

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 77

**An Act to incorporate the International Telegraph Company. Passed 17th June 1867.**

Section.

1. Company incorporated.
2. Power to construct Telegraph lines, acquire property, &c.
3. Capital.
4. Power to enter on public roads, &c.
5. May enter on private property; compensation to owners.
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Section.

7. May connect with other lines; Government to have preference.
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10. Election of President & Directors.
- 11 & 12. On what terms lines may be erected along Railway lines.
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Be it enacted by the Governor, Legislative Council, and Assembly, as follows:—

1. That William Thomson, Isaac Burpee, Robert J. Leonard, Charles N. Skinner, M. P. P., Howard D. Troop, Stephen S. Hall, Honorable Samuel L. Tilley, John Glasier, M. P. P., Simeon Jones, A. D. Brown, and Woodbury Davis, their associates, successors, and assigns, shall be and are hereby created a body corporate by the name of "The International Telegraph Company," with all the rights and privileges, and subject to all the duties provided by the general laws of the Province of New Brunswick relating to Corporations, for the purpose of constructing, maintaining and working lines of communications by the means of the Electric Telegraph, within said Province, with power by that name to sue and be sued, and to have and to use a common seal, and the same to change at pleasure, to establish any and all bye laws and regulations for the management of their affairs, not repugnant to the laws of this Province, and to do and perform any and all other lawful acts incidental to similar Corporations.

2. The said Company shall have the right to locate and construct its Electric Telegraph lines upon and along any public highway or bridge, or along or upon the lines of any Railroad, but in such a manner as not to incommode or endanger the customary public use thereof, and for the purpose 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 lines of Electric Telegraph communication, and may use, hold and possess the land over which the said Electric Telegraph lines are to pass, in the manner and under the provisions hereinafter set forth.

3. The capital stock of the said Corporation shall be one hundred thousand dollars, with power to the said Company to increase the same to two hundred thousand dollars,

if the same shall become desirable in carrying out the purposes of the Company, the whole amount of the said capital stock to be divided into shares of fifty dollars each, which shares shall be vested in the several persons hereinbefore mentioned 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 said 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 as aforesaid is hereby directed and required to be laid out for and towards the making, completing and maintaining the said Electric Telegraph lines, and other purposes therewith connected, and to no other use or purpose whatsoever.

4. It shall and may be lawful for the said Company and their servants as aforesaid, 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 Electric Telegraph lines 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 lines; and from time to time, as often as the said Company, or their servants, shall think proper, to break up and open any part whatsoever of the said road, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, waggons, or horses, and to keep the same open during the time necessary for the setting up, erecting and constructing of any posts or other works; provided always, that nothing herein shall be construed to extend to 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.

5. The Company may cut down any trees standing within the limits of any highways, except ornamental or shade trees, when necessary for the erection, use or safety of its lines; and said Company shall have the right to enter upon private property by consent of the owners thereof, and if such consent cannot be obtained, then said Corporation may enter upon the same for the purpose of erecting, using and maintaining their lines, said Corporation paying all damages; and in case the above parties cannot agree upon the amount of damages, then the same shall be settled by arbitrators, one arbitrator to be chosen by the said Company, and the other by the party claiming damages; and if the two arbitrators so chosen cannot agree, then a third arbitrator shall be chosen by the two arbitrators first named, and their decision or the decision of any two of them shall be final; which amount of such damages and costs shall be paid or tendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid, within three months after the amount of such damages shall be ascertained.

6. So soon as any of the said lines of communication by the said Electric Telegraph, or any part thereof, shall be completed and opened, it shall be lawful for the said Corporation at all times thereafter 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 said Company, by or upon the said Electric Telegraph lines, and such sum or sums of money as the said Company may think just and reasonable.

7. This Company shall have power by agreement with other persons or bodies corporate, to connect their lines with other lines of Telegraph within and without this Province; but the Government shall have and enjoy at all reasonable and proper times, and in preference to all persons whomsoever, the right and privilege of using the same line of the Electric Telegraph, its branches and extensions, for the transportation of messages relating to the public service only, whether Imperial or Colonial, from or to any Stations with which the said line, or any of its branches or extensions, shall connect; and the rate of charges therefor shall not in any case exceed the rate of charges made to private individuals and others for the transmission of messages.

8. The property of the said Company shall alone be responsible for the debts, liabilities and engagements of the same.

9. Any two of the persons named in this Act of Incorporation may call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the City of Saint John of the time, place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

10. The immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation by ballot, who shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and the said Directors shall have authority to choose a Secretary, who shall be sworn to the faithful discharge of his duty, and a Treasurer who shall be sworn and also give bonds to the Corporation with sureties to the satisfaction of the Directors for the faithful discharge of his trust.

11. The said International Telegraph Company shall have full power to erect, establish and put up one or more lines of Telegraph along any line of Railway that may be located, established or built between the City of Saint John and the eastern boundary of the State of Maine, on payment of all damages to any person or Company injured thereby.

12. The said International Telegraph Company shall have full power to erect, establish and put up one or more lines of Telegraph along the line of the European and North

American Railway, leading from the City of Saint John to Shediac, and along any line of Railway that may be located or built from the line of the said European and North American Railway to the boundary line between the Provinces of New Brunswick and Nova Scotia, on payment of all damages to any person or Company injured thereby.

13. In case the said International Telegraph Company shall lease, underlet, transfer or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said International Telegraph Company shall still remain liable under the terms of this Act for any fault, neglect, or miscarriage of the person or persons, or body corporate, or joint stock company, to whom such sale, lease, transfer or setting over shall be made; and the service of any writ, summons, process or paper in law or in equity, upon the President or other officer or Secretary of the said International Telegraph Company, shall be sufficient in all respects, in all suits or actions either at law or in equity, to enable the plaintiff in any such suit or action, for such fault, neglect, or miscarriage, to issue and have issued any execution or executions against the property or effects of the said person or persons, or body corporate, or joint stock company, or their assigns, or of the said International Telegraph Company, on judgment duly obtained.