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An Act to authorize the Incorporation of *The International Telegraph Company*, and for other purposes.

WHEREAS Adam Wilson and the late John Thomas Arnold, mortgagees in trust of the Telegraph Line and property hereinafter mentioned, did, on the eighteenth day of August one thousand eight hundred and fifty-five, in pursuance of the power of sale contained in an indenture of mortgage, bearing date the tenth day of November one thousand eight hundred and fifty-four, and made between the Canada Grand Trunk Telegraph Company, of the first part, and the said Adam Wilson and John Thomas Arnold of the second part, to secure the payment of certain debentures issued under the authority of a by-law of the said Company, duly passed by the stockholders thereof, sell and convey to William Weller all the stock, plant and materials of every kind whatsoever of the Telegraph Line known as "the Canada Grand Trunk Telegraph Line," commencing at Buffalo, in the State of New York, one of the United States of America, and extending to the City of Quebec in Lower Canada, and situate or being in any of the counties or districts of Upper or Lower Canada, including all the Branch Lines of the same, with all the instruments, batteries and materials then used in working the same or that might thereafter, during the continuance of the said indenture, be used in working the same, with all the office furniture and chattel property of every description whatsoever belonging or appertaining to the said Company or that might thereafter, during the continuance of the said indenture, be purchased for the use of the said Company, contained or being in any of the offices of the said Company in any and every county of Upper or Lower Canada whereat the said Company might have an office or station, or through which the said line or any branch thereof might have been or should be constructed; And whereas the Electric Telegraph Companies Incorporation Act of 1852 does not, in express terms confer upon companies incorporated under its provisions or upon individuals, the power of purchasing and maintaining telegraph lines already constructed, and does not expressly confer upon private individuals owning telegraph lines the powers and privileges requisite for effectively working the same; And whereas the said William Weller and the said Adam Wilson, the surviving mortgagee above named, and the said Canada Grand Trunk Telegraph Company have, by their petition, setting forth the facts above stated, prayed that a Company may be authorized to be incorporated under the name of *The International Telegraph Company*, with all the powers and privileges usually conferred upon similar corporate bodies, and with the further power of purchasing from the said William Weller and holding the said Telegraph Line and property above mentioned, and that, until such Company shall become incorporated and such purchase made, the said Telegraph Line and property may be vested in the said William Weller

Preamble.

with all such powers and privileges as may be requisite for effectively working the same; And whereas the said William Weller has, in the said petition set forth, that since the purchase made by him as aforesaid, he has expended large sums of money in putting the said line in repair and in working order, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, &c., enacts as follows:

Incorporation of the purchasers of the said line of Telegraph.

I. Any three or more persons desirous of becoming incorporated as the International Telegraph Company, upon signing in the presence of a Public Notary of Upper or Lower Canada, a declaration in writing, setting forth the amount of stock fixed upon as requisite for the undertaking, the number of shares into which the same is to be divided, and the amount of each share, together with such articles of association (if any) as may have been agreed upon, and upon filing in the office of the Secretary of the Province such declaration or a copy thereof, certified by such Notary, shall be and are hereby declared to be a body corporate by the name of *The International Telegraph Company*, and shall possess all the powers and incidents of corporations aggregate, and may purchase, receive, hold and convey such real estate and such only as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of the Company, and may make such rules, regulations and by-laws as may be necessary for their government, not inconsistent with the said articles of association (if any), or with the laws of that part of the Province within which the same are to have effect.

Corporate name and general powers.

For what the articles of association or the by laws of the Company may provide.

II. The said articles of association may, and the by-laws of the said International Telegraph Company (hereinafter in this Act called the Company,) passed at any regular meeting of the stockholders thereof, may, subject to the provisions of the said articles of association, amongst other things, provide for increasing or diminishing the capital stock of the Company, for changing its corporate name, for the transfer of stock, for holding meetings, for auditing accounts, for the appointment of directors and other officers, for establishing their powers and prescribing their duties, for increasing or diminishing their number, for borrowing money, for issuing debentures, for securing the payment of money borrowed or owing, or the performance of contracts, upon the property of the Company by mortgage or otherwise, for the construction of additional and branch lines, for prescribing the interval that shall elapse between the times for payment of calls upon subscribed stock, for limiting the amount of each call, and for purchasing from the said William Weller, his executors, administrators and assigns, the Telegraph Line and property in the preamble of this Act mentioned, and all such other property of a similar nature as he may since his said purchase from the said mortgagees, have acquired or constructed.

Votes at meetings.

Deposit of By-laws and proof thereof.

III. At all meetings of stockholders of the Company, each stockholder, subject to the provisions of the articles of agreement (if any) and of the By-laws, shall, either in person or by proxy, have upon every question brought up for consideration, one vote for each share held by him; and copies of all By-laws of the stockholders of the Company, certified under its certificate seal by the presiding stockholder, shall be filed in the office of the Secretary of the Province, and copies of all documents so filed, certified by the said Secretary, shall be evidence in all Courts and places of the facts set forth in such documents.

IV. The Company, and any other Telegraph Company already or hereafter to be incorporated under any general or special Act of the Province, may, when so incorporated, and any individual may purchase from the said William Weller, his executors, administrators and assigns, and may hold and convey all and singular the Telegraph Line and property mentioned in the preamble of this Act, and all such other property of a similar nature, as he, the said William Weller, may have already constructed or acquired or may hereafter construct or acquire, or any part thereof, and, upon such purchase, may maintain and keep up the same and take down renew and re-erect the same, in the same or any other public roads, highways, and waters of the Province, and make the necessary excavations therefor and cut down and remove all trees that may obstruct or interfere with the erection or efficient working of the same, and may construct such Branches and other additional lines as may be thought advisable, along and upon and under any of the public roads and highways, or across, through and under any of the waters of the Province by the erection of the necessary posts, piers and abutments for sustaining the wires of such lines; provided the same shall not be so constructed as to interfere with the public use of such roads or highways or impede the free access to any house or other building erected in the vicinity of the same or injuriously to interrupt the navigation of such waters, and all such posts, piers, abutments and all wires and other apparatus therewith connected, shall be and be deemed to be to all intents and purposes the personal property of the Company or individual owning, acquiring or constructing the same, although the lands in which the same are set up be not the property of such Company or individual.

Company may purchase the line from William Weller and maintain the same, — and may construct branches, &c.

V. Until the purchase from the said William Weller, his executors, administrators or assigns of the said Telegraph Line and other property aforesaid by "the Company" or by some other Telegraph Company or individual, the said Telegraph Line and all other, the property mentioned in the preamble of this Act shall be and are hereby declared to be and to have been from the said eighteenth day of August; one thousand eight hundred and fifty-five, and all property of a similar nature, acquired or constructed since that date or that may hereafter be acquired by the said William Weller, shall be and is hereby declared to be and to have been from the time of such acquirement or construction, vested in the said William Weller, his executors, administrators and assigns to his and their own use and benefit for ever; and the said William Weller, his executors, administrators and assigns, shall have and are hereby declared to have and have had from the said eighteenth day of August, all the powers and privileges conferred by this Act upon "the Company," including the power of constructing Branches and additional lines, of maintaining the lines already constructed, and of selling the same to any individual or Company.

The line and powers vested in W. Weller, until sold by him.

VI. If any person shall, by any means or in any manner whatever, obstruct or interrupt the free use of the Telegraph Line already or hereafter to be constructed, or the other works incidental or relative thereto or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty not less than five pounds, nor more than ten pounds, one half of which penalty and forfeiture, to be recovered before one or more Justice or Justices of the Peace for the District, County, City or Town in which such offence shall happen or in which such person shall be found, shall go to the informer or prosecutor, and the

Penalty for obstructing the use of the Telegraph.

other half shall go to the Company or individual for the time being owning such Telegraph Line.

Any malicious injury to the line to be a misdemeanor.

VII. If any person shall wilfully and maliciously cut, break, throw down, damage or destroy any of the posts, wires, insulators, piers, abutments, batteries, instruments or other apparatus, already or hereafter to be erected or constructed, or shall wilfully and maliciously obstruct or interrupt the free use of the same, or obstruct, hinder or prevent the carrying on, completing, supporting, maintaining, repairing or working the same, such person shall be guilty of misdemeanor, and upon conviction shall be punished by fine or imprisonment or both in the discretion of the Court before whom such conviction shall be had. 5 10

Duty of operators in the transmission of messages.

VIII. The operator or person in charge of any station or office upon the Telegraph Line erected or to be erected under the authority of this Act, shall transmit all despatches in the order in which they shall be received under a penalty of not less than *five* pounds, nor more than *twenty-five* pounds, to be recovered with costs of suit by the person to whose injury such despatch is wilfully postponed out of its order, except that any despatch in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government despatches, shall always be transmitted in preference to any other despatch, if required by persons connected with the administration of justice or any person thereunto authorized by the Secretary of the Province. 15 20

Divulging contents of private despatch to be a misdemeanor.

IX. Any operator or person employed upon the Telegraph Line already constructed or hereafter to be constructed under the authority of this Act, divulging the contents of a private despatch, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding *twenty-five* pounds or by imprisonment not exceeding three months or both, in the discretion of the Court before whom such conviction shall be had. 25 30

The Government may temporarily assume the Lines.

X. Her Majesty may at any time for reasonable reward, to be ascertained by arbitration, in case of dispute, assume possession of any such Telegraph Line and all things necessary to the sufficient working thereof, for a time, and may for the same time require the exclusive service of the operators and other persons employed in working such Line, and the Company or individual owning such line shall give up possession thereof, and the operators and other persons so employed, shall, during the time of such possession, diligently and faithfully obey such orders and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding *twenty-five* pounds, for any refusal or wilful neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs, in any way in which debts of the like nature are recoverable by the Crown. 35 40 45

Public Act

XI. This Act shall be deemed a public Act.