

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 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.**

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:

- I. 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.
- II. 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.

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

IV. 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.

V. 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.

VI. 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 the 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, forgiving 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.

VII. 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 misdemeanor, and shall be punished by imprisonment, for a period not exceeding one year, and by a fine not exceeding two hundred pounds.

VIII. 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, 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.

IX. This Act shall be deemed a Public Act.