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in for Opinion of Counsel

Exhibit "B"

ACTS OF CANADA

RESPECTING OR AFFECTING THE

MONTREAL TELEGRAPH COMPANY.

PREPARED BY

R. J. WICKSTEED,

Law Department, House of Commons.

*Amending Acts
1880 and 1882.*

OTTAWA :

PRINTED BY MACLEAN, ROGER & CO

1879

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ACTS OF CANADA

RESPECTING OR AFFECTING THE

MONTREAL TELEGRAPH COMPANY.

10, 11 VICTORIA (1847.)

CHAP 83.

An Act to incorporate the Montreal Telegraph Company.

[28th July, 1847.]

WHEREAS Andrew Shaw, George Elder, Junior, John Preamble.

Glass, Henry Chapman, John Young, and other inhabitants of this Province, having associated themselves together, have constructed an Electro-Magnetic Telegraph extending from the City of Toronto to Quebec, through Port Hope, Cobourg, Belleville, Kingston, Brockville, Prescott, Cornwall, Montreal, Berthier and Three-Rivers, and have petitioned to be incorporated for the purposes of this Act ; and it is expedient to grant the prayer of their Petition : 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, and 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, that the said Andrew Shaw, George Elder, Junior, John Glass, Henry Chapman and John Young, together with all and such persons as shall become stockholders of the Company hereinafter mentioned, shall be, and are hereby constituted a body corporate and politic by the name of *The Montreal Telegraph Company*, and by that name they and their successors shall and may have continued succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors shall be in law capable

Certain persons incorporated.

Corporate name and powers.

May have a Common Seal.

Motto :
Fulminis orior alia.

of purchasing, having and holding to them and their successors any estate, real and personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary or expedient; Provided always, that the real estate to be held by the said Company shall be only such as may be necessary for the purpose of building, using and preserving the said Electro-Magnetic Telegraph, and for objects immediately connected therewith.

Proviso as to real property.

Property and liabilities transferred.

2. And be it enacted, that the stock, property, rights and claims of the said Association, shall, from and after the passing of this Act, be vested in the said Corporation, and the liabilities of the said Association shall be the liabilities of the said Corporation.

Power given to maintain present works.

3. And be it enacted, that the said Company shall have full power and authority to maintain and keep up that part of the said Electro-Magnetic Telegraph already erected, and built by them in such manner and in such places as the same has been and now is constructed, and to complete the same from the said City of Toronto to the said City of Quebec, and in making or maintaining and repairing the same, to take down, remove, replace, renew, and re-erect the same in any other part of the public roads and highways of the several Districts, Cities, Towns and Villages between the said City of Toronto and the said City of Quebec, through which the same is carried, to cut down and remove all trees which may obstruct or interfere with the erection or efficient working of the same, also to cross the line on all bridges and over all rivers; Provided always, that the full and perfect use and enjoyment by the public of the roads and highways over which the same may pass be in no ways infringed or impeded by the works of the said Company, and that the navigation be not hindered; and that no further or other posts or erections shall be put or placed in and upon such roads or highways except under the direction of the Commissioners of Public Works or their officers.

To alter and renew them.
To cut down trees that interfere.
To cross over bridges and rivers.

Provided the Public be not incommoded or navigation hindered.

And subject to the control of the Commissioners of Public Works.

Penalties for malicious mischief to telegraph or works.

4. And be it enacted, that if any person or persons shall wilfully or maliciously break, throw down or destroy any wire, post, erection, machine, device or work now erected, belonging to the said Company, or to be erected or made by virtue of this Act, to the prejudice of the said Company, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, supporting or maintaining of any of the works connected with the said Electro-Magnetic Telegraph, every such person or persons so offending shall forfeit and pay to the said Company treble the value of the damage proved by the oath of two or more credible witnesses to have been done, such damages together

with costs of suit on that behalf incurred, to be recovered on information by summary proceedings before two or more Justices of the Peace for the district in which the offence shall have been committed, or the offender shall be in the same manner and in the same form and with the same rights and provisions with regard to appeal or otherwise as contained in the Act of this Province, passed in Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for consolidating and amending the Statutes in this Province relative to offences against the person*, or in any Court of law in this Province having jurisdiction competent to the same, and in case of default of payment such offender or offenders shall and may be committed to the common jail of the District, for any time not exceeding six months, at the discretion of the Court before which such offender shall be committed.

How recovered: Act 4 and 5 V. c. 27, cited.

5. And be it enacted, that a share in the Capital Stock of the said Company shall be ten pounds, and the Capital Stock of the Company shall be fifteen thousand pounds, current money of Canada, divided into fifteen hundred shares, and the said Capital Stock shall be increased from time to time, should a majority of shareholders consider it necessary; and that such shares shall be transferable in the books of the said Company only, and shall be deemed personal property, and as such shall and may be disposed of, and shall like other personal property be subject to execution and sale for the satisfaction of debts.

Shares to be 1500 or more of £10 currency each.

Capital Stock £15,000 or more.

Shares transferable as personal property

6. And be it enacted, that the stock, property, affairs and concerns of the said Company shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year only, unless re-elected, and such Directors shall be stockholders, and be elected on the second Friday of January in every year, at such place in the City of Montreal, and at such hour as a majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in two or more newspapers printed in Montreal, and in such other newspapers of the Province as the Directors may think fit, of such time and place not less than ten days previous to the time of holding such election, and the said election shall be held and made by such of the stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy, and all elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number than five shall by plurality of votes appear to be chosen as Directors, then the shareholders hereinbefore authorized to hold such election shall proceed by ballot a

Affairs of the Company to be managed by five Directors.

President. Times and place of election.

Ten day's notice.

Election by ballot.

Case of equality of votes.

second time, and by plurality of votes determine which of the said parties so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five; and the said Directors so soon as may be after the said election shall proceed in like manner to elect one of their number to be President; and the said President with two others of the said Directors shall form a quorum for the transaction of business connected with the said Company; and if any vacancy or vacancies shall at any time happen among the Directors or in the office of President, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a stockholder or stockholders to be nominated by a majority of the Directors: Provided always, that no person shall be eligible to be a Director who shall not be a stockholder to the amount of at least fifteen shares.

President to be elected

President and two other Directors to form a quorum

Manner of filling vacancies.

Proviso: qualification of Directors.

One vote for each share not exceeding 50.

Remedy if election of Directors be not made at time appointed.

Noncontraction of debts chargeable otherwise than on the general Stock.

Directors to fix charges for communications.

Telegraph charges and property vested in Company.

7 And be it enacted, that each stockholder shall be entitled to one vote for each and every share, not exceeding fifty, he or she shall have held in his or her own name, at least thirty days prior to the time of voting.

8. And be it enacted, that in case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

9 And be it enacted, that no Director, Officer or Agent of the said Company shall be authorized to contract any debt or obligation, creating a charge upon the members individually, or upon any other fund than the capital stock subscribed, or other property and income of the Company; and this limitation of power shall be incorporated in every contract made in the name or upon the responsibility of the said Company.

10 And be it enacted, that it shall and may be lawful for the Directors of the said Company, or a major part of them, from time to time to fix and regulate the charges or dues to be received by the said Company for the transmission and delivery of communications by the said Electro-Magnetic Telegraph, and by their clerks and other officers and servants to ask for, demand, receive, recover, and take the same; and that the said Electro-Magnetic Telegraph and the said charges and dues for the transmission of such communications, and all posts, wires and materials of any kind which have been or shall from time to time be used, got or had for construct-

ing, building, maintaining or repairing the same, shall be and are hereby vested in and shall be the property of the said Company and their successors for ever, notwithstanding the said posts or any other part of the apparatus or machinery of the said telegraph be fixed in or to any land or real property not belonging to the said Company.

11. And be it enacted, that it shall and may be lawful for the said Company, and they are required to establish and keep up stations in any of the said Cities, Towns, or Villages through which the said line shall pass, for the purpose of communicating with other stations, upon request to be made by the inhabitants of the said City, Town or Village to that effect, to be agreed upon at a public meeting to be held for that purpose, or if the said City, Town or Village be incorporated, then upon the request of the Corporation of the said City, Town or Village. Provided always, that the said Company shall not in any case be considered liable to be called upon to establish such station or keep the same up, unless they shall first be guaranteed a return of at least ten per cent. on the expense to which they may be put for establishing and keeping up such station, and the sufficiency of the said guarantee shall in case of disagreement be determined on by the Judge of the District Court of the District in which the said City, Town or Village is situate in Upper Canada, and by a Circuit Judge in Lower Canada.

Company may have stations at places through which the line shall pass, and must do so, on certain conditions being complied with by the inhabitants.

Proviso: Company to be guaranteed a certain return.

12. And be it enacted, that it shall be the duty of the Directors to declare or withhold yearly dividends of so much of the profits of the said Company as to them or a majority of them shall appear advisable; and at the general meeting of the stockholders of the said Company on the second Friday in the month of January in each year, they shall render an exact and particular statement of the affairs, debts, credits, profits and losses of the said Company; such statement to appear on the books, and to be open to the inspection of any stockholder at his or her reasonable request.

Dividend to be declared or withheld.

Account to be rendered.

13. And be it enacted, that the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the duty and conduct of the officers, clerks and servants employed by the said Company, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet, and that such rules and regulations shall bind the members of the corporation, their officers and all parties concerned, provided they be not repugnant to the laws of this Province, or to this Act.

Directors to make rules and regulations.

14. And be it enacted, that the Company may be dissolved by a majority of four-fifths of the shareholders in number

Case of the dissolution of the com-

pany provi-
ded for.

and value, at a general meeting called for such purpose, and of which public notice shall be given by advertisement in not less than two newspapers in Montreal, and in such other newspapers in the Province as the Directors shall think fit, at least sixty days before such meeting is held; and in the event of the Company being dissolved, the existing Directors shall be empowered to realize all properties in the name of the Company, and the proceeds, deducting salaries, and all expenses, shall be divided amongst the shareholders in proportion to their several interests.

The present
President and
Directors
continued in
Office until
January 1848.

15. And be it enacted, that the present Directors elected by the original stockholders to manage the affairs of the said Company, until an Act of Incorporation should be obtained, that is to say: Andrew Shaw, President, John Glass, George Elder, Junior, Henry Chapman and John Young, shall be and are hereby constituted Directors for managing the affairs of the said Company until new Directors shall be elected under and by virtue of the provisions of this Act in

Their powers.

January next; and that they shall have, possess and exercise all the powers which are given by this Act to the Directors to be hereafter chosen under its provisions.

Public Act.

16. And be it enacted, that this Act shall be a public Act, and as such shall be judicially noticed by all Judges and Justices of the Peace, and others whom it may concern without being specially pleaded.

18 VICTORIA (1855).

CHAP. 207.

An Act to amend the Act incorporating the Montreal Telegraph Company.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS, the Montreal Telegraph Company have represented that doubts exist as to their right to hold real estate in certain cases for the general purposes of the Company, and the accommodation of the stations thereof; And whereas, it is desirable and expedient to remove such doubts, and to grant other facilities to said Company: 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, and 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:—

1. For and notwithstanding anything in the Act intituled *An Act to incorporate the Montreal Telegraph Company* contained, it shall be lawful for the said Company, and they shall have power to purchase, receive, have and hold to them and their successors, to and for the use of the company, such real estate in this Province, and such only, in addition to that now held by them, as may be necessary for the convenient transaction of the business of the Company, and for the erection of buildings for the suitable accommodation 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 effectually 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.

Notwithstanding 10 & 11 V. c. 83, Company may hold land for stations, &c.

2. The said Company is authorized to construct and maintain such other line or lines, and such branch line or lines of telegraph, electric or otherwise, from and to any point in this Province, in addition to the present lines of the Company, and the extensions, continuations and branches thereof heretofore constructed, and which they have full power and authority to maintain and keep up, as may be required to meet the increase of business, or as they may think desirable, along and upon any of the public roads and highways of, or across any of the waters within the Province, or with the consent of any Railway Company in this Province, along the line thereof, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of such roads or highways, or injuriously to interrupt the navigation of such waters, and also, upon any lands purchased by the Company, or the right to carry the line over which shall have been conceded to them by the parties having a right to such concession, nor shall anything herein contained be construed to confer on such Company the right of building a bridge over any navigable water.

Company may construct Branch Lines of Telegraph.

Proviso.

3. The said Company is further hereby authorized and empowered to purchase and acquire of any other Telegraph Company, association or person, any line of telegraph already constructed or hereafter to be constructed, and the same to hold, keep up and maintain, or to depart with or to lease

May purchase or lease other lines.

any such line of telegraph, and the same to maintain, and during the lease thereof to work, for the profit of the Company: Provided always, that nothing herein contained shall authorize the said Company to purchase any parallel line of telegraph, or to exempt the said Company from any restrictions imposed upon telegraph lines under any general law of this Province.

Proviso.

The said Act 10 & 11 V., c. 83 to apply to Branches.

4. The hereinbefore cited Act shall apply to and comprehend such lines, extensions, continuations and branches, as are hereinbefore mentioned and referred to, and the said Act and this Act shall authorize the appointment by the Company of such officers and agents, and the making of such prudential rules and regulations and by-laws, as may be necessary for the construction or management and maintenance thereof: Provided the same shall not be inconsistent with the laws of this Province.

Proviso.

Public Act. 5. This Act shall be a Public Act.

20 VICTORIA (1857).

CHAP. 175.

An Act to amend the Acts incorporating the Montreal Telegraph Company, and to extend the powers of the said Company, and to authorize the establishment of a Transatlantic line of Telegraph by the said Company.

[Assented to 27th May, 1857.]

Preamble.

10, 11 V., c. 83.

18 V. c. 207.

WHEREAS the Montreal Telegraph Company was constituted a body corporate and politic by the name aforesaid, in and by the provisions of an Act passed in the tenth and eleventh years of the Reign of Her Majesty, intituled: "*An Act to incorporate the Montreal Telegraph Company*;" And whereas by the Act passed in the eighteenth year of the Reign of Her Majesty, intituled: "*An Act to amend the Act incorporating the Montreal Telegraph Company*," the powers of the said Company were extended and certain facilities granted to the said Company, and inasmuch as the operations of the said Company have been beneficial to the Province: and the said Company is desirous and willing greatly to

extend the facilities for telegraphic intercourse enjoyed by the people of Canada, not only between themselves, but also to afford the means of such communication with Britain, and in order to do so have by their petition prayed that increased powers may be granted to them; And whereas it is expedient to accede to their prayer and enable them to accomplish the end sought to be obtained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Company may, in addition to the present lines of the Company and the extensions, continuations and branches thereof, made or to be made in pursuance of the said Acts, 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, 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.

Company may establish a communication with continents of America and Europe.

2. The said Company may also establish, construct, purchase, hire, keep in order and work any line or lines of telegraph from or near the City of Quebec, either by land or water, following the bed of the River St. Lawrence or otherwise or by both or either of them, to the most easterly point of the Labrador Coast or to the Island of Belle Isle, and with power and right to touch and land, should a subaqueous and submarine route be adopted or be partly so, for the purposes and uses of the Company, or for the purposes of opening and maintaining stations thereof at all such point or points, place or places 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 Gulf of St. Lawrence or in the Atlantic Ocean, and with full power and authority to make such connection with the line of any telegraphic company or companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same as to the said Company or its Directors shall appear fitting: Provided the said Company shall, within two years, complete the extension of their line to the Atlantic Coast, and that they shall begin their line across the Atlantic within three years, and finish it within six years from the passing of this Act, otherwise the privilege, granted by this Act, of establishing a transatlantic line shall lapse.

Company may also establish line from Quebec to Labrador, Belle-Isle, or between the continents of America and Europe, and make connection with any line in United Kingdom.

Proviso: period for certain extension limited.

3. The said Company may erect or maintain their said lines of telegraph along the side of or across any public

They may maintain their lines along or

across high-ways, &c., and take materials from Crown Lands with the consent of Government.

highways, bridges, water courses 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 Lands 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 lands 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.

Proviso: not to build bridges over navigable water.

Wires to be imported free for certain purposes.

4. All wires and materials required for constructing, repairing or working the said Company's main or branch lines of the Atlantic telegraph, or for connecting them or any of them with any island, province or country, shall and may be imported free.

Capital stock increased to £500,000.

5. And whereas the stock of the said Company was originally fifteen thousand pounds, current money of Canada, divided into one thousand five hundred shares of ten pounds each and was thereafter by a majority of the stockholders increased to the sum of seventy thousand pounds currency, in virtue of the powers conferred by the said Act, and a further increase is necessary, the capital stock of the said Company shall be the sum of five hundred thousand pounds currency, divided into shares of ten pounds currency each.

Books may be opened in Great Britain, elsewhere, &c.

6. It shall and may be lawful for the Directors of the said Company, for the time being, to open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom of Great

Britain and Ireland and elsewhere, as they shall think fit, and to make such shares payable in such manner as the Directors shall see fit, and further to issue shares for stock subscribed in England or elsewhere in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England or elsewhere at such place or places as to such Directors shall from time to time seem fit, and from time to time to appoint agents of the said Company in England or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of said Company shall from time to time seem fit as to the issuing of such shares in England or elsewhere and as to the mode, time, place or places of such transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere; and it shall also be lawful for the said Directors under a By-law so to be enacted by them, to fix the amount of the shares, in the Capital Stock of the Company at the sums of fifty pounds sterling or currency respectively, and they shall have power to consolidate and convert the present shares into shares of fifty pounds sterling or currency by uniting together such number of shares of ten pounds currency each, as may be requisite to make a share of fifty pounds sterling or currency respectively at the option of the shareholders.

And to make dividends payable there, appoint agents, &c.

Nominal value of shares.

7. For and notwithstanding anything in the fourth section of the said first mentioned Act contained and without prejudice to any of its remedial or other provisions, if any person shall wilfully or maliciously obstruct or damage any such telegraphic line of the Company, or works, buildings, machinery or other property connected therewith, he shall be guilty of misdemeanour, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

Penalty for damaging telegraph, &c.

8. And whereas, the said Act eighteenth Victoria, chapter two hundred and seven, amending the said Act of incorporation, amongst other things, enacts and provides, that nothing therein contained should authorize the said Company to purchase any parallel line of telegraph; And whereas it was afterwards provided in and by the Act passed in the nineteenth year of the reign of Her Majesty, intituled: *An Act to authorize William Weller to hold and convey the Canada Grand Trunk Telegraph Line*, that any Telegraph Company already or thereafter incorporated should have power to purchase the said telegraph line; And whereas, under the said authority,

Recital. 18 V., c. 207.

19, 20 V. c. 83.

the Montreal Telegraph Company have bought the said line, as the same is fully described in the preamble to the said last cited Act, including all the branch lines of the same, with all the instruments, batteries, materials and property of every description to the said William Weller belonging; And whereas, in order to ensure the establishment of a continuous line of telegraph in communication between Halifax and Quebec, the British North American Electric Telegraph Association were, by their Act of incorporation, authorized to arrange with any company to be formed in Canada to unite their several interests; And whereas, the said Company with that view, with the sanction of the stockholders therein, and moreover, under the authority of the Act in this section first cited, have sold, and the Montreal Telegraph Company have, to wit: on the sixteenth day of August last, acquired the Electric Telegraph Line of the said British North American Electric Telegraph Association, and all and every their property, moveable and immoveable, and powers, rights, privileges and appurtenances, and are working the said lines; And whereas, the said lines may, to a certain extent, or for a certain portion of them, and each of them, be considered parallel lines, and it is desirable to remove doubts as to the right of the said Company so to act: It is hereby declared, that notwithstanding the aforementioned proviso, the said Montreal Telegraph Company shall be held to have had full power and authority to purchase, and they are hereby empowered and authorized, subject, however, to the provisions of the respective deeds of agreement and purchase thereof, to hold, keep up and work, repair, re-erect and maintain, the said two several lines of telegraph with all and every the instruments, batteries, and materials used in working the same, and their appurtenances and branch lines, and the same at their pleasure to lease or depart with, and may further construct branch lines thereto, and amalgamate the said lines and branches with the other lines of the Company; and the said Company is moreover invested with all the powers, rights and privileges to the said companies belonging of whatever nature, and is empowered and authorized to use, invoke, enjoy and employ the same as fully and effectually as either of the said companies could themselves do or have done; and moreover, such Company shall have, enjoy and exercise, with respect thereto, all the powers, rights and privileges conferred upon the said Company, in regard to other lines and property of like description, by their Act of incorporation, and the Acts amending the same: Provided always, that the said first proviso to the third section of the said Act hereinbefore cited, amending the Act of incorporation of the said Montreal Telegraph Company, is hereby repealed.

The said Company declared to have had power to purchase and use the Canada Grand Trunk Telegraph line and apparatus and the purchase thereof by them confirmed.

Proviso.
Section 3 of
10, 11 V., c.
83 repealed.

23 VICTORIA [1860.]

CHAP. 112.

An Act to extend the periods allowed to the Montreal Telegraph Company for extending their Line to the Atlantic Coast, and across the Atlantic.

[Assented to 19th May, 1860.]

WHEREAS the Montreal Telegraph Company have, by Preamble. their Petition to the Legislature, prayed that the period allowed them for commencing and performing the work hereinafter mentioned may be extended, and it is expedient to grant the prayer of their said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The periods limited by the proviso to the second section of the Act passed in the twentieth year of Her Majesty's Reign, chaptered one hundred and seventy-five, are hereby extended, so that the said Company may and shall complete the extension of their Line of Telegraph to the Atlantic Coast, within three years from the passing of this Act, and may and shall complete their Line across the Atlantic, within six years from the passing of this Act, with the same privileges, and advantages, and rights, as if the said periods had been inserted in the said proviso, instead of those limited in the same; but if they do not commence and complete the said works respectively, within the periods limited by this Act, the privilege of establishing a Transatlantic Line shall lapse.

Periods limited by 20 V., c. 175, for the completion of the line extended.

Proviso.

35 VICTORIA (1872.)

CHAP. 95.

An Act to extend the powers of The Montreal Telegraph Company, and for other purposes.

[Assented to 14th June, 1872.]

WHEREAS The Montreal Telegraph Company have by Preamble. their petition prayed that the powers of the Company

may be extended to all parts of the Dominion, that the capital stock of the Company may be increased and that the scale of voting, as well as the day for holding their annual meeting, may be changed; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Powers of
Company
extended to
the whole
Dominion.

1. The powers, privileges, and franchises conferred upon the said Company in and by any Act of the Parliament of the late Province of Canada, shall be and are hereby extended to, and may by the said Company be exercised and enjoyed in the Provinces of Manitoba, British Columbia and New Brunswick, and in the North West Territory, as fully and amply, to all intents and purposes, as if the clauses and provisions granting the same had been herein set forth at length, and extended and made applicable to the said Provinces and Territory; and all Acts of the legislature of the late Province of Canada relating to the said Company shall have the same force and effect in and in relation to the said Provinces and Territory, from and after the passing of this Act, as they now have in and in relation to the Provinces of Quebec and Ontario.

Capital stock
increased.

2. The capital stock of the Company is hereby increased to, and shall hereafter be, the sum of five million dollars, divided into one hundred and seventy-five thousand shares of forty dollars each.

Day of annual
meeting.

3. The day of holding the annual meeting of the Company for the election of Directors and the transaction of other business is hereby changed to the second Thursday of January in every year.

Proportion of
votes to
shares.

4. Notwithstanding anything in the said Acts contained, each shareholder in the Company shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least thirty days before the time of meeting.

36 VICTORIA (1873.)

CHAP. 95.

An Act to extend the powers of the Montreal Telegraph Company, and for other purposes.

[Assented to 23rd May, 1873.]

WHEREAS the Montreal Telegraph Company have, by Preamble their petition, prayed that the power of the Company may be extended to all parts of the Dominion, and especially to the Province of Nova Scotia; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The powers, privileges and franchises conferred upon the said Company, in and by any Act of the Parliament of the late Province of Canada, shall be and are hereby extended to, and may, by the Company, be exercised and enjoyed in all parts of the Dominion of Canada, and especially in the Province of Nova Scotia, as fully and amply, to all intents and purposes, as if the clauses and provisions granting the same had been set forth at length, and extended and made applicable to the said Province; and all Acts of the Parliament of the late Province of Canada, relating to the said Company, shall have the same force and effect in and in relation to the said Province, from, and after the passing of this Act, as they now have in and in relation to the other provinces of the Dominion of Canada.

Powers of Company extended to all parts of Canada.

CONSOLIDATED STATUTES OF CANADA.

CHAP. 67.

An Act respecting Electric Telegraph Companies.

Of this Act, the following sections only apply to the Montreal Telegraph Company, which was in operation at the time and since the period referred to in Section 14, i. e. the 10th day of November, 1852. Of the remaining sections, 1 to 7, both inclusive, and 10 to 13, both inclusive, are repealed by the Dominion Act, 32-33 Vict., chap. 13, s. 56, and sections 8, 9, 18, 19 and 20, applied only to companies formed under this

Act. Those reprinted below, though originally applying to the then Province of Quebec, are, as relating to the Montreal Telegraph Company, extended as respects such application to the whole Dominion, by the Acts above recited, 35 Vict., chap. 95, and 36 Vict., chap. 95.

Duties of
Company in
transmitting
despatches.

14 The owner of, or the association owning any telegraph line in operation at that time or since that period, shall, except in cases provided for in the next section, transmit all despatches in the order in which they are received, under a penalty of not less than twenty, nor exceeding one hundred dollars, to be recovered, with costs of suit, by the person or persons whose despatch has been postponed out of its order.

What mes-
sages entitled
to preference.

15 Any message in relation to the administration of justice, arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any person thereunto authorized by the Provincial Secretary.

Penalty on
operator di-
vulging
secrets.

16 Any operator of a telegraph line, or any person employed by a telegraph company, divulging the contents of a private despatch, shall be guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a period not exceeding three months, or both, in the discretion of the court before which the conviction is had.

Government
may assume
the same
temporarily.

17 Her Majesty may, at any time, assume and for any length of time retain possession of any such telegraph line, and of all things necessary to the sufficient working thereof, and may for the same time require the exclusive service of the operators and other persons employed in working such line, and the Company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding one hundred dollars for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs, in any way in which debts of like amounts are recoverable by the Crown

Penalty for
malicious or
other injuries
to telegraph
works.

21 Any person who wilfully and maliciously cuts, breaks, molests, injures or destroys any instrument, cap, wire, post, line, pier, or abutment or the materials or property belonging thereto, or any other erection used for or by any line of electro-magnetic telegraph in operation in this Province, under any Act in force herein, or who wilfully and malici-

ously in any way obstructs, disturbs or impedes the action, operation or working of any such line of telegraph, shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding forty dollars, or imprisonment not exceeding one month, or both, at the discretion of the court before which the conviction is had.

22. The jurisdiction over all offences against this Act shall be in any justice of the peace in any parish, village, city, town or county where the offence has been committed, or in which the offender may be found, and the proceedings thereon shall be summary. Jurisdiction of justices of the Peace.

23. The fine imposed, may, if not forthwith paid, be levied, with all costs of the prosecution, by warrant of distress against, and by sale of the goods and chattels of the offender; or such offender may, (in the discretion of the magistrate) whether imprisonment be or be not part of the sentence, be imprisoned for a period not exceeding thirty days in addition to and after the expiration of any other imprisonment making part of his sentence, unless such fine and all expenses incurred in the prosecution be sooner paid; and all such fines, when collected, shall belong to the party aggrieved by and complaining of the offence, and be paid over to such party. How penalties shall be enforced if not paid.

32-33 VICTORIA (1869).

CHAP. 22.

An Act respecting malicious injuries to property.

The following sections of the Dominion Act 32-33 Vict., chap. 22, respecting malicious injuries to property, apply to the works and property of the Montreal Telegraph Company, among others, as do also any provisions of the said Act, or of the law, for giving effect to the provisions of the said sections.

44. Whosoever unlawfully and maliciously cuts, breaks, throws down, destroys, injures or removes, any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever, the sending, conveyance or delivery of any communication by any such telegraph, is guilty of a Injuring electric or magnetic telegraphs.

misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, unless some greater punishment is provided for the offence by any other Act in force, in which case such offender may be indicted and punished under this Act.

Attempts to injure such telegraphs.

42. Whosoever unlawfully and maliciously, by any overt act, attempts to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money not exceeding fifty dollars as to the Justice seems meet.