

2. In time of war every such line of Telegraph, and in time of peace, any such line of Telegraph, the necessity of which to the defence of this Province shall have been certified under his hand and seal, by the Commander of Her Majesty's Forces,—shall be held to be a work required for the defence of this Province, and for and in respect of which and of any lands required for it, or any lands in which any estate or interest therein, or the possession or use whereof, is required for it, the said Principal Secretary of State shall have all the powers and rights vested in him by *An Act respecting lands and real property held or required by the Imperial Government for the military defence of this Province*, with respect to lands and other real property which, in his judgment, are wanted for the defence of this Province.

Such lines to be within the scope of Chapter 36 of the Consolidated Stat. of Canada.

Provided, always, that the certificate of the Commander of Her Majesty's Forces in this Province, that any line of Telegraph therein described is necessary for the defence of this Province, shall be held to be and have the effect of a certificate under section eighteen of the said Act, of the necessity of taking any lands or real property, or any estate therein, or the possession or use thereof, required for the construction and use of such line of Telegraph;—and any Judge of the Superior Court in Lower Canada, or any Judge of a County Court in Upper Canada, shall, as regards any such land or property within the limits of his jurisdiction, have the power vested in the Governor by the fifteenth section of the said Act, and being satisfied that the previous requirements of that section have been complied with, may, upon the application of the officer or person in charge of the construction of such line or of any part thereof, issue a requisition or order to the Sheriff under the said fifteenth section, and the Sheriff shall act thereon in like manner, and the same shall have the like effect and consequences, as if issued or made by the Governor of this Province;—and the signature and seal affixed to any such certificate as aforesaid, and purporting to be those of the Commander of Her Majesty's Forces, and the alleged authority of the officer or person in charge of the construction of such line or part of a line of Telegraph, shall be deemed authentic and admitted without proof, unless the contrary be expressly alleged and shewn.

Proviso : as to powers for taking lands required.

Judges may order Sheriff to give possession, &c.,

3. Every line of telegraph, and the posts, fixtures and appurtenances thereof, whether standing on lands vested in, or merely in possession of, the said Principal Secretary of State, shall be held to be his property, so far as to enable him to maintain any action with respect to the same, and as regards any offence committed in respect thereof, as fully as if the absolute property of such land were vested in him; and he shall be held to be the party aggrieved by any injury thereto.

Lines vested in War Department.