

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 209

An Act granting certain privileges to the New-York, Newfoundland and London Telegraph Company. Assented to 19th May, 1855.

Whereas the Legislature of Newfoundland has incorporated a Company under the style and title of the New York, Newfoundland and London Telegraph Company, for the purpose, among others, of establishing a line of Telegraphic communication between America and Europe; And whereas certain British subjects have already agreed to become interested in the Stock of the said Company, to the extent of one half thereof; And whereas it is expedient for the Legislature of Canada to encourage the said undertaking: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, -constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite, the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

- I. The said Company shall have power to purchase, receive, have and to hold to them and their successors to and for the use of the said Company, such real estate in this Province, and such only, as may be necessary for the convenient transaction of the business of the Company, and for the erection of buildings for the suitable accommodation of the stations thereof in this Province, now or hereafter to be established, and for the construction of the line or lines or branches thereof, and for the effectual carrying on the operations of such Company, and the same to let, convey or otherwise depart with for the benefit and on account of the Company from time to time as they shall deem expedient.
- II. The said Company may establish, construct, purchase, hire, keep in order and work any line or lines of magnetic, electric or other Telegraph or means of Telegraphic communication, in any part of the Province of Canada, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein, and any Island, Province, Country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Atlantic Ocean.
- III. The said Company may erect or maintain their said lines of Telegraph along the side of or across any public highways, bridges, water course or other such places, provided they do not interfere with the public right of travelling thereon, or may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for the said lines of Telegraph, and may take from any part of the ungranted and unoccupied Crown Lauds of this Province, having first obtained the consent of the Crown, 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 lauds which the Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the lines through or upon

the same, 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 on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the said Company shall neglect or refuse to choose an arbitrator within four days after notice in writing, and upon proof of personal service to him from the opposite party, or if such two arbitrators when duly chosen shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Provincial Secretary, for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a Bridge over any navigable water.

IV. Any person wilfully interrupting the free use by the said Company of any Telegraphic line, established, hired or used it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds nor more than one hundred 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 to be levied by a warrant of distress and sale of the offenders' goods and chattels, one half of such penalty to go to the party suing for the same, and the other half to be paid to the Receiver General of the Province for the use thereof; and in default of goods and chattels to satisfy such warrant, every such offender shall be committed to gaol by such Justice or Justices for any period not exceeding one hundred days, and if any person shall wilfully or maliciously obstruct or damage any such Telegraphic line, work's, buildings, machinery or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds; And every operator, agent or servant of the said Company employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath before a Judge or Justice of the Peace, that he will not wilfully divulge the contents of any message transmitted by the said Company, or left with any of its operators, agents or servants for transmission or delivery; and every person violating the said oath shall, be adjudged guilty of misdemeanor and punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

V. All wires and materials required for constructing, repairing or working the said Company's main or branch lines of Telegraph, or for connecting them or any of them with any Island, Province or Country, shall and may be imported free of duty.

VI. This Act shall be deemed and taken to be a Public Act.