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No. 33.

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2nd Session, 1st Parliament, 31 Victoria, 1869.

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**BILL.**

An Act to revive and amend the Act incorporating the Canadian and British Telegraph Company, and to change the name of the Company,

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**PRIVATE BILL.**

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Hon. Mr. GALT.

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**OTTAWA:**

**PRINTED BY HUNTER, ROSE & CO.**

An Act to revive and amend the Act incorporating the Canadian and British Telegraph Company, and to change the name of the Company.

**W**HEREAS the Honorable John Young, of the City of Montreal, hath by his petition prayed that the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's Reign, and intituled: *An Act to incorporate the Canadian and British Telegraph Company*, which Act has expired by non-user, should be revived with the powers and privileges thereby granted, subject to the amendments hereinafter made; and whereas it is expedient to grant the prayer of the said petition, inasmuch as it is of great importance that direct telegraphic communication should be established between the Dominion of Canada and Europe; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**1.** The said Act and all the clauses and provisions thereof and all the powers and privileges thereby granted, are hereby revived and shall be in force, as if herein repeated and re-enacted, and as if the sixteenth section thereof (which is hereby repealed), had formed no part of the said Act, subject always to the amendments hereinafter made.

**2.** The corporate name of the Company to be constituted under the said Act shall be "The Canadian and European Telegraph Company,"—instead of "The Canadian and British Telegraph Company,"—and the first section of the said Act is hereby amended accordingly.

**3.** The second section of the said Act is hereby amended by the insertion of the words "or to the Island of Anticosti or any other Island or Islands in the River or Gulf of St. Lawrence," after the words "Island of Belle Isle," where they occur in the said section;—and the first section of the said Act is hereby amended by inserting the like words after the words "Labrador Coast," where they occur in the said section.

**4.** The Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in the territory late in possession of the Hudson's Bay Company or in any other British possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line,—and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada in the late possessions of the Hudson's Bay Company, in any other British Colony, or in the territory of any other foreign State or Power, whether on the continent of America or in any other part of the world.

Preamble.

22 V. (1859)  
c. 101.The said Act  
revived.Name of  
Company  
changed.Section 2  
amended.Company  
purchase or  
lease certain  
lines of  
telegraph.Or unite with  
any other  
Company.

May accept  
any guaran-  
tee or aid.

5. The said Company shall also have power and authority to accept from the Government of Canada, from the Imperial Government of Great Britain, or from any foreign Power, State or Government, or from the Government of British Columbia, or from any corporate body, either separately or conjointly with any company, board or individuals amalgamated with them as aforesaid, any guarantee or grant of lands or money in aid of their said undertaking. 5

Capital in-  
creased.

6. The capital of the Company shall be five hundred thousand pounds or two million of dollars, instead of two hundred and fifty thousand pounds or one million of dollars as provided by the fourth section of the said Act, which is hereby amended accordingly;—and such capital may be increased in the manner provided in the said section, to any amount not exceeding three million dollars. 10

Further in-  
crease.

Section 5  
amended, as  
to certain  
names.

7. The fifth section of the said Act is hereby amended by striking out the names therein mentioned as those who are to cause books of subscription to be opened and to do certain other acts and have certain other powers, and by inserting instead thereof the names of the Honorable John Young, and Honorable Alexander T. Galt, Canada, and C. F. Tietgen and General Raaslaff, Copenhagen, and H. N. Sharp, London. 15 20

Board of  
Directors.

8. The concerns of the Company shall be managed by a Central Board of Directors to consist of five members, instead of eleven as provided by the sixth section of the said Act, which is hereby amended

Qualification.

accordingly, and by the Local Board of Directors hereinafter mentioned; and such Directors, whether Central or Local, shall be proprietors of at least twenty shares in the stock of the Company, instead of forty shares, as in the said section provided. 25

Aliens may  
vote, &c.

9. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company. 30

Provisional  
Board of  
Directors.

10. The persons named in the seventh section of this Act are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereinafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board. 35

They may  
open Stock  
books and  
perform cer-  
tain other  
duties.

11. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure Charters or Acts of Incorporation from the Imperial Government of Great Britain, from any Colonial Government or from any Foreign State, Power or Legislature, which may be required for the continuation of the said Telegraph-Line or its branches beyond the limits of Canada and also to enter into any covenants, treaties or stipulations with the said Government of Great Britain, or with any Foreign Power or State, having for object to secure co-operation, guarantee or other aid to and for the said undertaking: and it shall be the duty of the said Provisional Directors to give notice in the *Canada Gazette* of the opening of the said Stock Books and of the places where the same shall have been deposited. 40 45 50

Notice.

Section 7  
repealed.

12. The seventh section of the said Act is hereby repealed, and so soon as ten per centum of the said capital stock shall have been sub- 55

scribed, and two per centum paid up, the said provisional directors, or a majority of them, may call a meeting of shareholders, either at the City of Montreal, in Canada, the City of London, in England, or at the City of Copenhagen, in Denmark, as the said provisional directors may determine, at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, in London, in England, in the city of Copenhagen, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present either personally or by proxy, shall elect seven persons to form and constitute a Central Board of Directors of the said Company.

When the Company may commence business.

General meetings.

Election of Central Board.

13. The said Directors shall hold office until the next triennial meeting of the Stockholders of the Company after their election; and at all meetings of the Stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

Term of Office.

14. The tenth section of the said Act is hereby repealed.

Sect. 10 repealed.

15. On the first Monday of the month of June, in every third year after the first general meeting, there shall be held a general triennial meeting for the election of directors at any one of the Cities named in the twelfth section of this Act, which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the said section; And at every such general meeting the Directors in office, or any of them, may be re-elected.

Triennial general meetings.

Re-election of Directors.

16. The Directors may from time to time appoint Local Boards of Directors in any one or more of the Cities herein before named, or in any other City or place, either in British territory or, in the territory of any foreign Power or State; Provided that if the Central Board be not established at Montreal, a Local Board shall be appointed at that City.

Local Boards of Directors.

17. Every such Local Board of Directors shall consist of five persons qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years, as the said Central Board shall determine.

How constituted.

18. Whenever any one or more of any such Directors, whether of the Central, or of any Local Board die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Vacancies how filled.

19. The said Central Board of Directors may from time to time make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally; And each Local Board may also, from time to time make, alter, amend or repeal such Regulations and By-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any Regulations or By-laws made by the Central Board.

Central Board to make By-laws.

20. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic,

Powers of Company in making the telegraph lines.

corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, 5 effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the 10 said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same 15 respectively, according to the intent and purpose of this Act, and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from 20 time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect, and keep in repair any bridges, arches and other works upon or across any rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think 25 convenient and necessary for the making, effecting, intending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby 30 granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained in or by the execution of all or any 35 of the powers of this Act; And whensoever and wheresoever the said Telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be.

Clearing on either side.

Power to set up posts.

**21.** The said Company shall have full power and authority to set 40 up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface; and such posts, and wires and other apparatus therewith connected shall be the property of the said 45 Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the said Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said 50 Company.

Duty of Company as to despatches.

**22.** It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than *five* nor exceeding *twenty-five* pounds, to be recovered with costs of suit, by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the 55 transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the By-laws of the Company.

**23.** Any operator of the said Telegraph Line, or person employed by the said Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding *twenty-five pounds*, or to imprisonment not exceeding three months; or both, in the discretion of the Court before which the conviction shall be had. Penalty on operators divulging.

**24.** Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said line of Telegraph; shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both; at the discretion of the Court before which the conviction shall be had. Penalty on persons injuring the line.

**25.** The works of the Company shall be commenced within three years, and completed from Quebec to Labrador or to the eastern end of the Island of Anticosti, within six years from the passing of this Act, otherwise the Act shall be null and void. Commencement of works, &c.