

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 112

**Act for erecting a Suspension Bridge over the Niagara River at or near the Falls of Niagara.
Reserved for the signification of Her Majesty's pleasure, 9th June, 1846.**

The Royal Assent given by Her Majesty in Council, on the 30th October, following; and
Proclamation made thereof by His Excellency Earl Cathcart, in the Canada Gazette of December
26, 1846.

Whereas Samuel De Veaux, James Buchanan, Thomas Street, C. B. Stuart, P. Whitney, W. H. Merritt, James Cummings, Oliver T. Macklim, James R. Benson, William Wright, and others, have, by petition, set forth the great facility and convenience which the construction of a Suspension Bridge over the Niagara River near the Falls would offer to the public; and have prayed that they, and such others as may be associated with them for the purposes hereinafter mentioned, may be incorporated, and certain powers granted them to enable them to construct such a bridge: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, an intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Samuel De Veaux, James Buchanan, Thomas Street, C. B. Stuart, P. Whitney, W. H. Merritt, James Cummings, Oliver T. Macklim, James R. Benson, William Wright, and all persons who shall become Shareholders in the undertaking hereinafter mentioned 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 Falls Suspension Bridge Company, with power to unite with any other persons, company or body politic, to construct a suspension or other bridge across the Niagara River, at or near the Falls, with the necessary approaches thereto with rail, macadamized or other roads, and to connect the same with any other road now or hereafter to be made; 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 acted contracted with, 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 Falls Suspension Bridge Company, shall be by law capable of purchasing, having and holding any real or personal estate to and for the use of the said company, and of conveying the same for the benefit of the said company: Provided always, nevertheless, that the value of the real estate so holden by the said company at any one time shall not exceed one hundred and twenty-five thousand pounds, currency.

II. And be it enacted, That one hundred and twenty-five thousand pounds shall constitute the Capital Stock of the said company, and that the same shall be divided into shares of twenty-five pounds each.

III. And be it enacted, That the stock and affairs of the said Corporation shall be managed by seven Directors, who shall be Stockholders, annually chosen (except at the first election) on the first Monday of May in each year, at such place in the District of Niagara 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, either in person or by proxy, to one 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 shall have power to appoint a Treasurer.

IV. And be it enacted, That the Directors may require from the Stockholders payment of all sums of money by them subscribed, by instalments not exceeding five per cent per month, at such times and in such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares and of all previous payments thereon.

V. And be it enacted, That the said James Buchanan, Thomas Street, James Cummings and W. H. Merritt, Esquires, shall be Commissioners, who shall, on the first Monday in June next, at the Falls 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 the said Corporation; and that thirty days' public notice shall be given by the said Commissioners of the time and place of opening such books in a public newspaper printed and published in the District of Niagara; and that 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 such sum as they may think expedient, not exceeding five per cent shall be paid on each share subscribe the time of subscribing.

VI. And be it enacted, That the said Commissioners shall assemble at the Falls of Niagara on the first Monday of July 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 amongst 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 then be the duty of the said Commissioners to apportion the same among the subscribers in such manner as a majority of them shall deem most advisable; and as soon as the stock shall be distributed, the said Commissioners shall give notice of a meeting of the Shareholders at such time and place as a majority of the Commissioners shall appoint to choose seven Directors; the notice last mentioned shall be published for the same time and in the same manner as the notice hereinbefore mentioned, and such election shall be made at the time and place so to be appointed by such of the Shareholders 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 Commissioners; and the said Directors shall have power to cause such examinations and surveys of the way to and locations for the said bridge as may be necessary to the selection of the most advantageous site for the same, and shall have full power to enter upon, take and occupy any lands necessary for the construction of the said bridge or the rail or other roads leading to or from the same, first paying or tendering the value thereof, which value shall be determined by two persons selected, one by the claimant and the other by the said company, and in case they do not agree, a third person shall be appointed by the Governor or other Person administering the Government, whose decision shall be final; and the said Directors shall select, and by certificates designate the ways to and site for the said bridge, and on which the said Corporation may make and construct the said ways and bridge as hereinbefore mentioned.

VII. And be it enacted, That the fines and forfeitures authorized to be imposed by any Justice of the Peace by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant to be for that purpose issued by any such Justice, who is hereby authorized and empowered to grant the same.

VIII. And be it enacted, That if any person shall willingly do or cause to be done any act or acts whatever whereby the said bridge or any thing appertaining thereto shall forfeit and pay to the said corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the corporation, with costs of suit by action, and shall be, moreover, guilty of a misdemeanor and be punishable by fine or imprisonment, or both, by any Court having cognizance of such offence: Provided that nothing in this Act contained shall be construed to extend to take away the jurisdiction given to Justices of the Peace by an Act passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property.*

IX. And be it enacted, That whenever the said bridge shall be completed and its safety full tested, and the fact certified by a majority of the Directors, the said corporation may erect a gate or gates and determine and establish the rates of tolls to be demanded for the use of the said bridge.

X. And be it enacted, That if any person or persons shall forcibly pass any gate without having paid the legal toll, such person or persons shall forfeit and pay to the said Corporation a sum of not less than two pounds and not exceeding twenty pounds, to be recovered before any Justice of the Peace of the Niagara District in the same manner as any other fines are recoverable before Justices of the Peace.

XI. And be it enacted, That the said Corporation shall have power to make such Rules and pass such By-laws as they may think reasonable and proper, with suitable penalties (not exceeding in any case twenty pounds) touching the speed in passing over the 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 on a board or cloth and put up on or near each gate in a conspicuous place; and such penalties, if incurred, shall be recoverable in like manner as the penalties hereby imposed.

XII. And be it enacted, That if any toll-gatherer shall unreasonably and without cause, delay or hinder any passenger or the passage of any property agreeably to the rule prescribed in such case, 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; and any one Justice of the Peace for the Niagara District may, on conviction of such offender, fine such person in the said penalty, and levy such fine in the manner aforesaid.

XIII. And be it enacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such Rules and By-laws 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 appointments and salaries, and all such other matters and things as shall appertain to the business of the said Corporation.

XIV. And be it enacted, That if the said bridge shall not be constructed and used within ten years from the passing of this Act, then the said Corporation and the privileges hereby conferred upon it shall from thenceforth cease and determine.

XV. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

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

XVII. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alterations of any of its provisions as they may think proper for affording just protection the public, or to any person or persons, body politic and corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right, public or private, that may be affected by any of the powers given by this Act.