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No. 100.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

Act to incorporate the Canada, Newfoundland and London Telegraph Company, and to aid the same.

Received and read first time, Tuesday, 3rd
October, 1854.

Second reading, Tuesday, 10th October, 1854.

MR. CAUCHON.

S. Darbishire & G. Desbarats, Queen's Printer

BILL.

An Act to incorporate the Canada, Newfoundland and London Telegraph Company, and to aid the same.

WHEREAS the New York, Newfoundland and London Telegraph Company has been organized under and in compliance with an Act of Incorporation passed by the Legislature of the Island of Newfoundland, intituled, *An Act to incorporate a Company under the style and title of the New York, Newfoundland and London Telegraph Company*; And whereas the said Company has lately formed a union with a Company projected in Great Britain, under the name of the "European and American Submarine Telegraph Company for uniting Europe and America," and it has been determined to prosecute the undertaking under the above mentioned title of the New York, Newfoundland and London Telegraph Company; And whereas the parties interested in the said United Provinces, and for aid towards the accomplishment of their object which is of great public importance: 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, 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, as follows:

Preamble.

Act of Newfoundland cited.

I. Peter Cooper, Moses Taylor, Cyrus W. Field, Marshall O. Roberts, Chandler White, The Lord de Mauley, Samuel Laing, Sir James Carmichael, William Chaplin, F. Cadogan, Charles D. Archibald, John W. Brett, and all other persons who are now or shall become proprietors of shares in the said Company, and their successors and assigns, shall be and they are hereby declared to be a Body Politic and Corporate by the name of the New-York, Newfoundland and London Telegraph Company, and by that name may have a common seal, and sue and be sued, and may hold lands, tenements and hereditaments, necessary for the purposes for which the Company is formed, and such others as they are expressly authorized to hold by this act, and goods, chattels and things in action, and may let, sell, assign and convey the same, or any part thereof, and do all other acts or things which corporations may of right do.

Certain persons incorporated.

Corporate name and general powers.

II. The Capital or Joint Stock of the said Company shall consist of fifteen hundred thousand dollars, in shares of

Capital and shares.

one hundred dollars each, with the privilege to the said Company by resolution of the Board of Directors to increase the Capital from time to time but not to an amount exceeding three millions of dollars: and it is hereby declared that the shares in the said Company shall be deemed personal property; 5
Transfers. and that no assignment or transfer of any share shall be valid until such transfer shall be entered in a book to be kept for that purpose; and it is hereby declared that whenever any shareholder shall transfer in manner aforesaid, all his stock or shares in the said Company, he shall thenceforth cease to be a 10 member of the said Corporation.

First Directors. III. The parties above named shall be the first Directors of the said Company and shall continue in office until the first Monday in the month of May which will be in the year of Our Lord one thousand eight hundred and fifty-six, and until their 15
Qualification of Directors. successors are appointed; any stockholder owning five shares of the capital stock of the Company shall be eligible to be a Director, and at all meetings of the stockholders each may vote in person or by proxy, each share being entitled to one vote.

General meetings. IV. The times and places for holding the General Meetings of the Stockholders for the election of Directors and other purposes, and of special meetings and the modes of conducting the same, and the notices thereof shall be in accordance with the By-Laws of the Company to be made in this behalf. 20 25

Directors to appoint Officers of the Company: further powers. V. The Directors of the said Company for the time being shall have power to appoint a President, Vice President, Treasurer, Secretary and other officers and servants of the said Company: to prescribe their powers and duties and fix their salaries; to fill vacancies in the Board of Directors (occurring 30 by death, resignation or otherwise,) until the next general election of Directors; to receive subscriptions to the Capital Stock from time to time, and to require and enforce payment of the same when and as they may see fit; and to make By-Laws not repugnant to the Laws of this Province, to pay dividends and generally to regulate and manage the affairs of the said Company; and any three of such Directors shall be a Quorum for the transaction of business: and the said Directors shall and may appoint a local Manager in this Province for the superintendance and management of the business of the 40 said Company therein.

By-laws.

Quorum.

Local Manager.

Aliens may hold office, &c. VI. Every Stockholder in the said Company, whether a British subject or a citizen of the United States or other alien, is hereby declared to have equal rights to hold stock in the said Company, to vote on the same and to be eligible to office 45 in the said Company.

What lines of Telegraph the VII. That the said Company shall have power to establish, construct and work a line or lines of Telegraph between the

- continent of North America and Europe by way of Newfoundland and Ireland and Great Britain or any other island or place in the Atlantic Ocean or in Europe or North America, and to construct, purchase, lease and work any Telegraph line or lines or means of communication in this Province, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and the United States, and in the waters adjacent to or between the said Islands, Provinces or States, provided always that such consent as may be necessary shall be first obtained from the Governments or Legislatures of the said Provinces or States respectively: and generally to purchase, lease, hire and work any line of Telegraph which may now or hereafter be constructed by any person or persons or Body or Bodies politic or corporate, in the United States or British possessions in North America or in Europe, and to use the same for the transmission of messages and intelligence; and also to construct, purchase, hire or use any steam or other vessels to aid in the acquisition or transmission of intelligence between America and Europe, or in carrying on any of the operations of the said Company.
- 20 VIII. That the said Company shall be at liberty to construct any line or lines of telegraph through any part of the public lands of this Province, first obtaining the authority of the Governor in Council to that effect, and with such consent to take therefrom, use and employ any stone, wood, timber and materials that may be necessary for their purposes, free of expense or charge.
- IX. The Directors of the said Company may from time to time authorise and direct the issue of Bonds or Debentures of the said Company for such sums in pounds sterling, and to such amount in the aggregate as they may deem expedient, and negotiate, sell and dispose of the same for the purposes and uses of the said Company.
- X. The Government of this Province shall at all times have a preference over all persons of transmitting messages upon the line of telegraph belonging to this Company, and the rates of charge therefore shall not exceed the charges made to private individuals: and the said Company shall at all times transmit the messages of private parties without preference.
- XI. Any person wilfully interrupting the free use by the said Company, of any telegraph line established by it or any works connected therewith, shall be subject to a penalty of not less than ten pounds, nor more than , to be recovered by any party 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 offenders goods and chattels; one-half of such penalty to go to the party suing and the other half to be paid into the Treasury of this Province for the use thereof: and in default of goods and
- Company may establish, or lease and use.
- May hold and use Steamers.
- Power to use public lands with consent of the Governor.
- Directors may issue Debentures.
- Government to have preference for messages.
- Charges.
- Penalty on persons wilfully interrupting the free use of the Company's Telegraphs, and how enforced.

chattels to satisfy such Warrants, every such offender shall be committed to Gaol by such Justice or Justices for a period not exceeding one hundred days : and if any person shall wilfully or maliciously obstruct or damage any such telegraph line, works, buildings, machinery or other property connected therewith, he shall be guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding one hundred pounds : And every operator, agent or servant of the said Company, 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 said Company, 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, and by a fine not exceeding five hundred pounds.

Duty and liabilities of operators.

Wires, &c., free of duty. Clause to be proposed in Committee.

XII. *All wires, insulators and materials required for constructing, repairing or working the line or lines of Telegraph of the said Company, shall and may be imported into this Province free of duty.*

Public Act.

XIII. This Act shall be deemed and taken to be a public Act, and shall be judicially noticed as such, without being specially pleaded.