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No. 139.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Anglo-French  
Telegraph Company (Limited.)

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First reading, May 11th, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act to incorporate the Anglo-French Telegraph Company (Limited).

**W**HEREAS a petition has been presented, praying that it Preamble.  
 be enacted as hereinafter set forth, and it is expedient  
 to grant the prayer of the said petition : Therefore Her Majesty,  
 by and with the advice and consent of the Senate and House  
 5 of Commons of Canada, enacts as follows :—

1. The Right Honourable Lord Thurlow and Theodore Van- Incorporation.  
 Puten, of the city of London, England ; Edward Friedburg of  
 the county of Surrey, England ; William Murray, of the city  
 of Vancouver, in the province of British Columbia ; Allen  
 10 Haley, of the town of Windsor, in the province of Nova Scotia ;  
 and Isaac Burpee, of the city of St. John, in the province of New  
 Brunswick ; together with such persons as become share-  
 holders in the company, are hereby incorporated under the  
 name of "The Anglo-French Telegraph Company (Limited)," Corporate  
 15 hereinafter called "the Company." name.

2. The head office of the Company shall be in the city of Head office.  
 London, England, or at such other place in the United King-  
 dom, or in Canada, as the directors from time to time deter-  
 mine by by-law.

20 3. The persons named in section 1 of this Act are hereby Provisional  
 constituted the first or provisional directors of the Company, directors.  
 and they may forthwith open stock books, and procure sub-  
 scriptions of stock, and receive payments on account of stock  
 subscribed, and carry on the business of the Company.

25 2. Any of the said provisional directors may vote and act Proxies.  
 by proxy, but such proxies shall be held by provisional  
 directors only, and no provisional director shall hold more than  
 two proxies.

4. The capital stock of the Company shall be one hundred Capital stock.  
 30 thousand pounds sterling, divided into shares of one pound  
 sterling each. Such capital stock shall be issued in whole or  
 in part as the directors determine, and may be called up from  
 time to time as they deem necessary.

5. When and so soon as twenty-five per cent of the capital First general  
 35 stock has been subscribed, and ten per cent of that amount meeting.  
 has been paid into some chartered bank, the provisional direct-  
 ors shall call a meeting of the shareholders of the Company at  
 some place to be named by the provisional directors, at which  
 general meeting the shareholders present or represented by

- proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect the board of directors; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Company. 5
- Notice of meeting. 2. Notice of such meeting shall be sufficiently given by mailing the same, postage prepaid, to the last known post office address of each shareholder at least six days previous to the date of such meeting.
- Annual general meeting. 6. The annual general meeting of the shareholders shall be held on the first Wednesday in May in each year. 10
- Election of directors. 7. At each annual meeting, the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be the directors of the Company. 15
- Proxies. 2. Any of the directors may vote and act by proxy, but such proxies shall be held by directors only, and no director shall hold more than two proxies.
- Proxies to be renewed. 3. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting. 20
- Powers of Company. Telegraph and telephone lines. 8. The Company may—  
 (a.) construct, maintain and operate lines of electric telegraph and telephone, by means of cables, through the waters on the west coast of British Columbia, and the necessary land connections at each end of such cables, and land lines, or by continuous land lines, from some point in or near the city of Vancouver, in the province of British Columbia, by the most feasible route to Dawson City, in the Yukon district; and in, under, upon and across any water, and the shore or bed thereof, and upon, along, across or under any highway or public place, so as to reach Dawson City; provided that such lines shall be constructed and maintained so as not to interfere with the public use of such highways, or injuriously interrupt the navigation of any navigable water; and provided that nothing herein contained shall give the Company the right to build a bridge over any navigable water; 25 30 35
- Proviso. (b.) construct, maintain and operate branch lines and extensions of its electric telegraph and telephone lines; provided that no such branch or extension shall exceed twenty miles in length in any one case; 40
- Branch lines. (c.) acquire, lease or charter steam and other vessels, implements and plant required for the laying, construction, equipment, maintenance and operation of such lines; 45
- Vessels. (d.) for the purposes of its business, connect its lines with the lines of any other submarine electric telegraph and other telegraph and telephone companies in Canada; and may also connect its lines with the lines of any other such companies in the United States at or near any point on the international boundary between British Columbia, or the Yukon District, and the United States; 50
- Connect with other lines. (e.) construct, lay, erect, maintain and operate all such cables, works, structures, apparatus, poles, wires, appliances,
- Construction of works.

materials, supplies and machinery, as may be used in any way in connection with its business;

(f.) acquire and manufacture all such apparatus, poles, cables, wires, telegraph and telephone instruments, and other electrical or magnetic instruments, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and dispose of the same;

Apparatus.

(g.) acquire, use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business;

Patent rights.

(h.) acquire shares in the capital stock, debentures and securities of other companies possessing powers similar to those of the Company, as the consideration for goods, wares or merchandise sold to such other companies in the ordinary course of business;

Stock of other companies.

(i.) establish offices for the transmission of messages for the public, and collect tolls for so doing;

Transmission of messages.

(j.) for the purposes of operating such submarine electric telegraph, and telegraph and telephone lines, enter into contracts with any other company, or lease the Company's lines or any part thereof to such other companies;

Contracts with other companies.

(k.) enter into arrangements with any other cable, telegraph and telephone company for the exchange and transmission of messages, or for the working in whole or in part of the cables and lines of the Company, or of any such other company.

Arrangements for exchange of business.

9. The Company may enter upon the lands of Her Majesty, and of any person or corporation whatsoever, and survey the same, and set out and ascertain such parts thereof as it thinks necessary and proper for the construction and erection of the said lines of telegraph or telephone, and take possession of and use the same for such purpose; and, when the said lines pass through any wood, cut down the trees and underwood for the space of fifty feet on each side of the said lines, doing as little damage as may be in the execution of the several powers hereby granted; and the Company shall make compensation and satisfaction, whenever required so to do, to the owners or proprietors of, or the persons interested in, the lands so entered upon, for all damage by them sustained resulting from the execution of any of the powers granted by this Act.

Expropriation of lands.

2. If the Company cannot agree with the owner or occupier of any lands which it may take for the purposes aforesaid, with respect to any damage done thereto by constructing its lines, the Company and such owner or occupier shall each choose an arbitrator, and the said arbitrators shall choose a third, and the decision on the matter in difference of any two of such arbitrators in writing shall be final; and if the said owner or occupier, or the agent of the Company, neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, disagree in the choice of a third arbitrator, then and in any such case the Minister of Public Works may appoint any such arbitrator, or such third arbitrator, as the case may be, and the arbitrator so appointed shall possess the same power as if chosen in the manner above provided.

Compensation.

Proceedings where parties cannot agree.

Rates to be approved.

**10.** No rates or charges shall be demanded or taken from any person or corporation for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved by the Governor in Council.

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Power to enter upon highway, etc.

**11.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

Erect poles.

Stretch wires.

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires under ground.

Workmen to wear badges.

Private rights.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;

(f.) The opening up of streets for the erection of poles, or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

(g.) In case sufficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

- (j.) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;
- 15 (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Temporary removal of wires and poles.

Notice to Company.

Liability for damage.

12. The Company may receive from any government or from any person or municipal corporation, in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company.

Power to receive aid.

13. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions, and bearing such rate of dividend as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

Preferred stock.

14. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect of the same and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit; and for this purpose may mortgage, pledge, hypothecate, or charge all or any or the assets and property of the Company.

Borrowing powers.

15. The directors may make and issue as paid-up stock shares of the capital stock of the Company in payment for the actual and bona fide price of any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets, and other property of any person, company, or municipal corporation, which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation or to its shareholders; and may also issue as paid-up and un-assessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of

Issue of paid-up stock.

way, lands, rights, plant, property, letters patent of invention, or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures as to the directors may seem proper. 5

R.S.C., c. 118. **16.** Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 132. **17.** *The Electric Telegraph Companies Act* shall apply to 10 the Company.

Time for  
construction  
limited.

**18.** If the construction of one of the lines of submarine electric telegraph, and telegraph and telephone, authorized to be constructed by this Act, is not commenced, and at least fifteen per cent of the amount of the capital stock is not expended thereon, or if one of such lines is not finished and put in operation, within two years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of said lines of submarine electric telegraph, and telegraph and telephone, as then remains un- 20 completed.