

BRITISH COLUMBIA.

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No. 9. An Ordinance to encourage the construction of a Telegraph Line, connecting British Columbia with the telegraph lines of the United States, and for other purposes.

[10th March, 1864.]

WHEREAS, the California State Telegraph Company, a Company duly incorporated pursuant to the laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco, has constructed lines of telegraph, extending through the said State and the adjoining States and Territories, and connecting with the telegraph systems of the Atlantic States and of the British Provinces of North America; and whereas the President of the said California State Telegraph Company has been authorized, by a resolution of the Board of Directors to represent the said Company and to bind the same in all matters and things connected with the extension and construction of its telegraph lines from California northward; and whereas it is expedient to enable the said Company to extend its telegraph lines to New Westminster, in the Colony of British Columbia, with a view of increasing the facilities of the said Colony for communication with the rest of British North America and the Pacific and Atlantic States of the United States;

Preamble.

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

1. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office, or assigns, to construct and place a line or lines of telegraph over any public or tidal lands, and along or across any public street or highway (not obstructing such street or highway), and to lay down a telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water course within the Colony of British Columbia and its Dependencies, (but so as not to impede navigation or other public rights), and to own, use, enjoy, and employ the same for the period of twenty-five years from the passage of this Act.

Privileges granted to California State Telegraph Company on public lands.

2. The said President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of telegraph over any private lands, upon obtaining the written consent of the owners thereof.

May run line of Telegraph through private property on obtaining consent of owner.

Right to Company to purchase right of way over private land.

3. Notwithstanding any law or statute to the contrary, the California State Telegraph Company, or the President thereof for the time being, may purchase or lease the right of way over any private lands, and may, with the sanction in writing of the Commissioner of Lands and Surveyor General, purchase or lease any land or other property in British Columbia, necessary or convenient for the working of the telegraph lines herein provided for, or for effectually carrying on the business of the said Company, and the grants or leases therefor may be made directly to the said Company, or to the said President and his successors or assigns, and that no such grant or lease shall be deemed invalid or less binding by reason of being so made.

Telegraph to be commenced within 5 months

4. This Act is passed and the rights and privileges herein mentioned are granted, upon the express condition that the said President of the said Company, his successors or assigns, shall, within five months from the date of the passage of this Act, commence the work, and, within the further period of thirteen months, shall cause to be completed and put in operation, a line of telegraph from the City of New Westminster, in the said Colony, so as to connect directly or indirectly with the existing lines of the California State Telegraph Company, so as to place and placing the said City of New Westminster in telegraphic communication with the United States and the Canadas; and on failure so to complete the said line within the time in this section specified, the privileges herein granted shall cease and determine, and this Act shall become absolutely void.

Telegraph communication in 13 months, or act void.

Exclusive right of sending and receiving messages granted to California State Telegraph Company for 20 years.

5. Upon the completion of the said telegraph line, hereinbefore in the preceding Section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, his successors and assigns, the exclusive right of sending and receiving messages by telegraph between any place within the said Colony, and any other place beyond the limits thereof and within the Territory of the United States of America, lying westerly of the Rocky Mountains, for the period of twenty years from and after the completion of the said telegraph line; but this Act shall not be construed to prevent, or in any manner interfere with, the projected or any other line or lines of telegraph across the Continent through British North America or elsewhere, nor to limit the right of any other person, corporation, or company freely to establish and work any other telegraph lines any where within or from the said Colony; Provided, however, that other lines shall not be constructed, nor offices established within the limits of the said Colony and its Dependencies, so as to do business by telegraph either directly or indirectly between or through any place within the said Colony, and any other place outside thereof, and being within that portion of the territory of the United States in this Section hereinbefore described, nor so as to impair the rights hereinbefore mentioned.

This right not to interfere with Telegraph running through Canada and British Columbia.

Rights forfeited if Telegraph line ceases working for one calendar month.

6. If at any time, after the completion of the said telegraph line, the owners thereof shall fail, (unless prevented by repairs, storms, breakage of cable, or other unavoidable accidents), for the continuous period of one calendar month, to keep the same or some other telegraph line in working order, between New Westminster and the said State of California, the exclusive privileges herein granted may thereupon be declared forfeited, by the Governor of British Columbia for the time being; Provided that should such failure be caused by war, no such forfeiture shall be incurred thereby.

7. The prices charged for the transmission of messages to and from New Westminster, over the lines herein authorized to be constructed, to any station thereon in Washington Territory or Vancouver Island, shall not exceed, if paid in gold or silver coin, four shillings and two pence for each ten words, and messages to and from this Colony, passing over any lines owned or worked by, or under the control of, the California State Telegraph Company, situate outside of the said Colony, shall not be charged higher rates therefor than the lowest uniform rates of charge on such lines for local business, nor shall messages between New Westminster and San Francisco, if paid in gold and silver coin, ever be charged more than one pound and six-pence for ten words.

Charges to be made for
Telegraph messages.

8. The rights and privileges hereby granted may be assigned by the President of the State Telegraph Company, or his successors, to the California State Telegraph Company, by that name or other their lawful name for the time being, upon their registration and incorporation as a Joint Stock Company, under the law in that behalf in force in this Colony, and thereafter such Company may sue and be sued in the Courts of this Colony, in like manner as Companies duly incorporated therein.

Rights hereby granted,
how assignable.

9. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any telegraph line herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a telegraph line, or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any such telegraph line, or shall by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully destroy, injure, or molest any property or materials appertaining to any such telegraph line, or shall wilfully interfere with the use of any such telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misdemeanour, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by fine not to exceed one hundred pounds, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the said Justice or Justices; and shall moreover be liable to the owners of the said telegraph line for three times the amount of all loss and damage sustained by reason of such wrongful act.

Penalty for damaging or
obstructing Telegraph.

10. The principal office of the California State Telegraph Company within this Colony, shall be situated in the City of New Westminster, and the service of any writ or paper upon the person in charge of the said office shall be deemed a sufficient service upon the said Company.

Principal office in British
Columbia at New West-
minster.

11. The wire, submarine cables and materials necessary for the construction of the said telegraph lines shall be admitted free, at any port of entry in British Columbia, for a period not exceeding two years from the date of this Act.

Plant free of Customs
duty for 2 years.

12. This Ordinance may be cited for all purposes as the "First Telegraph Act, 1864."

Short Title.

Passed the Legislative Council the 8th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.