



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 3rd 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 :

Preamble.

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 Sub-Marine 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,

Power to join Transatlantic Sub-marine Electric Telegraph Cable to the Electric Telegraph line passing through this Island to the Continent of America..

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 Connection 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.

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

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.

Powers and Privileges of Consolidated Company.

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

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

IV. Nothing in this Act contained shall effect 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.

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, 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.

Shares, &c., of Consolidated or Incorporated Company to be liable for debts of New York, Newfoundland and London Telegraph 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 Misdemeanor, 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.

Penalty for injury to property of the Company.

Conviction before a Justice or Justices.

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.

Power to apprehend offender.

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.

Appropriation of fines.

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.

Protection of party arresting offender.