

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 161

An Act to amend the Act incorporating The Niagara Falls Suspension Bridge Company. 30th May, 1849.

Whereas The Niagara Falls Suspension Bridge Company, have, by their Board of Directors, represented that the amount of the capital stock of the said Company is too large, and have prayed that the same may be reduced; and that the said Company have already expended upwards of seven thousand pounds in the construction of a foot bridge, and have undertaken to construct a carriage bridge for The passage of loaded wagons and teams of every description by the first day of August next, and further to finish and complete the same with substantial stone towers as a rail-way bridge so soon as the rail ways in the United States and Canada shall be in operation at that point; And whereas, if a second bridge were built over the Niagara River above the present structure by others than the said Company, it would in a great measure deprive the said Company of the revenue arising from foot passengers, and greatly retard the completion of the said Rail-road bridge: Beit 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, and 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it is hereby enacted by the authority of the same, That the second section of the said Act be and the same is hereby repealed.

II. And be it enacted, in lieu of the said second section, That 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, and that the Board of Directors be and are hereby authorized to apportion the stock which may at present be subscribed for accordingly.

III. And be it enacted, That the said Niagara Falls Suspension Bridge Company shall have the exclusive privilege and right of erecting any other bridge above the site of the present bridge, to the head of the rapids above the falls, for the term of fifteen years, from the passing of this Act; Provided always, nevertheless, that the said privilege shall be forfeited unless the said Company shall by the first day of January next, finish and complete the said first mentioned suspension bridge for the passage of all descriptions of loaded waggons, carriages and teams; and shall, on the completion of a continuous line of rail-way in the United States and Canada to pass at that point, erect permanent stone towers, and so strengthen the cables of the said bridge that it shall be safe for the passage of rail-way trains, and be capable of supporting an ultimate strain of six thousand six hundred tons, and its safety and capability of supporting such weight as aforesaid shall be certified by such Engineer as the Governor shall appoint to examine the same.

IV. And be it enacted, That no person or party other than the said Company shall build or erect any bridge or structure of any description across the said river within the limits hereinbefore described, so long as the said exclusive privilege shall remain in force.

V. Provided always, and be it enacted, That unless the said Company, within five years from the passing of this Act, build and erect a good and sufficient bridge or structure for the passage of foot passengers across the said River, at least one mile above their present bridge, and which foot bridge they are hereby authorized to construct, the exclusive rights and privileges granted to the said Company by this Act shall cease and be forfeited: Provided also, that the privilege conferred by this Act shall not become forfeited, if after due exertion on their part the Legislature of the State of New York, should refuse to grant authority to the said Company, for the construction of the said foot bridge.

VI. Provided also and be it enacted, That for the purpose of constructing such foot bridge, the said Company shall have power to increase their capital stock to thirty-seven thousand five hundred pounds, instead of twenty-five thousand pounds as hereinbefore provided, and that the additional stock shall be divided into the like shares with the other stock of the said Company.

VII. Provided also and be it enacted, That the amount of the Tolls to be levied by the said Company, shall in no case, during the continuance of the exclusive privilege hereby granted, exceed an amount sufficient to afford a return of twenty-five per cent per annum, on the capital actually expended by the said Company; and no enactment which the Legislature may hereafter make for the purpose of enforcing this provision, shall be deemed an infringement of the rights of the Company.

VIII. And whereas the construction of the said additional foot bridge hereby authorized to be constructed, would still further decrease the amount of rent accruing to the Province, from the ferry across the Niagara river at the Falls thereof: Be it therefore enacted, That it shall and may be lawful for the Justices of the Peace for the District of Niagara, or a majority of them at the Court of General Quarter Sessions of the Peace, to be held in January next, after the said foot bridge shall have been constructed and toll collected for passing thereon, to fix and determine the sum which the said Company shall pay yearly to the Crown as an additional compensation for such decrease of rent; and a report of such determination shall be transmitted to the Inspector General by and under the hand and seal of the Chairman of the said Sessions, and also to the Secretary of the said Company; and the sum so fixed and determined shall likewise thereafter become due yearly to Her Majesty, on the first day of January, in each year, and shall be paid accordingly by the said Company to the Receiver General, for the public uses of this Province.