

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1851. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1851.

14 Victoria – Chapter 3 Private or Personal Acts

An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company. Passed 15th March 1851.

Whereas the construction of a Line of Electro-Telegraphic communication between the Bend of Petitcodiac, in the County of Westmorland, and the Miramichi River, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such Line by granting them an Act of Incorporation for that purpose

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That George Kerr, Lestock P. W. DesBrisay, William J. Fraser, Caleb M'Cully, David Wark, George H. Russel, Isaac Soureby, William E. Samuel, John W. Weldon, John M. Johnson, Richard Hutchison, James M'Phelim, John Mackie, John Baquell, John Pallen, John M'Dougall, Henry Canard, Oliver Willard, John Wright, William S. Cale, John Wyse, Alexander Loudoun, William A. Black, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a Corporation, and a Body Politic and Corporate, by the name of The Miramichi and Richibucto Electric Telegraph Company; and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose of constructing, maintaining and working such Line of Electro-Telegraphic communication as hereinafter more particularly set forth.

II. And be it enacted, That the capital stock of the said Corporation shall be two thousand pounds, divided into two hundred shares of ten pounds each, which shares shall be vested in the several persons hereinbefore named, and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest, which shares shall be paid at such times and places, and in such proportions, as the Directors of the Company shall appoint; provided always, that the money so to be raised is hereby directed and required to be laid out for and towards the making, completing and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever.

III. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make and complete a single or double Line of Electro-Telegraphic communication from and between the Bend of Petitcodiac, in the County of Westmorland, and Chatham, in the County of Northumberland, with power to establish such branch Lines in connection therewith as the increase of business, the establishment of Rail Roads, or other circumstance may make advisable, and for the purposes of the said main Line and the several branches thereof to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances,

and real or moveable property as may be or become necessary for the making, maintaining and working the said Electro-Telegraphic communication, and may use, hold and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

IV. And be it enacted, That it shall and may be lawful for the said Company, their agents and servants, to enter upon the side or sides of any or all of the public roads, bridges, streets or highways in this Province, through, along, across, or by which the said Electro-Telegraphic Line or any of its branches shall pass or be required to pass, and on the same to set up, erect and construct such and so many posts or other works as they in their discretion may deem necessary for making, using and maintaining the said Electric Telegraph, and from time to time, as often as the said Company, or their agents or servants, shall think proper, to break up and open any part whatsoever of the said roads, streets or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horse and to keep the same open during the time necessary for the setting up, erecting and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend or permit the setting up, erecting or constructing of any post or work which may in any way obstruct any of the said public roads, streets, bridges or highways; and provided always, that the said Company and their servants shall and do at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets and highways in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

V. And be it enacted, That at any time it shall be deemed necessary by the Company or their servants, to carry any part of the said main or branch Lines of the said Electro-Telegraphic communication through or over any estate, lands or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the said lands of any person or persons, bodies politic or corporate, as they shall think necessary for the making, completing, maintaining or repairing the said Line or Lines, and on such lands to set up, construct or build such posts, buildings or other erections as may be necessary for such Line or the branches thereof and do all other matters and things which the said Company shall think convenient and necessary for the making, extending and easy using of the said Electric Telegraph or its branches, or the works connected therewith, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owner or owners respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, or their agent or servant, and one by the owner or occupier of the said private or corporate property in question, which two arbitrators so chosen shall choose a third arbitrator; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint a third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private or

corporate property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time upon such application to issue a Writ or Warrant, directed to the Sheriff of the County or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the said Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested, which Jury upon their oath (which oath, as well as oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is hereby empowered to administer) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid; and the award, inquisition or verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

VI. And be it enacted, That so soon as the main line of communication by the said Electric Telegraph, or any part thereof or any of its branches, shall be complete and opened, it shall and may be lawful for the said Corporation at all times to ask, demand, take, sue for and recover to and for their own proper use, such rates, tolls or dues, for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company, by or upon the said Electric Telegraph, and such sum or sums of money as the said Company may think just and reasonable.

VII. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said Line of Electric Telegraph and branches for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said Line or any of its branches shall connect, and that the rate of charges therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages; provided always, that such messages are strictly and solely of a public nature.

VIII. And be it enacted, That when and so soon as one half of the shares of the said capital stock shall have been subscribed for, a meeting of the stockholders shall and may be called by any three of the corporators hereinbefore named, and that such meeting shall be held at Chatham, in the County of Northumberland, after ten days notice in the Gleaner Newspaper published at

Miramichi, and that at such meeting, or some adjournment thereof a President shall be chosen from among the stockholders, and six Directors shall be chosen for the current year, of which three shall be resident in the County of Northumberland and three in the County of Kent; and that at such meeting, or some adjournment thereof to make bye laws, rules and ordinances for prescribing the duties, powers and authorities of the said President, Directors and Officers of the said Company, and for regulating the transfer, registry and forfeiture of shares, the right of voting in respect of the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct and government of the said Company, its affairs and business, as may be requisite and necessary.

IX. And be it enacted, That the annual meeting of the said Company shall take place on the first Tuesday in January in each year, and shall be held alternately in Chatham and Richibucto; the first annual meeting to be held at Richibucto on the first Tuesday in January next.

X. And be it enacted, That the joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

XI. And be it enacted, That if any person shall by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Telegraph, or any of its branches, or other works incidental or relative thereto or connected therewith, such person shall for every such offence incur a penalty or forfeiture of not less than five pounds nor exceeding ten pounds currency, to be recovered by summary conviction before one or more Justices of the Peace for the County or City and County where such offence is committed; one half of the same, when levied and recovered, to be paid to the informer or person prosecuting for the same, and the other half to be paid into the hands of the Treasurer of such County, and applied to the public uses of such County; provided always, that the payment of such penalty or forfeiture shall not be held to relieve or discharge the person convicted of the same from any claim for damages by the said Company for any loss or injury sustained by them in consequence of such obstruction or interruption.

XII. And be it enacted, That if any person or persons shall wilfully, maliciously, and to the prejudice of the said Company, break, throw down, damage or destroy any post or posts, rail, support, wire, machine, machinery, or other works or device erected, constructed or possessed under the authority of this Act, or do any other wilful act hurt or mischief to disturb, hinder or prevent the carrying into execution, making, completing, supporting, maintaining and using the said Electric Telegraph, either on the main Line or on any of its branches, or other works therewith connected, even such person or persons so offending shall forfeit and pay to the said Company the amount of the damages and the costs of suit in that behalf incurred, in like manner as for any other trespass.