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NEWFOUNDLAND, &c.

RETURN

To an Address of the HOUSE OF LORDS, dated 23d April 1858,

FOR

COPIES OF EXTRACTS of any CORRESPONDENCE between the SECRETARY OF STATE and the GOVERNMENT of NEWFOUNDLAND and the other NORTH AMERICAN COLONIES, with respect to any Acts passed for giving an EXCLUSIVE RIGHT to the ESTABLISHMENT of TELEGRAPHIC COMMUNICATION between this Country and North America to One Company.

(The Earl Grey.)

Ordered to be printed 24th June 1858.

RETURN

To an Address of the HOUSE OF LORDS, dated 23d April 1858,

FOR

COPIES or EXTRACTS of any CORRESPONDENCE between the SECRETARY of STATE and the GOVERNMENT of NEWFOUNDLAND and the other NORTH AMERICAN COLONIES, with respect to any Acts passed for giving an EXCLUSIVE RIGHT to the ESTABLISHMENT of TELEGRAPHIC COMMUNICATION between this Country and North America to one Company.

Colonial Office, }
18th June 1858. }

CARNARVON.

(The Earl Grey.)

Ordered to be printed 24th June 1858.

SCHEDULE.

NEWFOUNDLAND.

Number in Series.	From whom.	Date.	SUBJECT.	Page.
1854 :				
1	Governor Hamilton to the Right Hon. Sir G. Grey.	21 July - (No. 111.) (Extract.)	Enclosing " An Act, 17 Vict. cap. 2. (No. 165), to incorporate a Company under the Style and Title of the New York, Newfoundland, and London Telegraph Company" - - - -	5
2	The Right Hon. Sir G. Grey to Go- vernor Hamilton.	24 October - (No. 14.)	Enclosing Order in Council leaving this Act to its operation - - - -	10
3	Do. Do.	8 November (No. 15.)	Suggesting amendment of the Act so as to give the Governments of the neighbour- ing colonies similar privileges in the use of the telegraph as the Governments of the United Kingdom, the United States, and the Island itself possess - -	11
1855 :				
4	Governor Darling to the Right Hon. Lord John Russell.	4 July - (No. 25.)	Reporting on the progress of the works of the Company - - - -	11
5	Do. Do.	31 July - (No. 35.)	Stating, in reply to Sir G. Grey's Despatch of the 8th November 1854, that the privileges therein applied for on behalf of the neighbouring colonies are already sufficiently secured - - - -	12
6	The Right Hon. Sir W. Moles- worth to Gover- nor Darling.	19 August - (No. 11.)	Expressing thanks for the information con- tained, in regard to the progress of the works of the Company - - - -	12
7	Do. Do.	15 October - (No. 24.)	Acknowledging his Despatch of the 31st July, and stating that he has shown sufficient reason for not communicating with the Legislature on the subject -	13
1856 :				
8	Governor Darling to the Right Hon. H. Labouchere.	19 April - (No. 27.) Extract.	Enclosing a letter which he has addressed to the Governor-General of Canada, and reporting favourably on the progress and probable completion of the line - -	13
9	Do. Do.	30 April - (No. 32.)	Furnishing further information on the pro- jects and proceedings of the Company, in continuation of preceding Despatch -	17
10	Do. Do.	14 June - (No. 56.)	Enclosing " An Act, 19 Vict. cap. xii. (No. 205), to amend the Act for the Incorporation of the New York, New- foundland, and London Telegraph Com- pany" - - - -	21

Number in Series.	From whom.	Date.	SUBJECT.	Page.
		1856 :		
11	The Right Hon. H. Labouchere to Governor Darling.	30 October - (No 75.)	Enclosing Order in Council leaving this Act (with several other Acts) to its operation - - - -	21
12	Governor Darling to the Right Hon. H. Labouchere.	14 November (No. 95.)	Enclosing copy of the first message received on the opening of the Telegraph between New York and St. John's - -	22
		1857 :		
13	Do. Do.	31 March - (No. 33.) Extract.	Enclosing "An Act, 20 Vict., cap. 1 (No. 219), further to amend the Act 17 Vict. cap. 2." (No. 165) - -	22
14	The Right Hon. H. Labouchere to Governor Sir A. Bannerman.	20 July - (No. 3.)	Enclosing an Order in Council leaving to its operation the Act enclosed in the preceding Despatch - - -	24
		1858 :		
15	Do. Do.	22 January (No. 4.) (Extract.)	Enclosing letter from the Board of Trade on the policy to be adopted respecting existing legislation as regards the Company - - - -	24

PRINCE EDWARD ISLAND.

		1854 :		
16	Lieut.-Governor Sir D. Daly to the Right Hon. Sir G. Grey, Bart.	15 July - (No. 32.)	Enclosing "An Act (No. 894) granting certain Privileges to the New York, Newfoundland, and London Telegraph Company" - - - -	25
17	The Right Hon. Sir G. Grey to Lieut.-Governor Sir D. Daly.	24 October - (No. 15.)	Enclosing Order in Council leaving this Act (with several other Acts) to its operation - - - -	27
		1857 :		
18	Lieut.-Governor Sir D. Daly to the Right Hon. H. Labouchere, M.P.	29 June - (No. 32.)	Enclosing "An Act (No. 978) granting a yearly Sum to the New York, Newfoundland, and London Telegraph Company" -	27
		1857 :		
19	The Right Hon. H. Labouchere to Lieut.-Governor Sir D. Daly.	31 August - (No. 25.)	Enclosing Order in Council leaving this Act (with several other Acts) to its operation - - - -	28

NEW BRUNSWICK.

		1857 :		
20	Lieut.-Governor the Hon. J. H. T. Manners Sutton to the Right Hon. H. Labouchere.	6 July - (No. 3.)	Transmits and comments on a draft bill and petition from the New York, Newfoundland, and London Telegraph Company, praying for the grant of some pecuniary assistance or exclusive privileges - - - -	28

NEW BRUNSWICK—Continued.

Number in Series.	From whom.	Date.	SUBJECT.	Page.
21	The Right Hon. H. Labouchere to Lieut.-Governor Manners Sutton.	1857 : 28 September (No. 54.)	Expressing strong objections to any law giving exclusive privileges to any Telegraph Company, and instructing him to require the insertion of a suspending clause in any Act that may be passed conferring such privileges - - -	30

NOVA SCOTIA.

22	Major-General Sir J. Gaspard Le Marchant to the Right Hon. H. Labouchere.	1857 : 22 October - (No. 65.) (Extract.)	Enclosing "An Act (No. 3,473) to encourage the Establishment of Telegraphic Communication between this Province and the United Kingdom of Great Britain and Ireland," and granting certain exclusive privileges to the New York, Newfoundland, and London Telegraph Company - - -	31
23	The Right Hon. H. Labouchere to Major General Sir J. Gaspard Le Marchant.	1858 : 18 January - (No. 4.)	Pointing out, in reply, the reasons which render necessary the disallowance of this Act - - -	33

CIRCULAR DESPATCH TO THE GOVERNORS OF THE NORTH AMERICAN COLONIES.

24	The Right Hon. Sir Geo. Grey, Bart.	1855 : 22 March - (Extract.)	Cautioning the Local Governments as regards pledging themselves to the grant of exclusive privileges towards the establishment of telegraphic lines - - -	34
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APPENDIX.

1	Mr. Cyrus Field to the Right. Hon. Lord Stanley.	1858 : 17 March -	Expressing a hope that Lord Stanley will be enabled to recommend the Nova Scotia Act for Her Majesty's confirmation on receiving the information which he is enabled to offer respecting it - - -	35
2	Do. Do.	25 March -	Referring to his previous letter, and offering suggestions on the subject of the Nova Scotia Act - - -	35
3	H. Merivale, Esq., to Mr. Cyrus Field.	5 April -	Stating that it is not in Lord Stanley's power to entertain his proposals - - -	36

NEWFOUNDLAND.

No. 1.

No. 1.

EXTRACT of DESPATCH from Governor HAMILTON to the Right Honourable Sir GEORGE GREY, dated

Government House, St. John's, Newfoundland,
21st July 1854.

(No. 111.)

(Received 14th August 1854.)

(Answered No. 14, 24th Oct. 1854, page 10.)

I HAVE the honour to transmit herewith the Acts passed by the Legislature during the last session.

“Cap. 2. An Act to incorporate a Company under the Style and Title of “The New York, Newfoundland, and London Telegraph Company.”

The object of this Act is to encourage the establishment of a line of telegraphic communication between America and Newfoundland, and thence by steamers or submarine cable across the Atlantic. It incorporates a company for such purposes, giving them certain immunities and advantages.

Enclosure in No. 1.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

Encl. in No. 1.

(No. 165.)

Cap. II.

AN ACT to incorporate a Company under the Style and Title of “The New York, Newfoundland, and London Telegraph Company.”—[Passed 15th April 1854.]

WHEREAS it is deemed advisable to establish a line of Telegraphic Communication between America and Europe, by way of Newfoundland: and whereas the parties herein-after named have associated for the purpose of forming a Company with capital or joint stock of three hundred and twelve thousand five hundred pounds sterling, or one million five hundred thousand dollars, with the privilege of extending it, as herein-after provided :

Be it therefore enacted by the Governor, Council, and Assembly, in Legislative Session convened, as follows :

I. That Peter Cooper, Moses Taylor, Cyrus W. Field, Marshall O. Roberts, Chandler White, Frederic N. Gisborne, and all other persons who shall, pursuant to this Act, become proprietors of shares for the purpose of establishing a company to carry into effect the provisions of this Act, and their successors and assigns, shall be, and they are hereby created, a body corporate and politic, 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, goods, chattels, and things in action, and let, sell, assign, and convey the same, or any part thereof, and do all other acts or things within the scope or for the purposes contemplated by this Act, which corporations may of right do.

II. The capital or joint stock of the said Company shall consist of the said sum of fifteen hundred thousand dollars in shares of one hundred dollars each, with the privilege to the said Company, by resolution of the board of directors, to increase hereafter the capital stock from time to time ; but not to an amount exceeding three millions of dollars : 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 stockholder shall transfer in manner aforesaid all his stock or shares in the said Company to any person, such stockholder shall cease to be a member of said corporation.

III. So soon as twenty-five hundred shares of the capital stock shall be subscribed, the Company shall go into operation, and the said Peter Cooper, Moses Taylor, Cyrus W. Field, Marshall O. Roberts, and Chandler White shall be the first directors of the said Company, who shall continue in office until the first Monday in the month of May, which will be in the year one thousand eight hundred and fifty-six, and until their successors are appointed ; on which said Monday of May, and on the first Monday in May in every succeeding year, there shall be a general meeting of the stockholders in

Preamble.

Peter Cooper and other Shareholders created a corporation by the name of the “New York, Newfoundland, and London Telegraph Company.”

Capital, fifteen hundred thousand dollars in shares of one hundred dollars each. Proviso.

Upon subscription of 2,500 shares, company to go into operation ; Peter Cooper, Moses Taylor, and others, to be the first directors thereof

till the 1st Monday in May 1856, when, and in every succeeding year, stockholders shall meet to review proceedings, elect directors, &c.

the city of London, or in the city of New York, or in the town of Saint John's in this island, as the directors may from time to time determine, fourteen days' notice thereof having been given in three public newspapers, viz. the London Gazette, the Royal Gazette of this island, and a newspaper published in New York, at which meeting the board of directors for the past year shall exhibit a full statement of the affairs of the Company, and the meeting shall thereupon proceed to examine the accounts, elect a board of directors for the ensuing year, amend or annul any bye-law, or make any new bye-law, and transact such other business as may then be brought before them. And any stockholder owning five shares of the capital stock of the company shall be eligible to be a director. Special meetings of the stockholders may also be called by the president or board of directors, by notice published once a week, for six successive weeks, in three newspapers published as above mentioned; and at all meetings of the stockholders, each stockholder may vote in person, or by proxy on production of sufficient written authority therefor, each share being entitled to one vote.

Power of directors to appoint officers, manage the affairs of the company, &c.

IV. 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 by death, resignation, or otherwise) until the next general election of directors; to receive subscriptions to the capital stock from time to time in such amounts and from such persons as they shall determine, and to require payment of the same at such times and in such manner as they shall deem best; and to make bye-laws not repugnant to the laws of this colony and Great Britain, 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.

Shares to be personal property, and liable to attachment and execution.

V. The shares in the capital stock of the said Company shall be deemed personal property, and shall be liable to attachment and execution as other personal property, and the process or warrant in such case shall be served on the president, vice-president, or director or manager of the said Company resident in Newfoundland, and such service shall bind the shares of any stockholder to the extent of such attachment or execution issued against him from the time that notice thereof shall be actually given at the principal office of the said Company in New York, or elsewhere, where the transfer of shares shall be made and registered; and for the purpose of ascertaining the number of shares held by any shareholder against whom any attachment or execution may have issued, the president or vice-president, secretary or any director or officer of the said Company, may be examined in like manner as any third person having in his possession any goods, moneys, debts, or effects of any defendant; and upon the sale by the sheriff, or other proper officer, of any such shares under execution or otherwise, the officers or agents of the said Company having charge of the transfer books shall, on production of a bill of sale from the sheriff or other proper officer, transfer to the purchaser thereof the number of shares sold under such execution or other process and belonging to the defendant at the time of such notice being given at the Transfer Office as aforesaid, and such transfer shall be valid and effectual to all intents and purposes: Provided always that such sale shall be subject to any debt that may be due from such defendant to the said Company, and that no sale shall be made or judgment rendered until at least three months after such notice given at the Transfer Office as aforesaid.

Mode of proceeding thereon, &c.

The Company may construct a main line of Telegraph from St. John's to Cape Ray, and from St. John's to Trepassey, and also branch lines.

VI. The said Company shall construct, complete, keep in order, and operate a main or trunk line of magnetic, electric, or other telegraphs from Saint John's to or towards Cape Ray, and also from Saint John's to or towards Trepassey; and may also construct, complete, keep in order, and operate any other line or lines from any point in Newfoundland to any other point or points therein, or elsewhere, as may be determined or by the Company; and also branch lines connecting the said main or trunk lines with any town or village in Newfoundland: Provided always, that such branch or other lines shall not interfere with the existing line of the Saint John's and Carbonear Electric Telegraph Company, or any other lines that may be constructed between Saint John's and Carbonear by the said Company; and provided, also, that if at any time after ten years from the passing of this Act, any branch line to connect with any town or village aforesaid be desired by the government of this colony, and the Company shall not establish the same within twelve months after a requisition to that effect from the Governor of this colony, the government of this colony may establish such branch line at its own expense, for local traffic only.

Not to interfere with the St. John's and Carbonear line.

Proviso.

Lines of telegraph may be erected along highways, &c., lands entered—compensation therefor—mode of ascertaining same by reference, &c.

VII. The Company may erect or maintain their said lines of telegraph along the side of or across any public highways, bridges, watercourses, or other such places, provided they do 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 the said lines of telegraph, and may take from any part of the ungranted and unoccupied Crown lands of this colony any posts or building materials necessary to make or repair the lines, or any buildings in connection therewith; and in cases of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any damage done to the same, by constructing the lines

lines through or upon the same, the Company 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 Company, shall neglect or refuse to choose an arbitrator within four days after notice in writing to him from the opposite party, 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 Colonial 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.

VIII. The governments of Great Britain, of the United States, and of Newfoundland shall respectively have at all times a preference over all persons of conveying messages upon the said lines of telegraph relating to the public services of these governments respectively, and the rate of charges therefor 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 or delay. **Government to have preference in sending messages.**

IX. 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 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 shall go to the party suing for the same, and the other half to be paid to the Treasurer of the colony for the use thereof; and in default of goods and chattels to satisfy such warrant, every such offender shall be committed to gaol 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 telegraph line, works, building, machinery, or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two 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 misdemeanor, and punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds. **Penalty for interrupting use of telegraph line or works.**

X. So soon as the said line of telegraph shall be completed from St. John's to Cape Ray, or any other point on the west coast of Newfoundland, the Governor shall, on the application of the Company, from time to time issue grants under the Great Seal of this island to the said Company, of any ungranted and unoccupied wilderness land in Newfoundland in blocks or parcels, the contents of which shall not be less than three square miles, and in all not exceeding fifty square miles, subject, nevertheless, to such percentage upon the produce of mines, and to such conditions as to the working thereof, within a limited period, not less than ten years, and to such conditions as to the permanent settlement, in fee simple, of such land, by one settler to every five hundred acres so granted, within five years from the date of any such grant, and to the right of the public to construct any roads or bridges in and over the said land, as now are or may hereafter be specified and defined by the laws of Newfoundland or Great Britain; and the said Company shall have power to alien or dispose of the said lands, or any part or parts thereof, or to occupy, work, or use the same, or any part thereof, in any manner it may deem proper, subject to the like conditions and reservations as aforesaid. And for the purpose of preventing new claims to the prejudice of the said Company, it shall be lawful for it, at any time after this Act goes into operation, to signify in writing to the Governor, the selection of the said lands, or any part thereof, which it desires to have granted to it as aforesaid; and such lands shall thereupon be reserved for the said Company, and shall not be granted, except to the said Company, until the completion of the said telegraph line, as aforesaid, or until three years after the passing of this Act; and all grants to the said Company under this Act shall be issued without any charge to them for surveys or otherwise: Provided always, that nothing herein contained shall affect the provisions of the seventh and eighth sections of the Act of the Legislature of this colony, passed in the seventh year of Her Majesty's reign, cap. 1, which sections are as follows, viz: "That it shall and may be lawful for the Governor, or person administering the government, from time to time to reserve, set apart, and appropriate such parts or portions of any unoccupied land in any of the districts of this island, or places within its government, as he may, by and with the advice and consent of the Council, deem proper and expedient to appropriate for the purpose of erecting court houses, market places, churches, chapels, or other places of public worship, or for the erection of school houses, or for any other public use or purpose; and also such portions of unappropriated ship's room, beaches, and shores as may be deemed necessary or convenient to set apart for the general and public uses of the inhabitants within any of the districts or places aforesaid." "That it shall and may be lawful for the Governor, or person administering the government, by and with the consent of the Council, to order the reservation of such and such portions of bogs as may be deemed necessary for the supply of manure **Offender wilfully damaging works guilty of misdemeanor.**

Upon completion of line to Cape Ray, Crown grants of land to be made to Company, subject to certain conditions and reservations.

or fuel to the public, and such and such portion of forest as may be necessary for the uses of the fishery."

Compensation,
how to be made
for road to be
constructed by
Company.

XI. So soon as a hundred miles of good and traversable bridle road, eight feet wide, with bridges eight feet wide, along a line of the said intended telegraph, shall have been constructed by the said Company from St. John's towards Cape Ray, or other point on the western coast of this island, or from St. John's to Trepassay, by way of Renew's, the Governor shall draw his warrant on the Colonial Treasurer in favour of the Company for the sum of fifteen hundred pounds; and so on, at the rate of fifteen hundred pounds for every additional hundred miles of the said road, as fast as the same shall be finished, until the completion thereof to the western coast and Trepassay, and at the same rate for the last portion, if less than one hundred miles: Provided always that the whole amount to be paid for the completion of the said roads and bridges to Trepassay and the western coast shall not exceed the sum of five thousand pounds. And the said Company shall be bound to complete the said bridle roads and bridges to Trepassay and the western coast, for the said amount, within two years; and the bridle roads so constructed shall be public highways, subject to the rights of the Company, which shall not be bound to keep the same in repair.

Act to be void
unless 2,500 shares
be subscribed and
effective operations
commenced within
one year.

XII. Unless twenty-five hundred shares at least of the capital or joint stock of the said Company shall be subscribed, and effective operations commenced for the establishment of the said line of telegraph within one year after the passing of this Act, this Act and everything herein contained shall be utterly null and void.

Materials to be
imported free of
duty.

XIII. All wires and materials required for constructing, repairing, or working the main or branch lines of telegraphs, or for connecting them or any of them with any other island, province, or country, shall and may be imported free of duty.

Company to enjoy
exclusive right to
line upon per-
formance of cer-
tain conditions.

XIV. The corporation hereby created shall have the sole and exclusive right to build, make, occupy, take or work the said line or any line of telegraph between Saint John's and Cape Ray, or between any other points in this island (excepting only the existing line between Saint John's and Carbonear) for the full period of fifty years from the passing of this Act; subject nevertheless to the right of pre-emption by the government of this colony as herein-after provided; and during the said period of fifty years, no other person or persons, body or bodies politic or corporate, shall be permitted to construct, purchase, take, or operate any line or lines of telegraph on this island, or to extend to, enter upon, or touch any part of this island, or the coast thereof, or of the islands or places within the jurisdiction of the government of this colony, with any telegraphic cable, wire, or other means of telegraphic communication from any other island, country, or place whatsoever. Provided, however, that if the said line of telegraph shall not have been completed from Saint John's to Cape Ray, or other point on the western coast of Newfoundland, and a communication by telegraph across Prince Edward Island, or the island of Cape Breton, or otherwise established with the continent of America, within five years from the passing of this Act, the exclusive privileges granted by this section shall cease.

Provision for
purchase of line
by Government.

XV. If at any time after twenty years from the passing of this Act, it shall be deemed advisable by the Governor in Council that the lines of telegraph and other property of the said Company shall be transferred to and vested in the government of this island, it shall be lawful for the Governor to cause a written notice to be given to the said Company, which shall be served upon the president, or director, or manager in this island, which notice shall state that the government has decided upon becoming the holder of the said lines and other property; and thereupon the Governor and the Company shall each choose an arbitrator, and the arbitrators so chosen shall appraise the telegraph lines, wires, cables, apparatus, vessels, and all other property connected therewith, and if they cannot agree, they shall choose a third as umpire, and if they do not make such choice, the Supreme Court shall appoint an umpire, and the appraisement of any two of them shall be taken as the true and just value of said property; and after the expiration of one year from the time the award of the arbitrators shall have been communicated to the government and the Company, and after the payment made or tendered in manner herein-after provided, all and singular the said telegraphic lines, wires, cables, apparatus, vessels, and other property so appraised, shall become the property of Her Majesty, for the benefit and public use of this island, and shall be thenceforth held free and discharged from all claims of such Company or shareholders thereof, or any person whomsoever; and the government shall draw warrants on the Treasurer of this colony for the payment to such Company of the amount so awarded as aforesaid, and the payments in discharge of such warrants shall be made or tendered by the Treasurer aforesaid to the president and directors of the said Company, or their director or manager in this island, as the Governor shall direct and appoint; but this section shall not apply to any lands granted to the said Company, by virtue of the tenth and twenty-second sections of this Act, nor to the proceeds thereof, or any land or property purchased with such proceeds, nor to the bonuses to be paid to the Company, or to any land or property purchased with the same or any part thereof, nor to any mines or minerals, or the property connected with the management or working of such mines or minerals.

Directors to issue
bonds in payment
of property pur-
chased, or money

XVI. The directors may, from time to time, by resolution, authorize and direct the issue of bonds by the said Company, for such sums in pounds sterling, and to such an amount in the aggregate, as the directors may deem expedient, in payment for any property purchased by the said Company, or for any money borrowed by it, or to nego-

tiate and sell at public or private sale, at such price as the directors may deem satisfactory, for the purpose of raising funds for the use of the said Company ; and the government of this colony hereby guarantees the payment to the holders thereof of the interest, for the period of twenty years only, upon fifty of such bonds of one thousand pounds sterling each respectively. The bonds upon which the interest is so guaranteed to be payable by the Company in twenty years, in London, with five per cent. interest, payable semi-annually, and convertible into stock at its par value, according to the current rate of exchange between New York and London, at any time within ten years, at the option of the holders. The bonds of which the interest is so guaranteed shall be registered in the office of the Secretary of the colony, and such registry shall be certified by an endorsement thereon signed by the Colonial Treasurer, and countersigned by the Colonial Secretary, to the effect that the payment of the interest on the same, for the period aforesaid, is guaranteed by the colony ; and for the amount of the interest on the bonds so issued and guaranteed, the government of this island shall have, by force of this Act, a lien upon all the telegraph lines, works, and property of said Company in this island and to the continent of America, in preference to all other claims. The bonds of which the interest is so guaranteed, to be delivered to the said Company as follows :—Ten of them when the Company shall have begun to operate under this Act ; ten of them when the telegraph line and bridge roads before mentioned shall have been completed from St. John's to Cape Ray or some other point on the west coast of Newfoundland, and Trepassay ; and the remaining thirty when the telegraph shall have been completed from Saint John's to Prince Edward Island or the island of Cape Breton. But before the said remaining thirty bonds are delivered to the said Company they shall be offered by the Company for sale at par (reckoning the rate of exchange between Saint John's and London at twenty per cent. premium) to the government of this colony, or any inhabitant thereof, by notice published for three successive weeks in the Royal Gazette of this island ; and if the said bonds, or any of them, be purchased by the government, or any inhabitant of this colony, at or before the expiration of the said three weeks, the bonds so purchased shall be delivered to the purchaser, and the par value thereof be paid to the said Company in lieu of the said bonds ; and in case the said Company shall not think fit to receive the bonds last above mentioned within ten days after they shall be entitled to receive the same, there shall be offered for sale to the government, for the inhabitants of this colony, stock in the said Company to the extent of thirty thousand pounds sterling, or one hundred and forty-four thousand dollars at par, which shall in such case be offered by advertisement in manner above mentioned.

horrowed by the Company.
Government guarantees payment to holders of 50 of such bonds, of the interest thereon for 20 years.

XVII. And if it shall so happen that the government of this colony shall be called upon to pay any sum of money as interest upon the said bonds, or any of them, in pursuance of such guarantee as aforesaid, and shall actually pay such interest thereon, the governor of the colony shall forthwith cause notice of such payment to be given to the directors of the said Company, or to their director or local manager in this island, requiring the said Company to refund such payment within a time (not less than three calendar months) to be limited in such notice ; and if at the expiration of the time so limited such payment shall not have been refunded, the Governor of the colony shall, in the name of Her Majesty, and for the public service of this colony, cause possession to be taken of the whole of the property and effects of the said Company specified in the last preceding section, and retain possession thereof, and of the profits of the same, until such interest so paid by the government of this colony shall have been refunded ; and in case the said Company shall not, within six calendar months after possession of such property and effects shall have been so taken as aforesaid, redeem the same by refunding the amount so paid, and all charges thereon (subject to an account of the rents and profits in the meantime by the government of this colony), then and in such case it shall be lawful for the said government to sell the said property and effects by public auction at Saint John's or New York, after three months notice in the London Gazette, the Royal Gazette of this island, and in a newspaper published in New York, and to pay over to the said Company the surplus arising from such sale after payment of all expenses, and the amount so paid as aforesaid, and reserving as a pledge a sum sufficient to purchase at six per cent. an annuity equal to the future interest so guaranteed on the said bonds : Provided that should the highest amount bonâ fide bid at such sale be insufficient to meet the amount so due, and the expenses as aforesaid, together with such sum as will purchase such annuity as aforesaid, it shall be competent to the said government to take and hold the said property and effects absolutely as their own property, in lieu of all their claims arising out of the said guarantee.

Government paying such interest, to give notice thereof to the directors, requiring them to reimburse therefor.

Mode of enforcing re-payment.

XVIII. The said Company shall have power to establish, construct, and work a line or lines of telegraph between Newfoundland and Ireland, or any other island, place, or places in the Atlantic Ocean or in Europe or in the United States, and to construct, purchase, and work any telegraph line or lines, or means of communication, in Canada, Prince Edward Island, Cape Breton, Nova Scotia, New Brunswick, and the United States, and in the waters adjacent to or between the said islands, provinces, or states, and between any of them and Newfoundland : Provided, however, that such consent as may be necessary shall be first obtained of the governments of said provinces and states respectively ; and generally to purchase or hire any line of telegraph which may now or hereafter be constructed by any person or persons, or body or bodies politic or corporate,

Company to have power to construct telegraph lines between Newfoundland, Ireland, and other places.

Proviso.

in the United States, or British provinces of North America, or in Europe, and to use the same for the transmission of messages and intelligence ; and they may also 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.

Company may purchase property of late Newfoundland E. T. Company.

XIX. The said Company may purchase from the said Peter Cooper, Moses Taylor, Cyrus W. Field, Marshall O. Roberts, and Chandler White, at such price and on such terms as may be agreed on between them and the said Company, the telegraphic lines, wires, posts, insulators, cables, and other property in Newfoundland, Prince Edward Island, New Brunswick, and the waters between New Brunswick and Prince Edward Island, which belonged to the late Newfoundland Electric Telegraph Company, and which the said Company sold, transferred, and conveyed to the said Peter Cooper, Moses Taylor, Cyrus W. Field, Marshall O. Roberts, and Chandler White, on the tenth day of March in York, Newfoundland, and London Telegraph Company shall become seised and possessed of and entitled to all of the said telegraph lines, wires, posts, insulators, cables, and other property, and may hold, use, and dispose of the same in the same manner and with the same effect as if the Company hereby incorporated had built and constructed the same after the passage of this Act.

Aliens may be stockholders and officers of Company.

XX. Every stockholder in the said Company, whether a British subject or a citizen of the United States, or other alien, or resident in Newfoundland, the United States, or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Principal office of Company, where to be held.

XXI. The place where the meetings of the stockholders and of the board of directors shall be held, and where the principal office for the transaction of the business of the Company shall be established, shall be in the city of London or in the city of New York, or at Saint John's in this island, as the directors may from time to time determine ; but there shall always be a director or local manager for the transaction of the necessary local business in this colony, and also a director or local manager in London and New York for the transaction of the necessary local business in Great Britain and the United States respectively.

On Atlantic submarine wire being laid down, Government to make further grant of land to Company.

XXII. So soon as the said Company shall have actually established a communication across the Atlantic ocean by means of a submarine cable or wire from this island, the said Company shall be entitled to receive from the government of this island a grant of fifty square miles of ungranted and unoccupied wilderness land, to be selected by the said Company, in addition to the grants herein-before mentioned, and subject to the same conditions and provisos as are mentioned in the tenth section of this Act.

Statement of affairs of Company to be transmitted annually to Governor.

XXIII. On the first Monday in July in each year the principal agent or manager of the said Company in Newfoundland shall transmit to the Colonial Secretary thereof, to be laid before the Governor for the information of the Legislature, a statement of the affairs of the Company in duplicate, showing the profits of the Company for the then last preceding year, with a statement of any bonds that have been converted into stock or cancelled, which bonds shall be returned to the Secretary of the colony, and a list of the directors and stockholders to be deposited in the Colonial Secretary's Office, for reference only.

Public Act.

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

Governor's Assent given 15th April 1854.
Passed the Council 5th April 1854.
Passed the Assembly 5th April 1854.

No. 2.

No. 2.

COPY of DESPATCH from the Right Honourable Sir GEORGE GREY to Governor HAMILTON.

(No. 14.)

Downing Street,
24th October 1854.

SIR,

I HAVE received and had under my consideration three Acts passed by the legislature of Newfoundland in the months of April and June last, and transmitted to me in your despatch* noted in the margin.

No. 164, 17 Vict. cap. 1.
No. 165, 17 Vict. cap. 2.
No. 167, 17 Vict. cap. 4.
*No. 111, 21 July 1854, page 5.

These Acts having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation, and I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 18th instant, approving that Report.

Governor Hamilton,
&c. &c.

I have, &c.
(Signed) G. GREY

No. 3.

No. 3.

COPY of DESPATCH from the Right Honourable Sir GEORGE GREY to
Governor HAMILTON.

(No. 15.)

Downing Street,
8th November 1854.

SIR,

AMONG the Acts passed by the Legislature of Newfoundland, and left to their operation by the Order in Council contained in my Despatch No. 14* of the 24th ultimo, is one (No. 165), to incorporate a telegraph company, by one of the provisions of which the governments of the United Kingdom, of the United States, and of the Island, are to have a preference in the use of the telegraph at the current charges, but no similar privilege is extended to the governments of the neighbouring colonies. * Page 10.

This omission is probably unintentional; but as it is desirable that it should be repaired, I have to instruct you to bring the clause in question under the consideration of the Colonial Legislature with a view to its amendment.

I have, &c.

Governor Hamilton,
&c. &c.

(Signed) G. GREY.

No. 4.

No. 4.

COPY of DESPATCH from Governor DARLING to the Right Honourable
Lord JOHN RUSSELL.

(No. 25.)

Government House, St. John's,
4th July 1855.

(Received 30th July 1855.)

MY LORD,

(Answered No. 11; 19th August 1855, page 12.)

It will be interesting to Her Majesty's Government to be informed that the "New York, Newfoundland, and London Telegraph Company" have recently resumed active operations in this colony, and that rapid progress is making in the establishment of a line of electric telegraph between St. John's and Cape Ray.

2. Three or four surveyors are employed in the necessary preliminary surveys upon portions of the line, and about six hundred labourers are at work in various departments of the undertaking. Upwards of thirty miles of the telegraphic wire are completed; the road which the Company is bound by the 11th clause of the Act of Incorporation to construct within two years is opened at several separate points to an extent amounting in all to about one half of the whole distance; and there is every reason to expect that the line across Newfoundland will be completed and ready to be put into operation by the end of the present year.

3. I have learned these particulars from Mr. Ellis, the chief local engineer of the Company, who has also informed me that the cable intended to connect this colony with Cape Breton is now on its way from Europe; and with reference to the grand ultimate object of this remarkable enterprise, viz., the telegraphic connection of Newfoundland with a point on the west coast of Ireland, Mr. Ellis seems to entertain no doubt, although he is not himself concerned in that branch of the project, that a company composed of London and Paris capitalists have become bound under a forfeiture of 90,000 dollars a year, for any period not exceeding fifty years after the 1st January 1858, during which the electric cable may not be completed, to have it laid down across the Atlantic, and in working order by that date.

This amount I understand to be calculated as the annual interest upon the capital invested in the undertaking, and a statement of the existence of such an engagement has received currency in more than one of the United States' newspapers.

4. There is also reason to believe that a company is on foot in the United States for initiating regular direct steam communication between St. John's and Liverpool; and at any rate measures are about to be taken on the part of the Telegraph Company for the removal or reduction of the "Merlin Rock," which lies in the "narrows" of the harbour of St. John's, and is considered,

No. 7.

No. 7.

COPY of DESPATCH from the Right Honourable Sir W. MOLESWORTH
to Governor DARLING.

(No. 24.)

Downing Street,
15th October 1855.

SIR,

I HAVE to acknowledge the receipt of your Despatch, No. 35*, of the 31st July, respecting an Act passed by the Legislature of Newfoundland for establishing an Electric Telegraph Company, and I have to state that you have assigned sufficient reasons for having refrained to communicate with the Legislature on this subject, as directed by Sir George Grey. * Page 12.

I have, &c.

Governor Darling,
&c. &c.

(Signed) W. MOLESWORTH.

No. 8.

No. 8.

EXTRACT of DESPATCH from Governor DARLING to the Right Honourable H. LABOUCHERE, M.P., dated "Government House, St. John's, 19th April 1856."

(No. 27.)

(Received 8th May 1856.)

I do myself the honour to transmit for your information the copy of a letter which I have thought it right to address to the Governor General of Canada, in reference to the undertaking which is now approaching its completion for establishing communication by electric telegraph between St. John's in this colony and the continent of America.

Enclosure 1.
9th April 1856.

The managing director of the Telegraph Company has arrived, accompanied by engineers and persons skilled in the work of laying telegraphic wires, and the result of a lengthened interview which I had with that gentleman yesterday is to confirm, in a most satisfactory manner, all that I have stated to you, and to the Governor General of Canada, in respect to the progress and probable completion of the line.

It is confidently anticipated that a message will be conveyed from St. John's to New York before the next winter sets in, and as the posts and wires already established have not, I am informed, received any material injury, although the winter now terminating has been of unusual severity, during which a far more than average depth of snow has fallen and remained upon the ground, it may be fairly presumed that the line will not be subject to peculiar accidents arising from that cause, a point upon which, I understand, apprehensions have been hitherto entertained.

With respect to the initiation of a system of direct steam communication between Great Britain and St. John's, it does not appear that arrangements have been as yet definitively effected with any company at present engaged in transatlantic steam navigation, or for the formation of a new company for that purpose, but the interests of the Telegraph Company so clearly require that the experiment should be tried, that I feel assured that the exertions they are now making with this view will not be without a practical result.

I may here beg to express the hope I confidently entertain that the latter question, as connected with the transmission of the mails, will receive the fullest consideration on the part of Her Majesty's Government; and to observe that the present state of the telegraphic enterprise seems to warrant an appeal to the expectation in this regard held out to the legislature of the colony in Earl Grey's Despatch, No. 204, of the 28th July 1851.*

Bearing

* COPY of DESPATCH from the Right Hon. Earl GREY to Lieut.-Governor Sir J. G. LE MARCHANT.

(No. 204.)

SIR,

Downing Street, 28th July 1851.

I HAVE to acknowledge the receipt of your Despatch No. 37, of the 18th ultimo, enclosing an Address to the Queen from the House of Assembly of Newfoundland, in which, with reference to a recent Act of the Legislature establishing a line of electric telegraph, they pray that St. John's may be made a port of entry for the transatlantic steamers.

(162.)

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Bearing in mind the reluctance which might naturally be entertained on the part of Her Majesty's Government to resort to the power reserved in the existing mail contract, by which that contract may be determined at any time upon twelve months' notice, they will no doubt be equally unwilling, at a period when so much importance both in a political and commercial point of view is universally attached to the receipt of intelligence at the earliest moment which the progress of practical science has rendered attainable, to overlook the fact that whatever communication may arrive at St. John's from any part of the eastern or western hemisphere will, if the voyage be performed in a period at all proportionate to that now occupied in the passage to and from Halifax, reach its ultimate destination by the Telegraph Company's line between two and three days sooner than by any other means.

Regarding the question in this light, I venture, indeed, to think, even admitting the obstruction from ice at particular periods of the year to be as formidable as it has been represented, or at any rate such as to render direct intercourse by steam with America throughout the year, viâ Newfoundland, unprofitable as a pecuniary investment, that it might be well worth the consideration of Her Majesty's Government whether the simple transmission of intelligence would not be of sufficient importance to justify them either in establishing for that purpose at the public cost, or in subsidizing any company which might be formed for establishing a line of steam despatch boats of as small a size and inexpensive a character as should be consistent with the attainment of the greatest speed and the greatest capability of contending with the ice. The period during which these boats should run might be limited in the first instance to those months in which the ordinary steam packets are considered to be exposed to greater risk in approaching our coast.

With respect to the objection which has been urged on the score of the prevalence of fogs, I have directed such a record to be kept at the lighthouse at the south head of the harbour of St. John's as will enable me to furnish accurate information upon the subject in the course of a few weeks. Guns are fired half-hourly at that lighthouse whenever Cape Spear, which is situated to the south-east about eight miles distant, is enveloped in fog, and by the register now before me for the months of November, December, and January last, I find that there were only,—

	Guns.	Hours.
2 days in which were fired	- 9	equal to 18
3 " "	- 8	" 24
2 " "	- 6	" 12
4 " "	- 4	" 16
1 " "	- 3	" 3
2 " "	- 2	" 4
2 " "	- 1	" 2

79

indicating about forty hours of fog during the three months referred to. I am quite aware that in the months of May and June the register will exhibit a less favourable aspect, but I am at the same time confident, from my own observation during last year, that the result will be by no means so discouraging as is generally supposed:

Enclosure No. 2.
22d January 1855.

With respect to the contemplated telegraphic connection of America with Europe, I am now enabled to transmit for your information a copy of the contract effected by the New York, Newfoundland, and London Telegraph Company

I have laid this Address before the Queen, and Her Majesty was pleased to receive it very graciously. I am commanded to instruct you to acquaint the House of Assembly that Her Majesty views the proposed undertaking with much interest, and that she trusts that if it be completed, it will contribute to the general prosperity of the Island.

I have further to add that it has not been in my power to tender any advice to Her Majesty with respect to constituting St. John's a port of call for the transatlantic steamers. This will be a matter for future consideration, when the work contemplated by the Legislature shall have advanced towards completion; and adverting to the difficulties which presented themselves when the subject was on a former occasion brought under the notice of Her Majesty's Government, and which you will find referred to in Lord Stanley's Despatch, No. 227, of 26th of July, 1845, I fear there is little probability of its being practicable to make the desired arrangement, though it would be premature to express any final opinion at present upon this point.

I have, &c.
(Signed) GREY.
with

with the Transatlantic Submarine Telegraph Company for that purpose. I am informed by the director of the former Company, whom I have before mentioned in this despatch, that the transatlantic cable has not yet been put in hand, the existence of war upon a large scale having been unfavourable to the commencement of such a manufacture, and the accident which occurred to the Mediterranean cable, as well as to that which was attempted to be laid between Cape Breton and Newfoundland last year, having induced the contractors to enter upon experiments as to the possibility of reducing the cost and risks of undertakings of this nature. These experiments have, I learn, been eminently successful, it having been ascertained that a cable with stronger conducting power than those hitherto in use can be constructed to weigh only one ton to the mile instead of eight tons as formerly. The cable between Spezzia and Corsica is, I understand, of this description.

If the successful accomplishment of this branch of the project in the beginning of the year 1858 could be confidently anticipated, comparatively little importance in a public point of view would attach to the establishment of direct steam communication with Newfoundland; but as the probability of such success can only be ascertained from the Transatlantic Company, with whom I have not the opportunity of communication, and as I confess myself sanguine that the consequence of the initiation of direct steam communication would be the discovery that it would be both feasible and profitable as a continuous system, greatly to the advantage of the colony whose interests it is my duty to advocate whenever I can do so, without involving injury to other portions of the empire, I should be exceedingly glad to learn that such a project would receive the support and encouragement of Her Majesty's Government.

I beg leave to enclose a copy of the clause which has been introduced into the bill for amending the Telegraph Company's Incorporation Act to which I have referred in my confidential letter of the 2d instant, for specifically conferring the privilege of the preferential transmission of intelligence upon the governments of the other North American colonies. It has passed through the Assembly, and will no doubt be carried through the Council without any opposition.

Enclosure No. 3.
4th Section of Act
to amend Tele-
graph Company
Incorporation Act.

Enclosure 1, in No. 8.

Encl. 1, in No. 8.

COPY of LETTER from Governor Darling to Governor General of Canada.

SIR, Government House, St. John's, 9th April 1856.
HAVING perceived in a Canadian newspaper a statement to the effect that a memorial had been laid before the Canadian Parliament from the Board of Trade of Montreal, suggesting the construction of a line of communication by electric telegraph between Quebec and Forteau Bay on the coast of Labrador, I have thought it may prove convenient to your Excellency's Government that I should call your attention to the Act of the Legislature of Newfoundland, by which (section 14) the necessary powers to establish telegraphic communication between America and Europe by way of Newfoundland have been conferred under certain conditions upon a corporate body created by that Act, and by which all other bodies or persons are excluded from putting any electric telegraph into operation within the jurisdiction of the government of this colony, and from touching any place within that jurisdiction with any telegraphic cable, wire, or other means of telegraphic communication from any other island, country, or place whatsoever.

2. I have accordingly the honour to enclose a copy of the Act in question, and I beg at the same time to transmit for your Excellency's information an Extract of my Commission as Governor of Newfoundland, by which your Excellency will observe that "Forteau Bay" is within the jurisdiction of this Government, being situated on "the coast of Labrador, from the entrance of Hudson's Straits, to a line drawn due North and South from Anse Sablon on the said coast to the 52d degree of North latitude."

No. 1.
Act, Newfound-
land Legislature,
17 Vict. cap. 2.
page 5.

3. The Act of this Legislature has been left to its operation by an order of Her Majesty in Council, and there seems no reason to doubt that, unless the efforts of the Company to establish the electric cable between Cape Ray and the island of Cape Breton should be again frustrated by contingencies similar to that which occurred last year, the line will be in effective operation from St. John's in this colony to Cape Ray, and thence to the main land of America, before the commencement of the next winter.

4. Indeed, the managing directors are in expectation that it will be completed by the 1st of August next, a contract having been entered into with a London house to have the cable referred to laid down at their own risk by that date.

5. There is also reason to expect that in connection with this scheme, and without which adjunct it would indeed be comparatively valueless, direct communication by steam between this colony and the mother country will be initiated during the present year.

6. With the details of the latter project I am not acquainted; nor am I aware whether it will be undertaken exclusively by the persons named in the third section of the Act of Incorporation of the Telegraph Company, who are at present, I understand, the only shareholders of the Company, or by other parties. Wharf premises in the harbour of St. John's have, however, been secured by the Company in order to provide proper facilities for coaling the vessels employed.

7. Your Excellency will perceive that by the eighth clause of the Act of Incorporation the governments of Great Britain, of the United States, and of Newfoundland, will have a preference in conveying messages upon the public service of those governments respectively; and although the right which is thus secured to the Imperial government would, no doubt, include all communications which the governments of the other North American colonies could desire to make viâ Newfoundland, yet the opportunity will be taken of an Act in amendment of the Incorporation Act being now before the Legislature, to introduce a provision more specifically securing this privilege to those colonies, so far as transit through the territory within the jurisdiction of this government is concerned.

8. Although the direct line from a port in Great Britain to the nearest harbour on the coast of Labrador may be somewhat shorter than that to St. John's, yet I apprehend that it is more exposed to danger and obstruction from ice, and at any rate the harbour of Trepassy on our south coast, which is included in the telegraphic scheme, is rendered free from ice by the same winds which occasionally make the approach to St. John's difficult from that cause. With respect to fogs, it is very confidently affirmed by those acquainted with the question, that this island is not more subject to them than the coast of Nova Scotia, while our shores are undoubtedly more bold and prominent, and in that respect less dangerous to approach.

9. Upon the whole, therefore, I hope that the magnificent provinces under your Excellency's more immediate government may derive every advantage from the Newfoundland line, which could be anticipated from the suggested line along the Labrador, while there seems to me little reason to doubt that the former will be in effective operation before the latter could even be commenced.

10. With respect to that remarkable and interesting portion of the project of the Telegraph Company which contemplates the establishment of a submarine cable between Newfoundland and Ireland, it would be presumptuous to offer an opinion of the probability of its success. The exclusive privileges of the Company do not, however, depend upon its accomplishment, but merely upon the completion of the line across Newfoundland and with the continent of America, within five years from the 15th April 1854, (section 14), but I have reason to believe that arrangements are in progress, and that an agreement has been made intended to effect that object by the 22d January 1858.

The Governor-General,
&c. &c.

I have, &c.
(Signed) C. H. DARLING.

Encl. 2, in No. 8.

Enclosure 2, in No. 8.

COPY of AGREEMENT between New York, Newfoundland, and London Telegraph Company with the Transatlantic Submarine Telegraph Company.

THIS agreement, made this 22d day of January 1855, between the New York, Newfoundland, and London Telegraph Company of the first part, and the Association called the Transatlantic Submarine Telegraph Company of the second part, represented by John N. Brett and P. Shaffner, the Sole Acting Directors and Gérants of the Association, witnesseth :

First, that the parties of the second part agree to begin immediately, to finish, and lay down in working order in three years, a submarine cable sufficient for carrying telegraphic messages from some part of Europe to some part of America, connecting with the line of the parties of the first part at or near St. John's, Newfoundland.

Second, The New York, Newfoundland, and London Telegraph Company agree, upon the completion and operation of the said cable, to grant to the parties of the second part associated as aforesaid, so far as the authority of the parties of the first part extends, and so long as the said submarine cable connected with Newfoundland as aforesaid is kept in good working order or repaired with due diligence, the exclusive right to touch and land on the coast of Newfoundland, or any other part of America to which the rights of the said New York, Newfoundland, and London Telegraph Company may extend with a telegraphic submarine cable from any part of Europe, subject to the conditions hereinafter contained.

Third, all messages and intelligence transmitted from Europe by or through the said cable, shall be delivered to the parties of the first part at their office, in St. John's, Newfoundland.

foundland, and shall be by them transmitted over their line in their proper order without unnecessary delay, and at the same rates as charged for other messages or intelligence of like character.

Fourth, If the parties of the second part should not connect within the period aforesaid with the line of the parties of the first part in Newfoundland as aforesaid, and keep their line in operation and repair, but should extend their line to some other part of the American continent or islands adjacent, or should form a connection or communication directly or indirectly by themselves or through any other line or lines to or with the said continent or the islands adjacent, or on the American side of the ocean, they shall pay to the parties of the first part ninety thousand dollars annually for fifty years, or so long as their line remains unconnected with the line of the first parties at St. John's in half yearly payments at the office of the parties of the first part in the city of New York, on the first days of January and July, beginning on the 1st January after the completion of the said submarine cable, on which day forty-five thousand dollars shall be paid, and the same sum every six months thereafter at the place aforesaid, during the said fifty years.

In witness whereof, the said New York, Newfoundland, and London Telegraph Company has hereto set its Corporate Seal, and the said parties of the second part have hereto set their hands and seals the day and year first above written.

PETER COOPER,
President. (Seal.)
TAL. P. SHAFFNER. (Seal.)
JOHN N. BRETT. (Seal.)

Signed, sealed, and delivered in presence of witness to signature of Peter Cooper and Tal. P. Shaffner.

SAM. B. MORSE.
FRED. B. CHUNKS.

Witness to signature of John N. Brett.

OTHO N. WALL
WORTLEY DE LA MORE.

Encl. 3, in No. 8.

Enclosure 3, in No. 8.

SECTION 4th of the Bill to amend the Act for the Incorporation of the New York, Newfoundland, and London Telegraph Company.

4. THE Governments of the British Colonies in America shall have the like privileges with regard to the transmission of messages on the said line as are provided in the said recited Act with respect to the government of this colony.

No. 9.

No. 9.

COPY of DESPATCH from Governor DARLING to the Right Hon. H. LABOUCHERE, M.P.

(No. 32.) Government House, St. John's, 30th April 1856.
SIR, (Received 19th May 1856.)

WITH reference to my Despatch, No. 27*, of the 19th instant, I now beg to put you in possession of such further information as I have been able to obtain since that date, in reference to the projects and proceedings of the New York and Newfoundland Telegraph Company. * Page 13.

2. It appears that an engagement has been entered into by which a steam vessel, with the Newfoundland and Cape Breton cable on board, will leave England on the 5th June next, under heavy penalties for delay, and proceed direct to the neighbourhood of Cape Ray. After the laying of the cable shall have been completed she will visit the port of St. John's in this colony, and, it is hoped, proceed thence on her return to England on the 15th July next.

3. The Company's steamer "Victoria" left the harbour of St. John's on the 26th instant, conveying engineers and skilled workmen, who are to be landed at convenient points upon the southern coast, for the purpose of immediately proceeding with the land operations.

4. The representative of the Company at present here seems to entertain no doubt that a message will be transmitted through to the United States in the month of August next. As this confidence is shared by the gentleman (Mr. F. N. Gisborne) who was formerly the chief engineer of the present as well as of the original Company, is now re-appointed to that office, and has perfect practical acquaintance as well with the difficulties to be overcome as with the resources at his command, I am inclined to think that the expectation entertained upon this point will be realized.

5. With reference to the views which I have already submitted in my Despatch above referred to on the subject of establishing direct communication between the British Islands and St. John's, in order to ensure the fullest advantage from the connection of Newfoundland by electric telegraph with the main land of America at the earliest possible moment, I beg leave to transmit herewith the copy of a printed statement* drawn up by Mr. Cyrus Field, a director and shareholder of the Telegraph Company, to which is annexed a chart exhibiting in geographical miles, and I believe upon competent authority, the distance between St. John's and various ports in Great Britain and Ireland.

6. The number of miles between St. John's and Galway is there given as 1647. The distance to Valentia, which it will be observed is the point of contact with Ireland assumed upon the chart for the sub-marine cable, is stated upon the authority of Lieutenant Maury, of the United States Navy, the well-known hydrographer, at 1640 miles.

7. If, therefore, it be true that the screw steam despatch boats lately constructed for Her Majesty's service average a speed of sixteen miles an hour, as I perceive is affirmed in the public journals, it follows that the transatlantic passage could be accomplished by vessels of that class in about one hundred and three hours. In this case from all points in Europe, Asia, and Africa, which may be connected by electric wire with either of the places upon the coast of Ireland just referred to, intelligence might be transmitted to all points in America similarly connected with St. John's in this colony, in the time stated, with no greater addition than may result from the delay occasioned by the land wires being in possession of different companies, which circumstance would require the re-initiation of the messages at the various points where the respective lines commence, or from the necessity of renewing the electric current in cases where the wires of the same company extend through beyond the distance which experience may prove can be safely relied upon for perfect and thorough transmission.

8. There cannot, I venture to think, be any doubt that the governments of the European nations and of the United States would be found ready to contribute to the support of a line of boats established for the purpose referred to, and which, if occasionally prevented by ice from reaching the harbour of St. John's, would experience little difficulty in making that of Trepassy, and at least communicating with the shore at that point.

9. Aware that Her Majesty's Government will be fully alive to the importance of the facilities of communication thus on the eve of establishment, it is the more necessary I should state that although the ocean cable is that part of the undertaking upon which the New York and Newfoundland Telegraph Company mainly rely for profitable returns, the transmitting power of that cable being, at the rate of two shillings a word, equal to producing a revenue of about fourteen thousand pounds a day,† yet I have good reason for believing that so long as the New York and Newfoundland Telegraph Company are satisfied that the Transatlantic Company are bonâ fide pressing on the completion of the ocean cable with reasonable speed, they will not insist upon the terms of the contract which require that it should be in actual operation in January 1858. The date at which that cable may be available is thus rendered in some degree indefinite, and it is scarcely, I think, the language of exaggeration to say, that the adoption of other means for the rapid conveyance of messages between the European and American land wires, pending its completion, becomes a matter of interest and importance to the whole civilized world.

10. The existing monopolies in transatlantic steam mail conveyance, the apprehension entertained of danger in approaching the coasts of Newfoundland, a danger which I conscientiously believe to have been generally and sometimes I fear designedly exaggerated, may have the effect of delaying, and certainly

* "Statement of some of the advantages attendant upon making St. John's, Newfoundland, a Port of Call for Transatlantic steamers," printed by M. Lowndes, 148½, Fenchurch Street.

† 3 wires, 60,000 words each, equal to	-	-	-	180,000
Deduct for dates, signatures, and addresses	-	-	-	36,000

Leaving	-	-	-	-	144,000 words,
at 2s. each	-	-	-	-	£14,400

will

£14,000.

will discourage the efforts making for the accomplishment of this object by means of merchant steamers, with whose owners the prospects of pecuniary profit must form an important consideration. Nor should it fail to be borne in mind that to give full effect to the advantages which the telegraphic connection of Newfoundland with the American continent presents, the utmost attainable speed and regularity in the performance of the ocean voyage are the ends to be held in view. These ends, I submit with much deference, are not likely to be so completely effected by any other means as by the direct action of Government, or by that of some stimulus applied by Government to the origination of a scheme which should be subject to its effectual supervision and control.

11. But even as regards the advantages which the direct communication offers to merchant steamers, I have upon inquiry found no reason to question the general correctness of the statements in Mr. Field's pamphlet, with the exception of that at Page 6, as to the infrequency with which the harbour of St. John's has been known to freeze entirely over. That event happens I believe almost every year, although sometimes only for a day, but it may be very safely asserted that it does not occur so often, nor does the harbour remain in that state so continuously, as to prevent the arrival of vessels, even during those months which are most unfavourable on account of the obstruction from that cause.

12. I have before me a Customs House Return, which shows that in the months of March and April this year, when the weather has been unusually severe, and the access to the harbour more than ordinarily impeded, no less than thirty-five ships have entered inwards at St. John's from Great Britain, Portugal, Spain, and Hamburgh, besides numerous coasting and sealing vessels, while in the month of May last year thirty-five vessels entered from the same ports.†

13. With respect to port charges, to which Mr. Field adverts, I may observe that their present rate is one shilling instead of sixpence a ton, as stated by that gentleman, but a measure is before the Legislature by which it is proposed to limit the total amount in the case of any one vessel to twenty-five pounds; and I do not anticipate that there would be any difficulty in obtaining the exemptions of steamers from both light dues and pilotage if those charges should be represented as a grievance or as imposts to which the mail steamers are not now exposed at Halifax.

14. The facts in favour of St. John's as a port of call have been clearly put, in a speech recently delivered by Mr. Robert Prowse in the House of Assembly. This gentleman has long been a resident in the colony, and is acquainted with its outports and southern coast; and as I have taken care to ascertain that his opinions and statements have been correctly reported, I beg leave to transmit a copy of his remarks for your information.

15. In continuation of the details respecting the occurrence of fogs, which I furnished in my Despatch, No. 27*, I now beg to state that during the three months terminating to-day, it appears by the return that 112 guns only were fired at the Fort Amherst lighthouse. This, in the least favourable point of view, would imply the existence of fog for fifty-six hours; but in cases where only one gun is fired, or where a greater number have not been fired continuously at half hour intervals, it does not of course follow that the fog obscured Cape Spear, the envelopment of which, as I have explained in my previous Despatch, affords the rule for firing the fog signal, for more than a few minutes.

16. Since I had last the honour of addressing you on this subject, the Local Government have concluded an agreement (copy enclosed) with the Telegraph Company, by which the Company has obtained an eligible office in the public building wherein the supreme and other courts hold their sittings, the Governor of Newfoundland receiving as an equivalent the right to transmit a certain number of messages annually, so far as the Company's lines extend. This right, if the contract continue in force, would ultimately include the ocean cable, and during the present year, if the expectations of the Company are realized, will extend from St. John's, in this colony, to Port Hood, in Cape Breton.

Enclosure 1.

* Page 13.

Enclosure 2.

Agreement
between Local
Government and
New York and
Newfoundland
Telegraph Com-
pany.

† Sealers alone, in the months of April and May 1855, amounting to 212 vessels.

17. The necessary arrangements have been made by the New York and Newfoundland Telegraph Company with the telegraph companies in Nova Scotia, New Brunswick, Canada, and the United States, to ensure the transmission of messages through to New York. I am informed also that the New York and Newfoundland Company have secured a preference on those lines for their messages over those of a merely local character.

18. In conclusion I have the honour to report that the bill for amending the Telegraph Incorporation Act, to which I have referred in my previous Despatches on this subject, has passed through the Legislative Council, and awaits my assent.

I have, &c.
The Right Hon. H. Labouchere, M.P., (Signed) C. H. DARLING.
&c. &c. &c.

Encl. 1, in No. 9.

Enclosure 1, in No. 9.

SPEECH of ROBERT PROWSE, Esquire, M.H.A., upon the subject of Direct Steam Communication.

I HAVE great pleasure in confirming the statement of the Honourable Colonial Secretary. This colony must be greatly benefitted by the enterprising energy and active zeal of the projectors of the main telegraph line across this island, which will bring us within speaking distance as it were with the western world, and induce the line of ocean steamers to make St. John's a port of call.

We are as a colony chargeable with gross negligence to our own interests in not having placed before the Home Government the facility with which ships of the largest tonnage may approach our shores and enter this port; the coast is one of the boldest and finest in the world for shipping to make; the activity of our neighbouring colonists and others interested in misrepresenting our island and keeping up the old blind vulgar prejudice against it as a land of "fish and fog," has only to be met by facts and faithful representations that the inshore of this island is far more free from fogs than the coast of Nova Scotia, and certainly with less shoals or rocks to interfere with ships. The arrival and sailing of ships from St. John's every month of the year plainly indicates the free ingress and egress to our harbour.

I can speak, Sir, from the experience of a period of upwards of five and forty years' residence in this colony, and assert, without fear of successful contradiction, that with the exception of four or five occasions, at no season of the year during my time in Newfoundland have ships been unable to approach the island coming in in the latitude of Cape Race, the stream from the Gulf of St. Lawrence here meeting the current from the north-east, which prevails so strongly on this coast early in the spring, the ice trails off, and an opening will always be found to come in with the shore from the south-east; and rarely indeed is it that ships have had to go into the harbour of Trepassy to wait a few hours of off-shore wind to enable them to come along the coast, and get into this port.

I trust, Sir, that such a representation will be made by this house, founded on facts established beyond all question, that the people of England and America will get to know better how we are situated and "come and see."

I would strongly recommend the Government to hold out every inducement for the ocean steamers to call here; let them be exempt from light dues, and the pilotage be reduced to half the usual fare, and a public wharf be built here in a central situation to which they may come free of charge, in short, every possible benefit we can afford to to give them should be freely offered.

Encl. 2, in No. 9.

Enclosure 2, in No. 9.

COPY of AGREEMENT between Local Government and New York and Newfoundland Telegraph Company.

THIS agreement, made at St. John's, in the island of Newfoundland, this 28th day of April 1856, between the Hon. John Kent, Colonial Secretary of the said Island, for and on behalf of Her Majesty's Government of the one part, and Ambrose Shea, local manager on behalf of the New York, Newfoundland, and London Telegraph Company of the other part.

Witnesseth that Her Majesty's government of this island doth agree to let to the said New York, Newfoundland, and London Telegraph Company the south-east angle of the market house of this town, from the door on Church Hill to the Water Street front, being about fifty-three feet six inches by eighteen feet six inches, for a telegraph office on the conditions following:

The Governor to have the right to send not exceeding fifty messages per annum of twenty words each, or one hundred messages of ten words each, as far as the lines of the Company

Company extend, as payment of rent, either party to have the right to cancel this agreement on six months previous notice being given.

And the said Company doth agree that the premises referred to herein to be occupied by them for the purpose aforesaid shall be left in as good condition by the Company as they are at present in, and all permanent partitions are to remain.

Witness our hands and seals at St. John's aforesaid this 28th day of April 1856.

(Signed) JOHN KENT. (L.S.)
A. SHEA. (L.S.)

Local Manager,
Telegraph Company.

Signed, sealed, and delivered in the presence of
(Signed) JOSEPH CROWDY.

No. 10.

No. 10.

(No. 56.)

EXTRACT of DESPATCH from Governor DARLING to the Right Honourable H. LABOUCHERE, M.P., dated "Government House, St. John's, 14 June 1856."

(Received 14 July 1856.)

(Answered by No. 75, 30th October 1856, see below.)

Enclosure.

"I HAVE the honour to transmit herewith for Her Majesty's gracious allowance the authenticated transcripts of twelve Acts of the Legislature of Newfoundland, intituled respectively as stated in the Schedule No. 1, hereunto annexed."

Enclosure in No. 10.

Encl. 1, in No. 10.

ANNO NONO DECIMO VICTORIÆ REGINÆ.

(No. 205.)

Cap. XII.

AN ACT to amend the "Act for the Incorporation of the New York, Newfoundland and London Telegraph Company."—[Passed 12th May 1856.]

WHEREAS by an Act passed in the seventeenth year of the reign of Her present Majesty, entitled "An Act to incorporate a Company under the Style and Title of the New York, Newfoundland, and London Telegraph Company," it was, among other matters therein contained, provided that the said Company should, within two years from the passing of the said Act, be bound to complete a good and traversable bridge road, eight feet wide, with bridges eight feet wide, along the line of the said intended telegraph between St. John's and Cape Ray, and between St. John's and Trepassey; and it is expedient that the said Act should be amended in these and certain other particulars:—

Preamble.

Act 17th Vict. cap. 2.

Be it therefore enacted by the Governor, Legislative Council, and Assembly in legislative session convened, as follows:

I. The time for the completion of the said roads and bridges shall be extended to the last day of October, which will be in the year Eighteen hundred and fifty-seven.

Time limited for completion of roads and bridges extended to 31st October 1857.

II. It shall be competent for the said Company, in places in which the Governor and Council may consider the change to be necessary, and not detrimental to the public service, to substitute flying or floating bridges or ferries, sufficient for the passage of cattle and carriages, for the permanent bridges required by the said Act: Provided that such bridges and ferries shall be constructed and maintained in such manner as the Governor in Council may consider efficient for the purposes for which they may be respectively designed.

Company, with governor's sanction, may substitute floating bridges or ferries, for bridges required by aforesaid Act. Proviso.

III. In case any shareholder of, or a subscriber to, the said Company shall not pay the instalments or payments from time to time falling due on his shares, pursuant to the provisions of the said recited Act, it shall be competent for the directors, after one month's written notice to the party in default, to sell such shares by private sale or public auction, and to pay so much of the proceeds thereof as may be necessary in discharge of the amount due on such shares, and to pay the surplus (if any) to the original proprietor of said shares.

Company may sell shares, if instalments due on the same be not paid up.

IV. The governments of the British colonies in America shall have the like privileges, with regard to the transmission of messages on the said line, as are provided in the said recited Act with respect to the government of this colony.

Privileges to Governments of British American Colonies.

No. 11.

No. 11.

COPY of DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to Governor DARLING.

(No. 75.)

SIB, Downing Street, 30th October 1856.

I HAVE received and had under my consideration twenty-two Acts passed by the Legislature of Newfoundland in the month of May last, and transmitted to me in your despatches noted in the margin.

Nos. 195 to 203.
205 to 212.
214 to 218.

(162.)

C 3

These

No. 56, 14 June 1856.
" 57, 7 July "
" 58, 7 July "
" 61, 9 July "

These Acts having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation; and I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 22d instant, approving that report.

Governor Darling,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 12.

No. 12.

COPY of DESPATCH from Governor Darling to the Right Honourable
H. LABOUCHERE, M.P.

(No. 95.)

Government House, St. John's,
14th November 1856.
(Received 2d December 1856.)

SIR,

Enclosure.

I HAVE the honour to enclose the copy of a message which I received yesterday by electric telegraph from the President of the New York, Newfoundland, and London Telegraph Company, dated at New York.

2. The communication by electric telegraph between this place (St. John's) and the principal towns of the British North American Colonies and the United States is now established. I understand, however, that the battery power upon the line through Newfoundland is at present too weak for the efficient performance even of the intercolonial work, but that steps will be taken for the immediate remedy of this deficiency.

Right Honourable H. Labouchere, M.P.
&c. &c.

I have, &c.
(Signed) C. H. DARLING.

Encl. in No. 12.

Enclosure in No. 12.

COPY of a MESSAGE by Electric Telegraph from New York to St. John's, Newfoundland, addressed by Mr. Peter Cooper, President of Telegraph Company, to Governor Darling.

SIR,

I HAVE the honour to transmit to your Excellency my congratulation upon the completion of the line of communication between New York and St. John's, and in this first Despatch convey to you the gratifying assurance received from England by the last steamer that the transatlantic cable will be laid next summer.

His Excellency Governor Darling,
&c. &c.

I have, &c.
(Signed) PETER COOPER.

No. 13.

(No. 33.)

No. 13.

EXTRACT of DESPATCH from Governor DARLING to the Right Honourable H. LABOUCHERE, M.P., dated "Government House, St. John's, 31st March 1857."

(Received 21st April 1857.)

(Answered, No. 3, 20th July, 1857, page 24.)

Enclosure.

"I HAVE the honour to transmit herewith for Her Majesty's gracious allowance authenticated transcripts of the following Acts which were passed during the recent session of the Colonial Legislature, viz.,

"Cap. 1. An Act further to amend an Act passed in the seventeenth year of Her Majesty's reign, entitled, 'An Act to incorporate a Company under the Style and Title of the New York, Newfoundland, and London Telegraph Company.'"

ANNO VICESIMO VICTORIÆ REGINÆ.

CAP. I.

AN ACT further to amend an Act passed in the Seventeenth Year of Her Majesty's Reign, entitled "An Act to incorporate a Company under the Style and Title of the "New York, Newfoundland, and London Telegraph Company."—[Passed 3d March 1857.]

WHEREAS the New York, Newfoundland, and London Telegraph Company have applied to the Legislature of this Colony to amend the Act passed in the seventeenth year of Her present Majesty's reign, entitled "An Act to incorporate a Company under the Style and Title of the New York, Newfoundland, and London Telegraph Company;" and it is deemed advisable to grant the application :

Be it therefore enacted, by the Governor, Legislative Council, and Assembly of Newfoundland, in legislative session convened, as follows:—

I. The said New York, Newfoundland, and London Telegraph Company may, by resolutions of their board of directors, certified under their corporate seal, give to the Atlantic Telegraph Company Limited, constituted in England under the Provisions of an Act of the Imperial Parliament, entitled "The Joint Stock Companies' Act, 1856," the consent of the New York, Newfoundland, and London Telegraph Company, that the said Atlantic Telegraph Company Limited may extend their submarine cable to and touch and enter upon this island with such restrictions and upon such terms and conditions as may be agreed on between the said two Companies, and, upon such consent and subject to such restrictions, terms, and conditions, the submarine cable of the said Atlantic Telegraph Company Limited may be extended to this island, and brought into the joint station of the said two Companies, and when so extended shall be deemed in law to have been made in compliance with the provisions of the said Act incorporating the New York, Newfoundland, and London Telegraph Company, and to be an extension of their telegraph line to Europe, to the same extent and with the same effect as if such submarine cable were established, constructed, and worked by the said New York, Newfoundland, and London Telegraph Company, which said Company shall thereupon be deemed to have actually established a connexion across the Atlantic ocean by means of a submarine cable or wire from this island; and all rights, privileges, benefits, and advantages which the said New York, Newfoundland, and London Telegraph Company would have had if they had established, constructed, and worked a line of telegraph between this island and Ireland, they shall be entitled to have and enjoy upon the laying down of the submarine cable of the said Atlantic Telegraph Company Limited; between this island and Ireland or England.

Preamble.

Power to join transatlantic submarine electric telegraph cable to the electric telegraph line passing through this island to the continent of America.

II. It shall be lawful for the New York, Newfoundland, and London Telegraph Company, by resolution of the stockholders, or a majority of them in interest, to effect a consolidation of the said Company with the said Atlantic Telegraph Company Limited, upon such terms and conditions, and under such corporate name, as may be agreed upon between the said companies; and upon such consolidation being effected, there shall be thenceforward one consolidated Company, into which the said New York, Newfoundland, and London Telegraph Company shall be merged; and such consolidated Company shall have all the rights, powers, and privileges which the said New York, Newfoundland, and London Telegraph Company now have, or can have, under its charter or Act of Incorporation, and the Acts amending the same, together with such other powers, rights, and privileges, as may be given to it by or under any Act of the Imperial Parliament.

Consolidation of the New York, Newfoundland, and London Telegraph Company, with the Atlantic Telegraph Company limited.

Powers and privileges of Consolidated Company.

III. In case the said Atlantic Telegraph Company Limited shall procure their incorporation in that or any other name by an Act of the Imperial Parliament (or in case any other Company shall hereafter be formed, with which the said New York, Newfoundland, and London Telegraph Company shall enter into an agreement similar in terms to that above mentioned), such other Corporation or Company shall stand in the place of the said Atlantic Telegraph Company Limited, in respect to every power or authority hereby given; and this Act shall be deemed to apply thereto in the place and stead of the said Atlantic Telegraph Company Limited.

Application of this Act to Atlantic Telegraph Company incorporated—or to any other such Company.

IV. Nothing in this Act contained shall affect any lien, claim, right, title, interest, or privilege secured to the Imperial Government, or to the governments of Newfoundland and of the other North American colonies, and of the United States respectively, under the provisions of the said first recited Act, or of any Act in amendment of the same; and such lien, claim, right, title, interest, and privilege shall exist and be in force with respect to any new lines or cables that may be established by the said companies, or either of them, in this island and between this island and the continent of America.

Reservation of rights secured by law to the Imperial, Colonial, and American Governments.

V. The shares and estates, stock and interest, of the said New York, Newfoundland, and London Telegraph Company in the stock and property of any Company with which said Company shall unite or into which it shall merge, and the property of the said consolidated Company in this colony and between this colony and the continent of America,

Shares, &c., of Consolidated or Incorporated Company to be liable for debts of New

York, Newfoundland, and London Telegraph Company.

America, shall be, in all respects, subject and liable to the debts, obligations, and liabilities of the said New York, Newfoundland, and London Telegraph Company, in like manner as the property of the last-mentioned Company is now liable to such debts, liabilities, and obligations aforesaid.

Penalty for injury to property of the Company.

VI. If any person shall wilfully and maliciously throw down, destroy, damage, or injure any post, wire, insulator, cable, line, building, erection, apparatus, machinery, or other works, or obstruct the operation of any line of the said New York, Newfoundland, and London Telegraph Company, or of the said Atlantic Telegraph Company Limited, after such consolidation and merger as aforesaid, or of any other Company with or into which the said New York, Newfoundland, and London Telegraph Company shall at any time unite or merge under the provisions of their Act, such person shall be guilty of a misdemeanour, and shall, upon conviction before any court of record, be punished with fine or imprisonment, or both, at the discretion of the court; and, upon conviction in a summary manner before one or more justices of the peace, shall be punished by fine not exceeding five pounds, or by imprisonment not exceeding one calendar month, at the discretion of such justice or justices.

Conviction before a justice or justices.

Power to apprehend offender.

VII. It shall be lawful for any servant or officer of the said New York, Newfoundland, and London Telegraph Company, or for any other person who may witness the commission of any such offence aforesaid, forthwith to apprehend the offender, and take him before a justice of the peace, to be by him held to bail to answer for such offence, either before a court of record, or before one or more justices, as the said justice may determine.

Appropriation of fines.

VIII. All such fines as aforesaid shall be paid, one half to the party who shall prosecute for the same, and the other half to the receiver-general for the use of the colony; and no conviction that may be had before one or more justices shall be quashed for want of form, provided sufficient shall appear in such conviction to warrant the same upon the merits.

Protection of party arresting offender.

IX. If any action shall be instituted against any person on account of any such apprehension as aforesaid, the defendant therein may plead the general issue, and give the special matter in evidence.

No. 14.

No. 14.

COPY of DESPATCH from the Right Honourable H. LABOUCHERE, M.P., to Governor Sir ALEX. BANNERMAN.

(No. 3.)

SIR,

Downing Street, 20th July 1857.

No. 219.
No. 33,
31st March 1857,
page 22.

I HAVE received and have had under my consideration an Act passed by the Legislature of Newfoundland in the month of March last, and transmitted to me in your Despatch noted in the margin.

I have reported to Her Majesty in Council my opinion that the said Act should be left to its operation; and I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 16th instant, approving that Report.

Governor Sir A. Bannerman,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

No. 15.

No. 15.

(No. 4.)

EXTRACT of DESPATCH from the Right Hon. H. LABOUCHERE to Governor Sir ALEX. BANNERMAN, dated "Downing Street, 22d January 1858."

11 January 1858.
Enclosure.

"I TRANSMIT for your information and guidance a copy of a letter addressed to this department, by desire of the Lords of the Committee of Privy Council for Trade, containing their Lordships views on the line of policy which it would be advisable for the Newfoundland Government to adopt respecting the existing legislation of the island as regards the New York and Newfoundland Telegraph Company."

Encl. in No. 15.

Enclosure in No. 15.

EXTRACT of LETTER from J. BOOTH, Esq. to H. MERIVALE, Esq., dated "Whitehall, 11th January 1858."

MY Lords direct me to observe that, having already on many former occasions expressed their opinion that the granting to telegraph companies of the exclusive right to

to lay wires in any of Her Majesty's colonies is most injurious to imperial interests, my Lords are unable to do more on the present occasion than to suggest that no opportunity should be lost that may present itself to the Colonial Government of putting an end to the monopoly of laying telegraphic wires in Newfoundland and its dependencies, which has been granted to the New York, Newfoundland, and London Telegraph Company, a monopoly which appears to my Lords not less injurious to the interests of the colony than it is to those of this country.

My Lords would also suggest that, in all Acts authorizing the laying of telegraphic wires in Her Majesty's colonial possessions, security should, so far as practicable, be taken for the construction within a limited time of the authorized lines, and for their constant maintenance in good working order; and if the Colonial Government have still power to make stipulations in the present case, the New York, Newfoundland, and London Company should be required to give security for this purpose, or it should be stipulated that in the event of the Company failing to construct, or when constructed to maintain, the line, all the exclusive privileges and powers of the Company in respect of that line should cease.

My Lords would further suggest that it is deserving of consideration whether it would not be expedient that, in all Acts conferring upon telegraph companies the power of laying down telegraph wires in Her Majesty's colonies, provisions should be inserted for securing to the Government the right of taking temporary possession of the line in cases of public emergency, and for securing to the Government and the public the use of the wires of the Company upon terms similar to those which have been imposed on telegraph companies in this country by the Acts or charters by which those companies are incorporated. A copy of one of the Acts in which the usual clauses for this purpose are contained is sent herewith.

14 & 15 Vict.
cap. 135.

PRINCE EDWARD ISLAND.

No. 16.

No. 16.

COPY of DESPATCH from Lieut.-Governor DALY to the
Right Hon. Sir GEORGE GREY.

Government House, Prince Edward Island,
15th July 1854.

(Received 1st August 1854.)

(Answered, No. 75, 24th October 1854, p. 27.)

(No. 32.)

SIR,

Enclosure.

I HAVE the honour to transmit herewith six printed copies of each of the seventeen Acts passed in the last Session of the Legislature of this island, a schedule of which I have the honour to enclose.

I have, &c.

(Signed) D. DALY.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

Enclosure in No. 16.

Encl. in No. 16.

(No. 894.)

CAP. IV.

AN ACT granting certain Privileges to the New York, Newfoundland, and London Telegraph Company.—[Passed 10th May 1854.]

WHEREAS the Legislature of Newfoundland has incorporated a company, under the style and title of the "New York, Newfoundland, and London Telegraph Company," for the purpose, among others, of establishing a line of telegraphic communication between America and Europe by way of Newfoundland, and whereas it is expedient for the Legislature of this island to encourage the said undertaking: Be it therefore enacted by the Governor, Council, and Assembly,

I. That the "New York, Newfoundland, and London Telegraph Company," a corporation created by the Legislature of Newfoundland, shall have the right to hold lands, tenements,

tenements, hereditaments, goods, chattels, and things in action in this island and its dependencies, and to use and dispose of the same, and to do all other acts and things within the scope of the Act of Incorporation of the said Company, or for the purposes contemplated by it, in the same manner and to the same extent as the said Company may do the same in Newfoundland, or as if it were incorporated by the Legislature of this island.

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 island or its dependencies, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein and any other island, province, country, or place in or near the continent of America, or in or near the continent of Europe, or in the Atlantic ocean; and during the existence of the said corporation, no other person or persons, body or bodies, politic or corporate, shall be permitted to extend, to enter upon, or touch any part of this island or the coast thereof, or of the islands or places within the jurisdiction of the Government of this island, with any telegraphic cable, wire, or other means of telegraphic communication from any other province, state, country, or place whatsoever beyond the continent of America.

III. So soon as the electric telegraph shall have been completed between Cape Traverse and Cape East, and connected therewith by submarine cables with New Brunswick and Newfoundland, it shall and may be lawful for the Governor or Administrator of the Government to issue grants under the Great Seal of this island to the said corporation for one thousand acres of unoccupied land on township number fifty-five, subject nevertheless to the usual taxation attendant upon the possession of wild lands in this island; and the right of the public to construct any road in and over the said land, or any part thereof as to the Governor or Administrator of the Government, with the advice of the Executive Council, may seem just and reasonable.

IV. The Company may erect or maintain their said lines of telegraph along the side of or across any public highways, bridges, watercourses, or other such places, provided they do 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 the said lines of telegraph, and may take from any part of the ungranted and unoccupied crown lands of this colony any posts or building materials necessary to make or repair the lines, or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the lines through or upon the same, the Company 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 Company, shall neglect or refuse to choose an arbitrator within four days after notice in writing to him from the opposite party, or if such two arbitrators, when duly chosen and appointed, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Colonial 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.

V. The Government of Great Britain, of the United States, of Newfoundland, and of this island shall respectively have, at all times, a preference over all persons of conveying messages upon the said lines of telegraph relating to the public services of these Governments respectively; and the rate of charges therefor 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 or delay.

VI. Any person wilfully interrupting the free use by the said Company of any telegraph line established 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 shall go to the party suing for the same, and the other half to be paid to the treasurer of the island for the use thereof; and in default of goods and chattels to satisfy such warrant every such offender shall be committed to gaol 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 telegraph line, works, buildings, machinery, or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two 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 the 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 misdemeanor, and punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

VII. All wires and materials required for constructing, repairing, or working the main or branch lines of telegraph, or for connecting them, or any of them, with any other island, province, or country, shall and may be imported free of duty.

VIII. The Act passed in the sixteenth year of Her Majesty's reign, intituled "An Act to incorporate the Newfoundland and Prince Edward Island Electric Telegraph Company," is hereby repealed, no legal organization having been perfected in pursuance thereof; and all the telegraph lines, wires, posts, insulators, cables, and other property in Prince Edward Island, and in the waters between the said island and New Brunswick, which have been constructed, laid, purchased, or acquired in the name of the said Company, or under colour of the said Act, or which belonged to the late "Newfoundland and Prince Edward Island Electric Telegraph Company," having been sold, transferred, and conveyed to the said "New York, Newfoundland, and London Telegraph Company," are hereby vested in the said "New York, Newfoundland, and London Telegraph Company," which shall henceforth be seised and possessed of and entitled to all of the said telegraph lines, wires, posts, insulators, cables, and other property, and may hold, use, and dispose of the same, in the same manner and with the same effect as if the said "New York, Newfoundland, and London Telegraph Company" had built and constructed the same after the passage of this Act, subject, however, to such judgments as are now on record against the "Newfoundland and Prince Edward Island Electric Telegraph Company" in this island.

IX. This Act shall be deemed and taken to be a Public Act, and shall be judicially noticed as a Public Act without being specially pleaded.

No. 17.

COPY of DESPATCH from the Right Hon. Sir GEORGE GREY to
Lieut.-Governor Sir D. DALY.

(No. 75.)

No. 17.

SIR,

Downing Street, 24th October 1854.

I HAVE received and had under my consideration fifteen Acts passed by the Legislature of Prince Edward Island in the month of May last, and transmitted to me in your despatches noted in the margin.

These Acts having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation, and I have the honour to transmit to you herewith an Order of Her Majesty in Council dated the 18th instant approving that report.

893 to 908 (except 897).
No. 32 & 33 of 15th and 26th July 1854.

Lieut.-Governor Sir D. Daly.
&c. &c. &c.

I have, &c.
(Signed) G. GREY.

No. 18.

EXTRACT of DESPATCH from Lieut.-Governor Sir D. DALY to the Right Hon. H. LABOUCHERE, M.P., dated "Government House, Prince Edward Island, 29th June 1857."

No. 18.

(No. 32.)

(Received 13th July 1857.)

(Answered, No. 25, 31st August 1857, page 28.)

"I HAVE the honour of transmitting to you herewith three authenticated copies of each of eight Acts passed in the last Session of the Legislature of this island, schedule of which I have the honour to enclose."

Enclosure.

Enclosure in No. 18.

Encl. in No. 18.

AN ACT granting a Yearly Sum to the New York, Newfoundland, and London Telegraph Company.—[Passed 15th April 1857.]

BE it enacted by the Governor, Council, and Assembly as follows :—

1. So long during the term of ten years, from and after the passing of this Act, as the said New York, Newfoundland, and London Telegraph Company shall maintain a regular telegraphic

300l. per annum for 10 years

granted to New York, Newfoundland, and London Telegraph Company, on certain specified conditions relating to the maintenance of telegraph offices in Prince Edward Island, &c. Payable half-yearly by warrant on treasurer.

telegraphic communication between this island and the continent of America and Newfoundland, and shall likewise during the said period, at the cost and charges of the said Company, build, erect, and maintain telegraph offices and stations at either end of the electric cable connecting this island with the continent of America and Newfoundland, that is to say, at Capes Traverse and Tormentine respectively, and shall likewise provide and maintain operators at the said stations, for the purpose of transmitting intelligence from and to this island, and to the post office in Charlotte Town, at the same rate or charges as at present received by the said Company for the transmission of messages, there shall be paid to the said Company, from the public treasury of this island yearly and every year during the said period of ten years, the sum of three hundred pounds of lawful current money of this island in equal half yearly payments, for which sum the Lieutenant Governor or other administrator of the government for the time being, shall draw warrants in favour of the said Company on the treasurer of this island in the usual manner.

No. 19.

No. 19.

COPY of DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to Governor Sir D. DALY.

N o. 25.)

SIR,

Downing Street, 31st August 1857.

No. 977 to 984.
No. 32—29 June
1857, page 27.

I HAVE received and have had under my consideration eight Acts, passed by the Legislature of Prince Edward Island in the month of April last, and transmitted to me in your Despatch, noted in the margin.

I have reported to Her Majesty in Council my opinion that the said Acts should be left to their operation, and I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 27th instant, approving that report.

Lieut.-Governor Daly,
&c. &c.

I have, &c.
(Signed) H. LABOUCHERE.

NEW BRUNSWICK.

No. 20.

No. 20.

COPY of DESPATCH from Lieut.-Governor the Hon. J. H. T. MANNERS SUTTON, to the Right Hon. H. LABOUCHERE, M.P.

Government House, Fredericton, New Brunswick,
6th July 1857.

(No. 3.)

(Received 27th July 1857.)

SIR,

(Answered, No. 54, 28th September 1857, p. 30.)

I HAVE the honour to transmit to you the copy of a petition addressed to the House of Assembly of this Province by the New York, Newfoundland, and London Telegraph Company, praying for the grant of some pecuniary assistance or exclusive privileges.

Enclosure 1.
Enclosure 2.
Enclosure 3.

You will observe that in the Draft Bill, a copy of which is annexed to the petition, no pecuniary aid is granted, but the first clause of this Bill would, if it became an Act, confer on the New York, Newfoundland, and London Telegraph Company the exclusive privilege for twenty-five years of entering upon or touching any part of the coast of this Province with any means of telegraphic communication from any other place beyond the continent of America.

The petition was not, I believe, presented to the House of Assembly during the recent Session. I do not, however, myself entertain any doubt that a similar petition will be presented to the Assembly next year; and as the prayer of the petition, so far as it refers to the grant of exclusive privileges, involves a principle of great and general importance, I think it right to bring the matter before you for such instructions or observations as you may deem requisite.

Right Hon. H. Labouchere, M.P.,
&c. &c. &c.

I have, &c.
(Signed) J. H. T. MANNERS SUTTON.

Enclosure 1, in No. 20.

Encl. 1, in No. 20.

To the Honourable the House of Assembly of the Province of New Brunswick in General Assembly convened.

THE petition of the New York, Newfoundland, and London Telegraph Company humbly sheweth,—

That your petitioners have, during the past three years, at a very heavy outlay established telegraphic communication with Prince Edward Island and the east coast of Newfoundland, with the view of eventually connecting Europe and America by a submarine telegraph cable across the Atlantic Ocean. That for the purpose of more effectually carrying out this project, your petitioners have associated themselves with a company duly incorporated in England under the name of the Atlantic Telegraph Company; and that the cable to unite the two continents is now being constructed at a very heavy cost, and will be submerged at the earliest practicable period.

That for the encouragement of an enterprise in which, at the hazard of enormous cost, a scientific experiment so novel, so grand, and of such vast importance to the whole civilized world is about to be tested, the said Companies have received from the Governments of Great Britain and of the United States, as well as from those of Newfoundland, Nova Scotia, and Prince Edward Island, patronage and aid, in the form either of exclusive privileges or of subsidies, conditional on the regular maintenance of telegraphic communication, as well as of the successful accomplishment of the undertaking. That without such encouragement it would be rash for parties to embark in an enterprise in which they peril the sudden loss of their whole capital, and in order to achieve success may be compelled to expend double or treble the amount of it, and still be subject to the peculiar hazards of such an undertaking.

That with a view to the more effective and unobstructed transmission of European intelligence, your petitioners intend to submerge a cable, in continuation of the Atlantic telegraphic cable, direct from Trinity Bay, in Newfoundland, to the most eligible point in Nova Scotia, and thence by the most direct route to the United States, either by an overland or subterranean line through that province, and a submarine cable across the Bay of Fundy, either to the shore of this province or to that of the state of Maine, where your petitioners already possess exclusive privileges. That upon receiving adequate encouragement from the legislature of this province, your petitioners will undertake to conduct the said line of telegraphic communication to and through this province, thus making it, in all time coming, the great highway of telegraphic intelligence between the old and new world. They will also undertake to promulgate on the most favoured terms to the press and people of this province all public and political news simultaneously with the further transmission of the same.

On the vast benefit to the government and people of this province of telegraphic communication with the United Kingdom it is needless to dwell, and your petitioners entertain no doubt that the legislature of New Brunswick, in accordance with the spirit of progress which animates her councils, will recognize the policy as well as justice of affording due encouragement to this great undertaking.

Your petitioners therefore humbly pray that your honourable house will be pleased to grant them such pecuniary encouragement as to your honourable house may seem meet, or in lieu thereof, the exclusive privilege of landing telegraphic wires or cables from Europe on the shores of this province for such period of years as will in some measure compensate your petitioners and the said Atlantic Telegraph Company for so costly and hazardous an undertaking, together with such other powers and privileges as may be necessary for their purposes, and as to your honourable house may seem expedient; and as in duty bound they will ever pray, &c.

For and on behalf of the New York, Newfoundland, and London Telegraph Company.

(Signed) E. M. ARCHIBALD.

25th June 1857.

Enclosure 2, in No. 20.

Encl. 2, in No. 20.

A BILL to encourage Telegraphic Communication between this Province and the United Kingdom.

WHEREAS the New York, Newfoundland, and London Telegraph Company, incorporated by the legislature of Newfoundland, have associated themselves with the Atlantic Telegraph Company, duly incorporated in England, for the purpose of establishing complete telegraphic communication between Europe and America by way of Newfoundland; and whereas the establishment of telegraphic communication between this province and the United Kingdom will be of great service to the government and people of New Brunswick, and it is expedient to encourage the said undertaking:

Be it therefore enacted by the Governor, Council, and Assembly as follows:—

I. That for and during the term of twenty-five years from and after the time when the said New York, Newfoundland, and London Telegraph Company shall have established, with or without the aid of the said Atlantic Telegraph Company, or of any other associated line or lines, a telegraphic communication between this province and the United Kingdom, and so long during the said period of twenty-five years as the said telegraphic

communication shall be regularly maintained by the said Company in manner above mentioned; and all matters passing thereon to or from the United States be transmitted through this province on the lines of some or one of the telegraph companies now or hereafter to be established within this province, no person or persons, or body or bodies politic or corporate, other than the said New York, Newfoundland, and London Telegraph Company shall be permitted to extend to, enter upon, or touch any part of the coasts of this province or of the islands under the jurisdiction of the same with any telegraphic cable, wire, or other means of telegraphic communication from any other state, country, island, or place beyond the continent of America; provided, however, that this Act shall be void unless the said New York, Newfoundland, and London Telegraph Company shall establish such telegraphic communication between this province and the United Kingdom in manner above mentioned within three years from the passing of this Act; and provided further, that in case such telegraphic communication with the United Kingdom shall be and continue interrupted, at any one time for the period of one year, and due diligence shall not, in the judgment of the government of this province, be used to restore the same, the privileges hereby granted shall henceforth cease and determine; and provided also that the province shall at all times have a preference in point of time in the transmission of any intelligence relative to the public service, to or from any station in this province; and all public and political news shall be promulgated to the press and people of this province, on the most favoured terms, simultaneously with the further transmission of the same.

Encl. 3, in No. 20.

Enclosure 3, in No. 20.

MEMORANDUM.

THE Newfoundland and Atlantic Companies acting in union, their respective charters permit their consolidation, which will shortly take place.

Newfoundland has granted, for the encouragement of the enterprise, exclusive privileges of landing cables from any part of the world for fifty years.

A concession of fifty square miles of land.

Interest guaranteed for twenty years on fifty thousand pounds sterling of the bonds of the company.

A grant of five thousand pounds sterling in money, in aid of the road along the land line, with a remission of duties on materials imported.

Prince Edward Island has granted exclusive privileges for fifty years, 1,000 acres of land, and three hundred pounds currency per annum for ten years towards the encouragement of the submarine cable between New Brunswick and Prince Edward Island.

Nova Scotia has granted exclusive privileges of landing cables or wires from Europe on that province and its dependencies for twenty-five years. A similar privilege from New Brunswick, though obviously very much less beneficial, is now asked from New Brunswick.

Circumstances may render it necessary and desirable to bring the continuation of the Atlantic cable to New Brunswick by way of Prince Edward Island, or by a submarine cable across the Bay of Fundy, instead of by a land route, and with a view to ulterior arrangements it is important to know at the earliest period what encouragement this province will give to the enterprise.

The privilege asked does not exclude the landing of cables from any other province or state in America, or any land connection with any other cable from Europe, if there ever should be one. It secures merely to the companies who have hazarded so much in this enterprise the exclusive right to land a cable from Europe on the shore of New Brunswick if it shall ever find it practicable or useful to do so.

The English and American Governments reserve to themselves the right to fix the tolls of the Atlantic cable.

The privilege asked will cease on interruption for one year of communication.

No. 21.

No. 21.

COPY of DESPATCH from the Right Hon. H. LABOUCHERE to
Lieut.-Governor the Hon. J. H. T. MANNERS SUTTON.

(No. 54.)

SIR,

Downing Street, 28th September 1857.

I HAVE to acknowledge your Despatch, No. 3,* of the 6th ultimo, transmitting copy of a petition from the New York, Newfoundland, and London Telegraph Company to the Assembly of New Brunswick, praying for the grant of pecuniary assistance and exclusive privileges.

* Page 28.

The question of granting pecuniary assistance is of course one for the exclusive consideration of the Assembly.

But I regard the grant of exclusive privileges to a Telegraph Company as highly objectionable in principle, nor has it been made at all clear to me, if it is even distinctly alleged, that to refuse such a grant would have the effect of frustrating the establishment of telegraphic intercourse in the colonies. I do not disregard the circumstance that exclusive privileges of this description have been granted by the Legislatures of Newfoundland and Prince Edward Island (with regard to Nova Scotia I have no official information), and this without the disapproval of Her Majesty's Government. I regret that sufficient forethought was not, in my opinion, used when measures so open to question were allowed to pass without objection. But I cannot regard the course then followed as a precedent binding on myself, when the very questionable nature of the legislation sought for is fully brought to my knowledge.

I feel therefore bound to express to you the strong objections that I entertain to a law giving exclusive privileges to any Telegraph Company, and if such a law should be passed by the Assembly and Legislative Council of New Brunswick, I have to instruct you to require the insertion in any such Bill of a suspending clause.

I have, &c.

(Signed) H. LABOUCHERE.

Lieut.-Governor J. H. T. Manners Sutton,
&c. &c. &c.

NOVA SCOTIA.

No. 22.

No. 22.

EXTRACT of DESPATCH from Lieut.-Governor Sir J. G. LE MARCHANT to the Right Hon. H. LABOUCHERE, M.P., dated "Government House, Halifax, N.S., 22d October 1857."

(Received 2d November 1857.)

(No. 65.)

(Answered, No. 4, 18th January 1858, page 33.)

"I HAVE the honour to transmit for the information of Her Majesty's Government, six copies of the Acts passed in the last session of the Legislature, two of which are certified under the Great Seal of the Province, together with the Report of the Attorney General."

Enclosure 1.

Enclosure 2.

Enclosure 1, in No. 22.

Encl. 1, in No. 22.

(No. 3,473.)

CHAPTER 11.

AN ACT to encourage the establishment of Telegraphic Communication between this Province and the United Kingdom of Great Britain and Ireland.—[Passed the 1st day of May, A.D. 1857.]

Section.

1. No parties except the New York, Newfoundland, and London Telegraph Company permitted to touch the province with a telegraph cable; period, restrictions, &c. Provisoos.
2. Government to have preference in point of time as regards messages.—Public News, &c. to be promulgated.
3. New York, Newfoundland, and London Telegraph Company may construct lines in the province with the concurrence of the Nova Scotia Telegraph Company.
4. Agreement to be entered into within a year.
5. When to take effect.
6. Agreement required to give effect to the privileges of this Act.
7. Secs. 9, 18, 20, and 24 of Act to incorporate Nova Scotia Telegraph Company repealed.

WHEREAS the New York, Newfoundland, and London Telegraph Company, incorporated by the legislature of Newfoundland, have associated themselves with a joint stock company, formed in England under the title of the Atlantic Telegraph Company Limited, for the purpose

Preamble.

purpose of establishing complete telegraphic communication between Europe and America by way of Newfoundland, and have proposed to the government of this province to lay down a telegraphic submarine cable between Newfoundland and some suitable place on the coast of this province for the direct transmission of intelligence between this province and the United Kingdom : And whereas the establishment of such telegraphic communication between this province and the United Kingdom will be of great service to the government and people of Nova Scotia, and it is expedient to facilitate and encourage the establishment and continuance of the same :

Be it therefore enacted by the Governor, Council, and Assembly as follows :

No parties except the New York, Newfoundland, and London Telegraph Company permitted to touch the province with a telegraph cable; period, restrictions, &c.

Provisoers.

I. That, for and during the term of twenty-five years from and after the time when the said New York, Newfoundland, and London Telegraph Company shall have established, with or without the aid of an associated line or lines, a telegraphic communication between this province and the United Kingdom, and so long during the said period of twenty-five years as such telegraphic communication shall be regularly maintained by the Company in manner above mentioned, and all matters passing thereon to and from the United Kingdom or the United States, be transmitted through this province on the lines of the Nova Scotia Electric Telegraph Company, or upon any line or lines to be with their assent and concurrence, or under an Act of the legislature constructed and worked, no person or persons, body or bodies politic or corporate, other than the said New York, Newfoundland, and London Telegraph Company, shall be permitted to extend to, enter upon, or touch any part of this province, or the coast thereof, or the island under the jurisdiction of the government thereof, with any telegraphic cable, wire, or other means of telegraphic communication from any other province, state, country, or place whatever beyond the continent of America; provided, however, that this Act shall be void unless the New York, Newfoundland, and London Telegraph Company shall establish such telegraphic communication between this province and the United Kingdom, in manner above mentioned, within three years from the passing of this Act; and provided further that in case such telegraphic communication with the United Kingdom shall be interrupted and continue interrupted at any one time for the period of one year, and due diligence shall not, in the judgment of the governor and council of this province, be used to restore the same, the privileges granted by this section shall thenceforth cease and determine; provided also, that this Act shall be void if the said New York, Newfoundland, and London Telegraph Company shall at any time during the said period of twenty-five years open, use, or establish any telegraphic line or communication between Newfoundland and any province, state, or island in America other than this province; provided further, that this Act shall in no way affect the rights and privileges of the Transatlantic Telegraph Company, incorporated by the legislature of this province in the year of our Lord 1855.

Government to have preference in point of time as regards messages.

Public news to be promulgated.

New York, Newfoundland, and London Telegraph Company may construct lines in the province with the concurrence of the Nova Scotia Telegraph Company.

Agreement to be entered into within a year.

When to take effect.

Agreement required to give effect to the privileges of this Act.

Secs. 9, 18, 20, and 24, of Act to incorporate Nova Scotia Electric Telegraph Company repealed.

II. The government of this province shall at all times have a preference in point of time in the transmission of, intelligence relative to the public service to or from any station of the Company within this province; and all public and political news shall be promulgated on the most favoured terms to the press and people of this province simultaneously with the further transmission of the same.

III. It shall be lawful for the New York, Newfoundland, and London Telegraph Company, with the consent and concurrence of the Nova Scotia Electric Telegraph Company, and upon such terms and conditions as may be agreed upon between them, and not otherwise, to construct, keep in repair, and work any line or lines of telegraph from any point or points in this province to any other point or place in British North America or the United States (the needful sanction of any other province being first obtained); and the said New York, Newfoundland, and London Telegraph Company shall and may in such case enjoy and exercise in the construction, repairing, and working of any such line or lines all the powers, rights, privileges, and protection which, by the laws of this province, the said Nova Scotia Electric Telegraph possess, or can or may enjoy in the like case.

IV. Unless within one year from the passing of this Act the New York, Newfoundland, and London Telegraph Company enter into an agreement with and satisfactory to the provincial government for maintaining an exclusive connection between Newfoundland and Nova Scotia for the price and on the terms mentioned in this Act for the due performance of any contract into which they may enter with the Nova Scotia Company, and for the regular payment of rent, this Act shall be void.

V. This Act shall not take effect until the Newfoundland Company shall have given satisfactory security to the Nova Scotia Company that they will, for such term of years as may be agreed upon, pay the annual rent agreed upon.

VI. The exclusive privileges conferred by this Act shall not have force or effect until it shall be agreed between the Nova Scotia and Newfoundland Company to the following effect, viz., That the rate of tolls to be paid by the former for the land lines leased, owned, or controlled by the Newfoundland Company shall not exceed the rate to be charged by the Nova Scotia Company for messages transmitted over the Nova Scotia lines, and that the tolls over all submarine lines connecting with Nova Scotia shall not be more than double the rate charged to or by the Nova Scotia Company for the like distance over their land lines.

VII. Sections 9, 18, 20, and 24 of the Act passed in the fourteenth year of Her Majesty's reign, entitled "An Act to incorporate the Nova Scotia Electric Telegraph Company," are hereby repealed.

EXTRACT of Report of Attorney General on Chap. 11, 1857.

"By this Act the exclusive privilege of transatlantic telegraphic communication is granted to the Atlantic Telegraph Company for twenty-five years, under certain restrictions. This monopoly was strenuously resisted in the legislature, but ineffectually, a majority being found in its favour. On the one side it was opposed, as excluding for a long period the benefits of competition and the advantages that may arise from future scientific improvements. On the other hand it was supported as the means of securing to the province the accomplishment of a scheme of vast results which otherwise might not go into operation or be carried out by some other route, and as being a proper encouragement to those who had ventured their funds in an enterprise bold and hazardous."

No. 23.

No. 23.

Copy of DESPATCH from the Right Hon. H. LABOUCHERE, M.P., to
Lieutenant-Governor Sir G. LE MARCHANT.

(No. 4.)

Sir,

Downing Street, 18th January 1858.

HER Majesty's Government have had under their consideration an Act passed by the Legislature of Nova Scotia in the month of May last, entitled "An Act to encourage the Establishment of Telegraphic Communication between this Province and the United Kingdom of Great Britain and Ireland," transmitted to me, with other Acts of the session of 1857, by your Despatch, No. 65*, of the 22d October last.

* Page 31.

2. This Act purports to give to the New York, Newfoundland, and London Telegraph Company (subject to their performance of certain conditions, and to the conclusion of the agreement specified in sect. 6) the exclusive right to furnish the Province with the means of telegraphic communication for a period of twenty-five years.

3. I wish to refer you to the Despatch addressed to you by Sir George Grey when holding the seals of this department on this subject, under date of the 22d March 1855*. Her Majesty's Government see no reason to modify the views expressed in that Despatch and its enclosures, which have on the contrary gained additional force by later experience. They consider that the grant of such exclusive privileges is highly inexpedient, not only for the interests of the province, but of the empire in general.

* Page 34.

4. They are fully aware that it was urged that similar privileges have been conceded by the Legislatures of Newfoundland and of Prince Edward Island, without the disallowance of the Crown. But they must reply that the implied sanction of these Acts, given without fully advertent to considerations the magnitude of which has been ever since acquiring a greater development, does not bind them to a continuance in a course of policy which they are satisfied cannot but prove extremely injurious, and this beyond the limits of the colony immediately concerned.

5. An order for the disallowance of this Act will accordingly be submitted to Her Majesty to be passed in Council, and shortly transmitted to you. But I wish to give notice of the intention of Her Majesty's Government beforehand, because the Act contains a provision repealing certain clauses of a former Act (that to incorporate the Nova Scotia Electric Telegraph Company, 1851), and I cannot be certain that inconvenience might not be occasioned by disallowing this repealing provision, and bringing those clauses again into operation, before the Legislature has had time to provide against such a contingency.

I have, &c.

Sir G. Le Marchant,
&c. &c.

(Signed) H. LABOUCHERE.

EXTRACT of CIRCULAR DESPATCH from the Right Honourable Sir GEORGE GREY to the Governors of the North American Colonies, dated "Downing Street, 22d March 1855."

(Private.)

"FROM the general interest now taken in the advancement of communication by means of the electric telegraph, I think it not improbable that applications may be urged on the Local Governments of the North American Colonies for exclusive privileges towards the establishment of such telegraphic lines of communication.

"I am anxious, therefore, to put you beforehand in possession of the views of the departments of Her Majesty's Government which are conversant with this subject. They consider that the progress of improvement in electric communication is now so rapid, and so likely to attain further development, that unless great care is taken in making these concessions, Governments are likely to find themselves embarrassed by pledges of this description, an embarrassment which they believe to have been already experienced by the Governments of the continental countries.

"I do not address you with reference to any particular schemes which may be likely to be brought before you, not having any information of such, but merely by way of general caution. I need hardly add that any assistance in the way of advice as to such schemes will be readily given by the proper departments here whenever applied for."

APPENDIX.

APPENDIX 1.

COPY of LETTER from CYRUS FIELD, Esq. to the Right Hon. Lord STANLEY, M.P.

Appendix I.

22, Old Broad Street, London.

17th March 1858.

MY LORD,

DURING the last Session of the Legislature of Nova Scotia, an Act was passed which conferred certain limited protective privileges upon the New York, Newfoundland, and London Telegraph Company (of which I am the Vice-President), for the purpose of securing to Nova Scotia the advantage of being placed on the direct route of the telegraphic system between Europe across the Atlantic to the United States.

This Act was duly approved by the Governor, and remitted to the Imperial Government for ratification; and I have just been informed that on the 18th of January last the Right Honourable Henry Labouchere, M.P., Secretary of State for the Colonies, in a letter addressed to his Excellency Sir Gaspard Le Marchant, Lieutenant Governor of Nova Scotia, expressed his opinion that it would be inexpedient to confirm the Act, for reasons based on the protective grant, and which I presume will be set forth in the Despatch itself.

If I may venture so far as to solicit the favour of your Lordship, I should indeed esteem it an obligation to be furnished with a copy of the Despatch of your Lordship's immediate predecessor upon this subject, for I have reason to know that a large portion of the merchants and others in Nova Scotia feel strongly as to the advantages they would derive from the intimate connection secured to them by this Act, both with the United States and with Great Britain.

To the Company I represent, the concession granted by the Act of the Nova Scotia Legislature is comparatively unimportant, as the cheapest and most natural route for its wires would be from Newfoundland to Prince Edward's Island, and on across New Brunswick to the state of Maine, in which protection has been accorded for a term of twenty-five years; but in this case Nova Scotia would be entirely left out of the route, and messages to that colony would have to be sent on to the United States, there to be read off and retransmitted, with the certainty of great delay, and the increased risk of mistakes. This, I submit, would indeed be a hardship to the Nova Scotians, as it would be effected in direct opposition to their wishes, and would deprive them of the only means, except a very large money payment, by which they could escape their otherwise certain isolation from Europe.

After a careful review of the Act, I have been unable to perceive anything in the nature of the privileges accorded to the Company I represent that need be regarded with the slightest concern or distrust, or that are not strictly analogous to protections daily, and as a matter of course, extended to much less important objects; for instance, the author's copyright, the inventor's patent, are cases in point; and it cannot, I think, be maintained that the connection of several important colonies with themselves and with Europe upon an original plan, attended with great scientific and commercial advantages, surrounded with difficulties that must be overcome, and all to be accomplished at an enormous outlay, is in any degree less worthy of legislative protection.

So far as the Company that I now represent is concerned, we shall be quite willing to give to Nova Scotia or to the British Government the right to redeem the exclusive privileges at any time they may think proper, upon paying a fair valuation; but I trust that, with respect to the great interests of the colonists of Nova Scotia alone, your Lordship may be induced to take the Act into your favourable consideration, and see fit to recommend it to Her Majesty for being allowed.

If, after the perusal of this communication, your Lordship may be pleased to grant me the honour of a personal interview, I feel confident that I shall be enabled to submit such a statement of facts as I think will be sufficient to satisfy your Lordship that the Act in question does not contain provisions of a nature that can be considered obnoxious to the public interest.

I have, &c.

The Right Hon. Lord Stanley, M.P.,
&c. &c. &c.

(Signed) CYRUS W. FIELD.

Appendix 2.

APPENDIX 2.

COPY of LETTER from CYRUS FIELD, Esq. to the Right Hon. Lord STANLEY, M.P.

Atlantic Telegraph Company, 22, Old Broad Street,
London, 25th March 1858.

MY LORD,

REFERRING to the letter I had the honour to address to your Lordship on the 17th instant, and to the interview you were afterwards kind enough to grant me on the 22d for the purpose of explaining the grounds on which I conceive it would be proper to allow the ratification, by the Imperial Government, of the Bill for promoting telegraphic communication with Europe, passed by the Legislature of Nova Scotia,

I now take the liberty of suggesting a plan, which I trust may have the effect of relieving your Lordship from the feeling which then appeared to have weight with you, that by means of the Bill in question a monopoly of an injurious character might be created.

I propose that, in approving the Bill, powers be taken by the Imperial Government or by the Local Government of Nova Scotia, or either of them, at any time hereafter, to cancel the exclusive right, paying a compensation to be arrived at by arbitration in the following manner, viz., one referee to be chosen by the Government and one by the Telegraph Company. These two referees, before proceeding to business, to mutually choose a third, who shall sit with them during the discussion.

In case of difference, the votes of the two out of three arbitrators to be final and binding; or, if it seem preferable to your Lordship, I would suggest that either Government shall have power to cancel the exclusive right granted by the Legislature of Nova Scotia at any future time, on paying the bare cost which has been incurred up to the time of such cancellation in establishing telegraphic communication between the capital of Newfoundland and the capital of Nova Scotia.

I trust your Lordship will be enabled to concur in one or other of these suggestions, or such modification of them as you may think advisable for the public interest. You will, I am sure, consider that it would be a great public benefit that Nova Scotia and the other British colonies should be placed on the highway for telegraphic intelligence between the United States and Europe, which it is manifest from their geographical position could only be accomplished by offering a fair inducement to the parties willing to carry it out. Whereas your Lordship must be aware that by the Imperial Government refusing assent to the Bill in question, it must inevitably inflict a severe blow on the commercial community of Nova Scotia and New Brunswick by excluding them from the privilege of direct telegraphic communication with the United Kingdom, while at the same time the Telegraph Company, by laying a submarine cable direct from Newfoundland to the United States, would be enabled to prosecute their enterprise with equal success.

I have, &c.

(Signed) CYRUS W. FIELD,
Vice-President of the New York, Newfoundland,
and London Telegraph Company.

The Right Hon. Lord Stanley. M.P..
&c. &c. &c.

Appendix 3.

APPENDIX 3.

COPY of LETTER from H. MERIVALE, Esq. to C. W. FIELD, Esq.

SIR,

Downing Street, 5th April 1858.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 25th ultimo, and to acquaint you that, having duly considered the suggestions you have made on the subject of the Bill passed by the Legislature of Nova Scotia for encouraging telegraphic communication between that province and the United Kingdom, his Lordship regrets that it is not in his power to entertain your proposal.

I have, &c.

(Signed) H. MERIVALE

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