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No. 247.

2nd Session, 6th Parliament, 22 Victoria, 1859.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Transmundane
Telegraph Company.

Received and read, first time, Tuesday, 19th
April, 1859.

Second reading, Wednesday, 20th April, 1859.

HON. MR. DRUMMOND.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

² ¹ ⁷

An Act to incorporate the Transmundane Telegraph Company.

WHEREAS it is desirable that a line of telegraphic communication should be established from this Province westward by way of the Aleutian Islands or Behring's Straits through Northern Asia to Europe, with branches extending to the great centres of commerce in the East Indies, Australia, China and Japan; and whereas Sir George Simpson, the Honorable Lewis T. Drummond, the Honorable John Young, and the Honorable Luther H. Holton have presented a petition praying to be incorporated for the purpose of constructing the first link in the said line; Therefore Her Majesty, &c., enacts as follows :

Preamble.

10 I. The said Sir George Simpson, the Honorable Louis T. Drummond, the Honorable John Ross, the Honorable John Young, the Honorable Amable A. Dorion, the Honorable Luther H. Holton, and Peter McD. Collins, Esquire, together with all such persons as shall become stockholders of the Company hereinafter mentioned, shall be and are
 15 hereby constituted a body corporate and politic under the name of the "Transmundane Telegraph Company," and as such shall have perpetual succession, may have a common seal and change the same at their pleasure, may contract or be contracted with, may sue or be sued, may acquire, sell or otherwise dispose of any property, real,
 20 personal or mixed, and shall hold, possess and enjoy all the powers and privileges common to all corporate bodies.

Certain persons incorporated.

Corporate name and powers.

II. The said Company shall have full power and authority to construct, maintain and keep up an Electric Telegraph line from the westernmost station of electric telegraph communication established in
 25 this Province, or from any point of connection with any Electric Telegraph line then established at the time when the said Company shall commence its operations in any one of the United States of America, or from both points to the western limits of this Province, and thence (with the permission of the Hudson's Bay Company or the
 30 Government of Great Britain, or the Government of British Columbia) by way of Fraser River along the coast of the Pacific Ocean to the Russian Possessions in North America, together with such lateral lines or branches as the said Company may deem it advantageous to construct.

Company may construct a telegraph line across the Continent of North America.

35 III. The said Company shall also have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in this Province or in the Territory 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
 amalgamate with other Companies.

Power to purchase or lease other lines, and to amalgamate with other Companies.

hereafter to be connected with the said line which the said Company is so authorized to construct, or to purchase or lease for any term of years the right of any Company to construct any such telegraphic 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 said Company's line, either in this Province, in the 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. 5 10

May accept grants of land, &c.

IV. The said Company shall also have power and authority to accept from the Government of this Province, from the Imperial Government of Great Britain, or from any Foreign Power, State or Government, or from the Hudson's Bay Company, or from the Government of British Columbia, either separately or conjointly with any Company, Board or individuals amalgamated with them as aforesaid, any guaranty or grant of lands or money in aid of their said undertaking. 15

Aliens may hold stock, and vote.

V. 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. 20

Provisional Directors.

VI. The seven persons named in the first 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 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. 25

Their powers.

VII. 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, 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 this Province, and also to enter into any covenants, treaties or stipulations with the said Government of Great Britain, or with the Government of British Columbia, or with any Foreign Power or State, having for object to secure co-operation, guaranty or other aid to and for the said undertaking. 30 35 40

First general meeting.

VIII. So soon as one-tenth part of the said capital stock shall have been subscribed, the said provisional directors, or a majority of them, may call a meeting of shareholders either at the City of Montreal in Canada, or at the City of London in England, or at the City of New York in the State of New York, as the said provisional directors may determine, and at such time as they may think proper, giving at least three months' notice in one or more newspapers published in Montreal, in London in England, 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 at all other general meetings hereinafter mentioned, 45 50

the shareholders present, either personally or by proxy, shall elect nine persons to form and constitute a Central Board of Directors of the said Company.

IX. Every shareholder shall be entitled to give one vote at every such meeting for every share he shall hold in the stock of the said Company not exceeding forty; and no person shall be eligible as a director who at the time of such election shall hold less than twenty shares in the said Company, and who shall not have paid up all the calls due on all the shares subscribed for by him. Scale of votes.

X. 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 three above named cities appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the eighth section; at every such general meeting the Directors in office, or any of them, may be re-elected. Triennial meetings.

XI. So soon as convenient after every such election, the Directors shall proceed to appoint a President, a Secretary, and a Treasurer, and such other officers as may be required for the management of the affairs of the Company, five of them shall form a quorum. In the absence of the President, the Directors present, or a majority of them, shall elect a Chairman. All questions shall be decided by a majority of votes, and upon every equal division, the President or Chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors. Officers.

XII. The Directors may from time to time appoint Local Boards of Directors in any one or more of the above named cities, or in any other city or place, either in British territory or in the territory of any foreign Power or State. Local Boards.

XIII. Every such Local Board of Directors shall consist of nine persons, qualified in like manner as the 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. The number of local directors and their term of office.

XIV. 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. In case of their death or resignation.

XV. 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, 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-laws.

Powers of
Company with
respect to the
construction of
their line of
telegraph.

XVI. 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, corporate or 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, 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 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 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 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 convenient and necessary for the making, effecting, extending, 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 granted, and making satisfaction, whenever required so to do, to the owners or proprietors 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 of the powers of this Act: and that whensoever and wheresoever the said Telegraph do or 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.

Further
powers.

XVII. The said Company shall have full power and authority to set 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 Company, as shall also all such posts or poles or apparatus as shall be set up by the said Company for the purposes aforesaid, although the lands on which the same are set up be not the property of the said Company.

XVIII. 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; except that any message in relation to the administration of justice, arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any person thereunto authorized by the Provincial Secretary; the said Company shall have full power to charge for the 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.

Order of
transmission
of messages.

XIX. 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 for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty for
divulging
private
despatches.

XX. Any person who shall wilfully and 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 for
injury, &c, to
line.