

No. 197.

2nd Session, 5th Parliament 19 Victoria, 1856.

BILL.

An Act to Incorporate the Transatlantic
Telegraph Company.

(PRIVATE BILL.)

Received and read, first time, Monday, 14th
April, 1856.

Second reading, Wednesday, 16th April, 1856.

MR. YOUNG.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Transatlantic Telegraph Company.

WHEREAS Horace B. Tebbetts hath, by his Petition, prayed that this Province should facilitate him and his associates in effecting Tele-
 graphic communication between the Continents of Europe and North
 America, by granting him and them certain rights, franchises, powers, and
 5 privileges: And whereas it is deemed expedient to grant the prayer of the
 said Petitioner, and to aid in the success of that great enterprise: There-
 fore Her Majesty, by and with the advice of the Legislative Council and
 Assembly of Canada, enacts as follows:

Preamble.

I. The said Horace B. Tebbetts and his associates, and all other persons
 10 who may hereafter become holders of the Stock hereinafter mentioned, are
 hereby constituted a body politic and corporate, and shall be known by the
 name of the "*Transatlantic Telegraph Company*," for the purpose of establish-
 ing Telegraphic communication between the Continents of Europe and North
 America, and for the purpose of establishing branches thereof in this
 15 Province and elsewhere.

Certain persons incorporated.

Corporate name.

II. The said Corporation may establish, construct, purchase, hire, keep
 in order, and work any Line or Lines of Magnetic, Electric or other
 Telegraph, or means of Telegraphic communication, in any part of this
 Province, or places under its jurisdiction, or between any two or more
 20 points therein, or between any point or points therein, and any Island,
 Province, Country or place in or near the Continent of Europe, or in the
 Atlantic Ocean. And the said Corporation may take, use and hold, under
 any gift, grant or purchase, such real and personal property, right of way,
 concessions and other privileges, from any person, Corporation, Govern-
 25 ment or Power, as may be requisite or necessary, in and about the
 establishing, working and maintaining of the said Telegraphic communi-
 cation and its several Lines and Branches; and may erect buildings for the
 suitable accommodation of the Stations thereof: and may let, lease,
 convey or otherwise dispose of any part or portion of its property,
 30 possessions and effects, in such manner and upon such terms as may be
 deemed advantageous for the interests of the said Corporation; and may
 connect with such other Lines of Telegraph; and may enter into such
 Contracts; and may borrow such loans of money (not exceeding in all the
 sum of three millions of dollars); and may issue such Bonds therefor in
 35 such amounts and made payable at such times, and bearing such interest,
 and secured in such manner (by mortgage, or otherwise) as the said
 Corporation may deem expedient and proper in carrying out any of the
 objects and purposes aforesaid; and may make, adopt and use a Corporate
 Seal; and may sue and be sued; and may do every other act and thing,
 40 whatsoever, which may reasonably come within the scope, purposes and
 objects contemplated by this Act.

Powers given to Company to make and work Telegraph Line between America and Europe.

Company may effect loans.

Company may erect Telegraph Lines along highways and water courses, &c.

III. The said Corporation may lay down, erect, and maintain its line or lines of Telegraph along the side of and across any public highways, bridges, water courses, or other such places, provided the said Corporation shall not interfere with the public right of travelling thereon, and may enter upon any lands or places and survey and set off such parts thereof as may be necessary for such line or lines of Telegraph, and may take from any part of the ungranted and unoccupied Crown-Lands of this Province, any posts, or building materials, necessary to make or repair the said line or lines or any buildings in connection therewith, and in case of disagreement between the Company and any owner or occupier of lands which the said Corporation may take for the purposes aforesaid, or in respect to any damage done to the same, by constructing the line or lines through or upon the same, the said Corporation and such Owner or Occupier, as the case may be, shall each choose an Arbitrator, which two Arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing shall be final; and if the said owner or occupier, or the Agent of the said Corporation shall neglect or refuse to choose an Arbitrator within four days in writing from the opposite party to him and, upon proof of personal service of such notice, or if such two Arbitrators, when duly chosen, shall disagree in the choice of a third Arbitrator, in any such case, it shall be lawful for the Provincial Secretary, for the time being, to nominate any such Arbitrator, or such third Arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided: Provided always, that nothing herein contained shall be construed to confer on the said Corporation the right of building a bridge over any navigable river in this Province.

Arbitration in certain cases.

Proviso.

Amount of Capital Stock. Such amount may be increased.

IV. The Capital of the said Corporation shall be One Million of Dollars, and shall be divided into shares of One Hundred Dollars each; and the said Capital may be increased, from time to time, by resolution of the Board of Directors, by and with the consent of a majority, in amount, of the Shareholders; but such Capital shall at no time be made to exceed Five Millions of Dollars.

Directors.

V. The concerns of the said Corporation shall be managed by a Board of Directors to consist of not less than seven nor more than twenty-five Members, who shall be Stockholders of the said Corporation, and who shall be chosen and hold their offices as hereinafter provided.

First meeting for election of Directors.

VI. Whenever five thousand shares of the said Capital Stock shall be subscribed the said Corporation shall go into operation, and the Shareholders may meet at such time and place, and upon such notice as a majority of them shall appoint, and at such meeting a Board of Directors shall be chosen; such Directors shall hold their offices for one year and until others shall be chosen in their places, and two thirds of them shall constitute a quorum for the transaction of business; and there shall be an annual election of the Board of Directors at such time and place, and on such notice as shall be prescribed by the By-laws of the said Corporation; and it shall be the duty of the Stockholders to make and establish such By-laws, rules, and regulations as they shall deem necessary, proper and expedient, touching and concerning the government of the said Corporation, and the management, control and disposition of the property, monies estate and effects of the same, the transfer of shares, the duties and conduct of the Directors and of the officers and servants of the said Corporation, the election and meeting of Directors, and all matters whatsoever which may appertain to the concerns of the said Corporation; and at all

Annual election of Directors.

meetings of the Stockholders, each share shall entitle the holder to one vote, which may be given in person or by proxy.

VII. The Directors shall appoint one of their number to act as President, and another to act as Vice-President, and may appoint such other officers and agents as they shall deem necessary. When any vacancy shall happen among the Directors, it may be filled by the remaining Directors, for the remainder of the term only; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices.

President, &c. to be appointed by Directors.

VIII. The said Corporation shall keep its principal office in the City of New York; the meetings of the Board of Directors shall be held and the Stock of the said Company shall be registered and transferred in that City; but the Directors may, if it shall be deemed advisable, establish another office or other offices elsewhere for the transfer of the Stock of the said Corporation, and subordinate Boards of Directors may be created with limited powers for the transaction of such business as may be entrusted to them by the said Corporation.

Principal office of Company.

IX. The Directors may require payment of subscriptions to the said Capital Stock, at such time and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; notice of the time and place of such payments shall be published for four weeks previous to such time, at least once in each week, in at least two newspapers published in the City of New York, and in at least two newspapers published in this Province.

Instalments how and when called in.

X. All and every the shares in the Capital Stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always that no assignment or transfer of any share shall be valid or effectual, until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any Stockholders shall transfer in manner aforesaid, all his stock or shares in the said Company, such Stockholder shall cease to be a Member of the said Corporation.

Shares to be personal property. Proviso.

Proviso.

XI. Any person wilfully interrupting the free use by the said Corporation of any Telegraphic Line, established, hired, or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds nor more than one hundred pounds, to be recovered by any person informing and suing for the same in a summary way before one or more justices of the peace, and to be levied by a warrant of distress and sale of the offender's goods and chattels, one half of such penalty to go to the party suing for the same, and the other half to be paid to the Receiver General of the Province for the use thereof, and in default of goods or chattels to satisfy such warrant, every such offender shall be committed to jail by such justice or justices for any period not exceeding one hundred days, and if any person shall wilfully or maliciously obstruct or damage any such Telegraphic Line or any of the works, building's machinery, or other property connected therewith, he shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding two hundred pounds, or by both such fine and imprisonment; and every operator, agent, or

Penalties in case of interruption of line.

Penalty in case of damage to line or works.

Oath of se-
crecy.

Penalty in
case of viola-
tion.

Materials for
Telegraph
Line may be
imported free
of duty.

Public Act.

servant of the said Corporation employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath before a judge or justice of the Peace that he will not wilfully divulge the contents of any message transmitted by the said Corporation, or left with any of its operators, agents, or servants for transmission or delivery; and every person violating the said oath shall be adjudged guilty of a misdemeanor and punished by imprisonment for a period not exceeding one year, or by a fine not exceeding *two hundred pounds*, or by both such fine and imprisonment. 5

XII. All wires and materials required for constructing, repairing, or working the said Corporations main or branch lines of telegraph, or for connecting them or any of them with any Island, Province, or County, shall and may be *imported free of duty*. 10

XIII. This Act shall be deemed and taken to be a public Act.