming at any time the possession and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and intrinsic value which the same shall at the time of such assumption bear and be worth, with an addition of twenty-five per cent upon such intrinsic value, and that, after such assumption of the said Bridge, it shall become a free Bridge.

Proviso :

Her Majesty may assume the Bridge.

Proviso : and so may the inhabitants interested.

XIV. When and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in each of the English and French languages, at the doors of the Church of the Parish of St. Monique, it shall be lawful for the said Company from time to time and at all times, to ask, demand, receive, take, sue for and recover to and for their own proper use, benefit and behoof, for pontage, as or 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 :

Bridge to be certified as fit for use before tolls are taken.

For

Tolls to be taken.

For every carriage or other four wheeled vehicle drawn by two horses, eight pence currency ;

For every four wheeled vehicle drawn by one horse, four pence currency ;

For every cart, calèche or other two wheeled vehicle, and for every winter vehicle drawn by one horse, four pence currency ;

For every extra additional beast of draught, two pence currency ;

For every horse, ass or mule, with its rider, three pence currency ;

For every horse, mare, stallion, ass or mule, ox, bull, cow, or other horned animal, one penny half-penny currency ;

For every sheep, calf, lamb, goat or pig, one penny currency ;

For every person on foot, one penny currency.

Proviso: Certain parties to be exempt from payment of tolls.

XV. Provided always, That no person, horse or carriage, employed in conveying a Mail or letters, under the authority of Her Majesty's Post Office, nor the horses or carriages, laden or unladen, and drivers attending officers and soldiers of Her Majesty's Forces, or of the Militia whilst upon their march or on duty, nor the said officers or soldiers nor any of them, nor carriages or drivers or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever : Provided also, that it shall and may be lawful for the said Company to diminish the said tolls, or any of them, and afterwards if they see fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken : Provided also, that the said Company shall affix or cause to be affixed in some conspicuous place at or near the said Toll-gate, or upon the said bridge, a Table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, they shall cause such alteration to be affixed in manner aforesaid.

Proviso.

Proviso.

Tolls vested in Company for ever.

Proviso : if Her Majesty assume the Bridge.

XVI. The said tolls shall be, and the same are hereby vested in the said Company for ever : Provided that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, then the said Tolls shall from the time of such assumption appertain and belong to Her Majesty, Her Heirs and Successors who shall from thenceforward be substituted in the place and stead

stead of the said Company for all and every the purposes of this Act.

XVII. If any person shall forcibly pass through the said Toll-gate or over or upon the said Bridge, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Company, or any person or persons employed by them for building or repairing the said Bridge, or making or repairing the way over the same or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid, shall for every such offence, forfeit a sum not exceeding forty shillings currency, or be imprisoned for a period not exceeding ten days in the common gaol of the District.

Fines for forcibly passing toll-gate, &c.

XVIII. As soon as the Bridge shall be passable and opened for the use of the Public, no person shall erect, or cause to be erected, any bridge or bridges, for the carriage of any person, cattle or carriage whatsoever, for hire or otherwise, across the said branch of the said river, within the distance of two miles above and two miles below the said Bridge, measuring along the banks of the said branch of the said river, and following its windings; and if any person or persons shall erect a Toll-bridge or Toll-bridges, or any free bridge or bridges over the said branch of the said River, within the said limits, he shall pay to the said Company treble the tolls hereby imposed for the persons, cattle, horses and carriages which shall pass over such Bridge or Bridges.

No means of passage to be erected within two miles of said Bridge.

XIX. If any person shall maliciously pull down, burn, destroy or injure the said Bridge or any part thereof, or the Toll-gate, Toll-house or other dependencies to be erected by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Malicious damage to Bridge.

XX. 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-house, Toll-gate and dependencies, within four years from the day of the passing of this Act, and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said Company shall cease to have any right, title or claim of, in or to the Tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Company shall not by the said Tolls, or in any other manner or way, be entitled to any re-imbusement of the expense 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, cattle or carriages, the said Company shall and they are hereby required, within two years from the time at which the said Bridge shall

Period for completion of works.

Provision if the Bridge become at any time unsafe.

by



by Her Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Three-Rivers, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court be given, to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages, and if within the time last mentioned, the said Bridge be not repaired or rebuilt as the case may require, then the said Bridge or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and after such default to repair or rebuild the said Bridge, the said Company shall cease to have any right, title or claim of, in or to the said Bridge, or to the remaining parts thereof; and the Tolls hereby granted, and their and each and every of their rights in the premises shall be wholly and for ever determined.

Penalties how to be collected and applied.

XXI. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more of the Justices of the Peace for the said District of Three-Rivers, either by the confession of the offender or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels, and one half of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Height of arches above stream.

XXII. Provided always, That the said Bridge hereby authorized to be constructed over the north-east branch of the River Nicolet, shall have under its arches an elevation of six feet above the ordinary high water mark, with a space not less than fifty feet between each abutment.

Liability of Shareholders limited.

XXIII. Nothing in this or any other Act contained shall be construed to make or render any Shareholder of the said Saint Monique Bridge Company individually liable or responsible for any debts, losses or engagements of the said Company, beyond the amount of his or her share or shares in the said Company.

Public Act.

XXIV. This Act shall be deemed a Public Act.