

Laws of Her Majesty's Province of Newfoundland, passed in the year 1851.

14 Victoria – Chapter 7

An Act for the appointment of Electric Telegraph Commissioners, and for incorporating Electric Telegraph Companies. (Passed 31st May, 1851.)

Whereas the establishment of Electric Telegraphs in this Island would greatly benefit the Trade and Commerce thereof, and it is expedient to make provision for the attainment of an object of so ranch importance:

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That it shall be lawful for the Governor in Council to appoint Six Persons, who shall be selected in equal numbers from among the Members of Her Majesty's Council and of the House of Assembly, in this Colony, as Commissioners, to be called "The Newfoundland Electric Telegraph Commissioners," and who are hereby required, as soon as may be after the passing of this Act, to cause a Survey to be made of a Line of Electric Telegraph between Saint John's and Cape Ray, in this Island, to be extended to Cape North in Cape Breton, by Submarine Line of Telegraph, until it communicates with the Line established in Nova Scotia; and for the purpose aforesaid, to employ so many competent Persons as they may think necessary; and the said Commissioners and their Agents are hereby authorized to enter into and upon all Lands and Premises of any Person whatsoever, whenever they shall so require, to enable them to effect such Survey, and ascertain the course or direction of the said intended Line and Branches in connexion therewith, and to mark off such part of any such Lands as they may think proper, for the erection of the said Telegraph, and to set up Poles or Posts for supporting the Wires of the said Telegraph.

II. And be it enacted, That all Persons who shall become Proprietors, of Shares for the purpose of establishing a Company to carry into effect the provisions of this Act, and their Successors and Assigns, shall be, and they are hereby created, a Body Corporate and Politic, by the name of the "Newfoundland Electric Telegraph Company," and by that name may have a Common Seal, and Sue and be Sued, and may hold Lands and Goods, and Let, Sell, Assign and Convey the same, or any part thereof, but shall not hold Real Estate of any greater Yearly Value than One Thousand Pounds.

III. And be it enacted, That the Capital or Joint Stock of the Company shall be Twenty Thousand Pounds, in One Thousand Shares of Twenty Pounds each, with power to increase the same by an additional amount not exceeding Ten Thousand Pounds, in one or more Sums, as hereinafter provided.

IV. And be it enacted. That so soon as Five Hundred Shares of the said Capital Stock shall be subscribed, the Stock-holders may meet at such time and place, and upon such notice, as a majority of them shall appoint, and at such Meeting a Board of Directors of Five Stock-holders, owning at least Ten Shares each of the Capital Stock, shall be chosen; which Board of Directors shall choose from among themselves a President and Vice President, and Three of such, of whom the President or Vice-President shall be one, shall be a Quorum for the transaction of business; and such Board of Directors shall appoint a Secretary and other Officers and Servants, and fix their Salaries, and shall frame Bye-

Laws for regulating and managing the affairs of the Company: Provided, no Bye-Law shall be repugnant to this Act, or any Law or Statute of this Colony.

V. And be it enacted, That the said Board of Directors shall commence operations, and continue in office, until the First Monday in July, One Thousand Eight Hundred and Fifty-two, on which said Monday of July, and on the First Monday of July in every succeeding Year, there shall be a Special Meeting of the Stock-holders, at such Town or Place as a majority of the Share-holders may name, Fourteen Days' notice thereof having been given in Two of the Public Newspapers of such Town or Place; at which Meeting the Committee of the last year shall exhibit a full statement of the affairs of the Company, and the Meeting shall thereupon proceed to audit the Accounts, declare a Dividend, elect a Board of Directors for the ensuing year, amend or annul any Bye-Law, or make any new Bye-Law, and transact such other business as may then be brought before them; and all Boards of Directors so appointed shall have the like powers with the Board of Directors first above mentioned.

VI. And be it enacted, That the Shares or Stock of the said Company shall be deemed Personal Property, and shall be liable to Attachment and Execution, in the way and manner provided by Law with respect to the Shares of the Saint John's Gas Light Company. The Share-holders shall be liable for no more than Five Pounds per Share over and above the full paid up amount of every such Share, and the Company may sue for and recover any Shares or Instalments not paid in conformity with the Bye-Laws.

VII. And be it enacted, That the said Company may construct and complete the said Main or Trunk Line of Magnetic Electric Telegraph, from Saint John's towards Cape Ray, and may also construct Branch Lines from Saint John's towards Trepassey, or such other part of the South-western Coast as may be selected for the purpose, as also Branch Lines connecting the said Main or Trunk Line with any Town or Village: Provided always, that the said Lines or Branch Lines shall not interfere with the Lines of the Saint John's and Carbonear Electric Telegraph Company.

VIII. And be it enacted, That the Company may erect the said Lines of Telegraph along the side of any Public Highways, provided they do not interfere with the right of travelling thereon; and may enter into any Lands, and Survey and Set off such parts thereof as maybe necessary for the Lines of Telegraph, and may take from any of the Public Lands of the Colony, any Posts or Building Materials necessary to make or repair the Lines or any Buildings in connection therewith; and in case of disagreement between the Company and any Owner or Occupier of Lands which the Company may take for the purpose aforesaid, or in respect of any damage done to the same, by erecting the Lines thereon, the Company and such Owner or Occupier, as the case may be, shall each choose an Arbitrator, which Two Arbitrators shall choose a Third, and the decision of any Two of them, in writing, shall be final.

IX. And be it enacted, That the Governor, or Administrator of the Government, shall have at all limes, in preference to all others, the right of using the Lines of Telegraph for the transmission of Messages relating to the Public Service; and the Bates of Charges thereof shall not exceed the Charges made to Private Individuals.

X. And be it enacted, That any Person interrupting the free use of any Telegraph Line or Works connected therewith, shall be under a Penalty of not less than Five Pounds, nor more than Ten Pounds, to be recovered by any Person informing and suing for the same, in a summary way before one or more Justices of the Peace, and be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, One-half whereof shall go to the Party suing for the same, and the other half be applied to the Public Use of the Colony. And if any person shall wilfully or maliciously obstruct or damage any Telegraph Line, Works, Buildings, or Machinery connected therewith, he shall be guilty of Misdemeanor, and the Court before whom the Offender shall be convicted shall have power to cause such Person to be punished accordingly.

XI. And be it enacted, That the Board of Directors of the Company shall annually submit to the Governor or Administrator of the Government, to be laid before the Legislature, a detailed and particular Account of the Monies by them received and expended under and by virtue of this Act, with a statement of the amount of Increase and Profits, Gross and Nett Receipts, received by them for the use of the Telegraph in each Year.

XII. And be it enacted, That so soon as One-half of the Stock in the said Company shall have been subscribed, and the constructing of the said Main or Trunk Line shall have been commenced by the said Company, and One Hundred and Fifty Miles of the said Line shall be built and completed, it shall and may be lawful for the Governor or Administrator of the Government for the time being, to issue Grants under the Great Seal of this Island, to the said Corporation, of any ungranted and unoccupied Wilderness Land on either side of the said Telegraph to the extent of each alternate Half-mile on either side of the said Line, subject nevertheless to such conditions as to the settlement thereof by One Settler in Fee Simple to every Hundred Acres so granted within Five Years from the date of any such Grant, and the right of the Public to construct any Road in and over the said Lands, or any of them, as to the Governor, or Administrator of the Government, with the advice of the Council, may seem just and reasonable; and the said Company shall have power to alien and dispose of the said Lands, or any part or parts thereof.

XIII. And be it enacted, That from and after such Main or Trunk Line of Telegraph shall have been commenced to be built, it shall be lawful for the Governor, by Warrant on the Colonial Treasurer, to pay Interest to the extent of Six per Centum per Annum, on all sums of Money expended upon said Lines of Telegraph, until the Main Line from Saint John's to Cape North shall have been completed; and in consideration thereof the said Line and every part thereof shall he and is hereby mortgaged to Her Majesty, Her Heirs and Successors, for the benefit of the Government of Newfoundland, and all profits thereon shall belong to the said Government, until the said Interest shall be repaid to the said Government; the repayment of which shall not be enforced until the said Lines shall yield a Net Annual Profit to the said Company of Six per Cent: Provided always, that the Sum to be advanced by the Government shall not exceed the Sum of One Thousand Eight Hundred Pounds in all,—that is to say,—not exceeding Three Hundred Pounds for the First Year, Six Hundred Pounds for the Second Year, and Nine Hundred Pounds for the Third Year; after which all payments for Interest shall cease: And provided also, that it shall be optional with the Government to take Stock or Shares in the said Line, for the amount, of the said advances.

XIV. And be it enacted, That unless One-half at least of the Capital or Joint Stock of the said Company shall be subscribed, and effective operations commenced for the Building and Laying-down of the said Line of Telegraph, within Two Years from and after the passing of this Act, this Act, and every thing herein contained, shall cease to have any force or effect, and every clause, matter and thing herein contained, shall thenceforth be utterly null and void.

XV. And be it enacted, That this Act shall be, deemed and taken to be a Public Act, and shall be judicially taken notice of, and shall have the effect of a Public Act without being specially pleaded.

XVI. And be it enacted, That all Wires and Materials required for the use of Main Lines or Branch Lines of Telegraph shall and may be imported Free of Duty.

XVII. And be it enacted, That if at any time after Thirty Years from the passing of this Act, it shall be deemed advisable by the Governor in Council, that any Line of Telegraph and Branch Lines established by the said Company, should be transferred and vested in the Government of this Island, it shall be lawful for the Governor to cause a Written Notice to be given the said Company, by service on the President, or any other Principal Officer thereof, or by leaving the same with any Officer in the Office of such Company at Saint John's, which Notice shall state that the Government have decided upon becoming the Holders of the said Line and Branches, and shall require a Statement of the actual Outlay and Expenses which the Company have made or incurred in the construction of such Main or Trunk Lines, and Branch Lines, and Buildings and Erections connected therewith; such Statement to be authenticated in such manner as by the Governor and Council may be required, and upon the expiration of Twelve Months from the service of such Notice, all and singular the Lands and Estate not previously alienated or disposed of by the said Company, Line of Electric Telegraph and Branches, Batteries, Posts, Wires, Machinery, and all other things whatsoever then owned and possessed by such Company, under and by virtue of the provisions of this Act, or for the purposes thereof, and all the Right, Title and Interest of such Company in and to the same respectively, and all Deeds, Conveyances and Charters, shall become transferred, surrendered up, and vested in Her Majesty, Her Heirs and Successors, for the public use and benefit of this Island, and shall be thereafter held free and discharged from all claims of any such Company, or any Person whomsoever; and it shall thereupon be lawful for the Governor to draw a Warrant on the Treasurer for the payment to such Company of the actual Outlay and Expenses so made or incurred by them as aforesaid, together with an addition of Fifty Pounds per Cent, thereto: Provided, that the Stockholders of such Company shall have realized from the Profit of the said Line of Telegraph, Interest on the Capital therein invested at a rate not less than Six per Centum per Annum during the whole period of such Investment.

XVIII. And be it enacted, That it shall be lawful for the Governor to issue his Warrant on the Colonial Treasurer for the payment to the said Commissioners of the sum of Seven Hundred and Fifty Pounds towards defraying any expense that may be incurred by them in causing a Survey to be made of the course or direction of the said Line of Telegraph, and for all Maps and Plans of Lands through which such Line may be intended to pass.

And Whereas the laying down of a Line of Electric Telegraph between Saint John's and Carbonear will be productive of much benefit to the Trade of Conception Bay:

XIX. Be it therefore enacted, That the Governor in Council shall have power to grant to any Company formed for such purpose, a Charter of Incorporation suitable to the general interests of the said Company.