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No. 97.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to regulate the construction of
and protect from injury Electro-Mag-
netic Télégraphs in this Province.

Received and Read a first time, Monday, 19th
February, 1849.

Second Reading, Monday, 26th February, 1849.

MR. DICKSON.

97.

BILL.

An Act to regulate the construction of and protect from injury Electro-Magnetic Telegraphs throughout this Province.

WHEREAS the extension throughout this Province of Canada, of Electro-Magnetic lines of Telegraphic communication, will tend materially to the advantage of all classes of Her Majesty's subjects, and facilitate the transaction of business: And whereas it is expedient to encourage the enterprise of private individuals and associations in the construction of such lines of Telegraph, and to protect their property and interest therein more effectually than can be done under existing laws: And whereas the inhabitants of various parts of this Province, have severally petitioned for Acts of Incorporation, to enable them to construct such lines of Telegraph, and it is expedient, by a general law, to provide for them and all others hereafter desiring incorporation: Be it therefore enacted, &c.

Preamble.

And it is hereby enacted by the authority of the same, That it shall and may be lawful at any time hereafter, for any Association of individuals, or the majority thereof, who have united, or may unite, for the purpose of erecting or constructing Electro-Magnetic lines of Telegraph throughout this Province or any section thereof, having subscribed one half the cost of the intended route; and upon giving one month's previous notice thereof in all the newspapers published within the District or Districts, Town or Towns, or other places through which it is contemplated to carry the said line of Telegraph, (and in case of no newspaper being publish-

Certain formalities to be followed by Associations united for constructing Electric Telegraphs.

ed within the District, Town, or place, then by notice in all the newspapers in the nearest adjoining District, Town or place) to call a meeting thereby, to be held at the most populous City, Town or place through which the line will pass, and specifying the day, hour and place of such meeting; and upon such meeting taking place, and a temporary Chairman and Secretary being appointed to conduct the proceedings, it shall and may be lawful to solicit subscriptions sufficient to complete the amount of stock required, and to adjourn such meeting then and from time to time for such purpose: and upon the whole amount of stock being subscribed, and upon payment of five per cent (by at least three fourths of the Stockholders) into the hands of the Secretary, the Stockholders or a majority present shall and may then and there proceed to nominate and elect not less than three and not exceeding seven Directors to manage the affairs of the Company, who shall continue in office until the first Monday of January of the ensuing year; and the said Stockholders or the majority then present shall also then and there designate and name the said Company, and cause such designation and name to be reduced to writing in duplicate, and one copy to be filed in the office of _____ and the other in the office of _____ in the District, Town or place where the said Company shall hold their office of business. -

As soon as stock is subscribed &c., the Association is declared a body corporate with certain powers.

II. And be it enacted, That upon such stock being so subscribed for, and such preliminary proceedings as hereinbefore mentioned and required taking place and being completed according to the provisions herein, then the said Stockholders, and other Shareholders of the said Company, having lawfully acquired stock by purchase or otherwise as hereinbefore provided, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, 45

by and under the name and designation so adopted at the said meeting hereinbefore provided for, and recorded and filed as aforesaid; and by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places 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 by their corporate name aforesaid shall be capable of purchasing, having and holding to them and their successors, any estate, real and personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing with the same for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient: Provided always, that such real estate to be held by any such Company shall be such only as required for the objects immediately connected with the undertaking of each respectively. Provisu.

III. And be it enacted, That each Company and their servants or agents respectively shall have full power under this Act to excavate the earth for the erection of necessary posts and to erect and support the said posts, for the suspension of and extension of proper wires on and over and above any part of the highways or allowances for roads throughout this Province, or any section or district thereof, so that the said posts and wires or either of them shall not unduly obstruct the same or hinder the proper use or travel thereupon or any part thereof, or create any injury or damage to private property adjacent, also to carry, suspend and extend the said wires above and over any river, canal or other waters, navigable or otherwise, or beneath the waters thereof, so Companies authorized to excavate earth for the erection of their posts, &c.

as the use and navigation of such rivers, canals or other waters respectively be in no wise impeded or prevented thereby.

Companies may contract with owners, &c., of lands over which they may extend wires.

IV. And be it enacted, That each and every such Company is hereby authorized 5 and empowered to contract, compound and agree with the owners and occupiers of any lands upon and over which they may respectively determine to erect posts and suspend and extend wires, either by purchase of so much of the said land and privileges as they shall respectively require for the purposes of any such Company, or for the damages which such owners and occupiers shall or may be entitled to receive of such Company. 15

Posts, wires, &c., profits, &c., vested in Companies.

V. And be it enacted, That the said posts and wires, and other materials or instruments which shall from time to time be got or provided for constructing, building, maintaining or repairing the lines of Electro- 20 Magnetic Telegraph belonging to any Company formed under the provisions hereof, and all fees, charges and profits shall be and the same are hereby vested in the said Companies and each of them respectively and the 25 successors of each respectively for ever.

Companies may make By-laws, &c.

VI. And be it enacted, That it shall and may be lawful for each Company formed under the provisions hereof, through their Directors or the majority of them, to make such 30 Rules, Regulations and By-laws, from time to time, as shall appear necessary for the management of the affairs of the Company, and each respectively; and for the election and qualification of Directors and other of- 35 ficers, and for the fixing of fees and charges for business done with each Company in the use of the respective lines of Telegraph; and to repeal, alter and amend such Rules, Regulations and By-laws, when considered 40 necessary or expedient.

VII. And be it enacted, That if any Penalty on
injuring posts,
&c. person or persons shall cut, break, destroy
or injure in any manner any of the posts,
wires, instruments or other erections of any
5 Company formed by the authority hereof,
every person so offending and being law-
fully convicted shall be deemed guilty of a
misdemeanor, and be punishable by fine not
exceeding
10 and by imprisonment in the Common Gaol of
the District within which the offence may be
committed for a period not less than
and not exceeding
which fine when
15 recovered, shall be paid over to the Com-
pany so injured in their property, entering
the complaint.

VIII. And be it enacted, That no member No individua:
member liable
for debts, &c.,
of Company. or members of any such Company shall be
20 liable in his or their private capacity for any
debts, contracts or obligations thereof; and
that service of process upon the President or
any Director or officer of any such Company
shall be deemed and taken to be good service
25 upon the Company in any suit or complaint
instituted against them respectively.

IX. And be it enacted, That this Act Public Act.
shall be taken to be a Public Act, and as
such judicially noticed by all Judges, Jus-
30 tices of the Peace and other persons, with-
out being specially pleaded.