

Laws of Her Majesty's Province of Upper Canada, passed in the year 1850. Toronto: Stewart Derbyshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 120

An Act to incorporate The Bytown and Montreal Telegraph Company. 10th August, 1850.

Whereas Joseph Aumond, John McKinnon, Alexander Working, H. V. Noel, J. McNider, Zechariah Wilson, John Scott, John A. Torney, George Patterson, Robert Hervey, Edward Sherwood, Robert Farley, James Brough, John Atkins, Horace Merrill, O. M. Brody, Edward McGillivray, Geo. W. Baker, John O'Meara, Charles Armstrong, N. Sparks and John Rochester, Junior, and other inhabitants of this Province, having associated themselves together, have constructed and are willing to keep up an Electro-Magnetic Telegraph from Bytown to Montreal, keeping the main road as surveyed by J. West, Provincial Land Surveyor, from Bytown to the Nation River, crossing the Nation River at Jessup's Falls and keeping near it on the east side of the Village to Hatfield, joining Mr. West's said survey at that place, and following the same to Caledonia Springs; thence on the main road leading northward, passing through Hawkesbury and meeting the Ottawa River at Waddell's Ferry, and passing through the lands of John Waddell between the road and the said ferry, and then to cross the Ottawa at that place and continue through the land of the said John Waddell, in the Township of Chatham, on the north side of the Ottawa River to the mail road leading from Grenville to Carillon, thence passing along the said mail road through Chatham, passing near the Canal to Carillon, and from Carillon to Montreal, passing along the main travelled road through St. Andrews, Cote St. Pierre and Belle Rivière, thence crossing the River Des Mille-Isles on E. M. Leprohon's Bridge, and following the main road through St. Martin's, crossing the River on La Chapelle's Bridge at L'Abord à Plouf, and keeping the same main road into Montreal; and have prayed 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 above-mentioned persons, together with all and such persons as are now Members of the Association aforesaid, or shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby constituted a body politic and corporate by the name of The Bytown and Montreal Telegraph Company; and they and their successors shall be in law capable of purchasing, having and holding to them and their successors any lands (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their successors and assigns, for the use of the said Telegraph and works, without Her Majesty's *Lettres d'Amortissement*, (saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights Whatever,) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or

convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*: 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; And provided also, that all the estate and property, real and personal, of the said Association, shall be and are hereby transferred to and vested in the said Company, which shall be deemed to be one and the same with the said Association, so that all contracts and engagements and liabilities of the said Association, shall be held to be those of the said Company, and all their rights and claims shall be held to be rights and claims of the said Company, which shall be substituted for the said Association, to all intents and purposes, by virtue of this Act, and may continue and complete any proceeding, matter or thing which the said Association might have continued or completed.

II. And be it enacted, That the said Company shall have power to hold and complete an Electro-Magnetic Telegraph from the said Town of Bytown to the City of Montreal, following the direction mentioned in the preamble of this Act, or as near thereto as may be judged expedient to make, construct, erect and hold such works as they shall deem necessary for the said Telegraph.

III. And for the purposes aforesaid, Be it enacted, That the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and also to build, erect and set up in or upon the lands to be acquired for that purpose under this Act, such and so many station-houses, observatories, watch-houses, and other works, ways, roads and conveniences as and where the said company shall think requisite and convenient for the purposes of the said Telegraph; and also from time to time to alter, repair, divert, and enlarge and extend the same, and also to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers and brooks for the making, using, maintaining and repairing the said intended Telegraph, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of, and according to the true intent and meaning of this Act; they, the said Company, doing as little damage as may be, in the

execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned, to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents and workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

IV. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys of the lands through which the said intended Telegraph is or is to be carried, together with a map or plan of the line of such Telegraph, and of the course and direction thereof, and of the lands through which the same doth or is to pass, and also a book of reference for the said Telegraph, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Superior Court in the District of Montreal, and in the office of the Clerk of the Peace for the County of Carleton, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary or Clerk of the Peace, at the rate of six pence current money of this Province, for every hundred words; and the said quadruplicates of the said map or plan and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Superior Court in the said District, or by the said Clerk of the Peace, shall severally be, and are hereby declared to be good evidence in the Courts of law and elsewhere.

V. Provided always, and be it enacted, That the said Company shall have full power to keep, set up or to set up posts for the supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles; and such posts, and all wires and other apparatus therewith connected, shall be, and be deemed to be to all intents and purposes, the property of the said Company, as shall also all such posts or poles or apparatus as have been or shall be set up by the said Company for the purposes aforesaid, although the lands on which the same are set up be not the property of the said Company.

VI. And be it enacted, That after any lands or grounds shall be set out and ascertained, and the line of the said Telegraph designated in manner aforesaid, for making and completing the said Telegraph and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations, aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all

other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are and shall be seized, possessed of, or interested in, any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, or upon or across which the said Company shall have occasion to set up any posts or poles or other apparatus, or to acquire the right of way or other servitude or right, to contract for, sell and convey unto the said company, all or any part of such lands or grounds which shall, under this Act, be set out and ascertained as aforesaid, or the right or servitude so required by the said Company; and that all contracts, agreements, sales, conveyances, and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate; or communities, and all persons whatsoever, so contracting or conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act, and that all such contracts, agreements, sales, conveyances and assurances or notarial copies thereof, shall, at the expense of the said Company or their successors, be deposited in the office of the Prothonotary and Clerk of the Peace as aforesaid, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever: Provided always, that all deeds, contracts and assurances heretofore executed to or by the said Association shall remain valid, as if made to or by the said Company, but the same shall be deposited as aforesaid by the said Company.

VII. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained shall agree upon a fixed annual rent as all equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Telegraph, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed by a Jury, convened and qualified, in the manner hereinafter prescribed, and all proceedings and litigations in Court, shall, in that case, be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the hands of the said Company, the said Telegraph and the Tolls or emoluments to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

VIII. And be it enacted, That it shall be lawful for the said Company to apply to Her Majesty, and all the several owners of the estates, lands and grounds through which such Telegraph is intended to be carried, and to agree with such owners respectively touching the compensation to be paid to them by the said Company for the purchase thereof, or for the right or servitude required by the said Company in or upon the same, and for their respective damages; and in case of disagreement between the said Company and the said owners, or any of them, then all questions which shall arise between the said company and the several proprietors of and persons interested in any

estates, lands or grounds that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sustained by any bodies politic or corporate, or communities, or any other person or persons respectively, being owners of or interested in any estate, lands or grounds, for or by reason of the making, repairing or maintaining the said Telegraph or other works incidental or relative thereto or connected therewith, shall and may be settled by agreement of the parties or by arbitration, or if either of the parties shall not be inclined to make an agreement or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture or other impediment, cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case the said Company may make application to the Superior Court in the District of Montreal, or the County Court, in the County of Carleton, stating the grounds of such application, and such Courts are hereby respectively empowered and required from time to time, upon such application, to issue warrant, directed to the Sheriff of the said District or County for the time being, commanding such Sheriff to impanel, summon and return a Jury, qualified according to the Laws of Upper or Lower Canada, as the case may be, to be returned for trials of it issues joined in civil cases in the said Superior Court and County Court of the County of Carleton, to appear before the said Court at such time and place as in such warrant shall he appointed, and all parties concerned may have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Courts are hereby respectively empowered to summon and call before them all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question; and the said Courts respectively may, in their discretion, authorize and order the said Jury, or any six or more of them, to view the place or places or matter in controversy, which Jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Courts are hereby respectively empowered to administer,) shall enquire of, assess and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the right or servitude, or for the damage that may or shall be sustained as aforesaid; and the said Courts respectively shall give judgment for such sum, rent or indemnification so to be assessed by such Jurors, and such said verdict, and the judgment thereon pronounced, shall be binding and conclusive to all intents and purposes against all bodies politic, corporate or collegiate, or communities, and all persons whatsoever.

IX. And be it enacted, That in all cases where a verdict shall be given for more money, as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any right or servitude in or upon the same, or for any damage done to any lands, grounds, hereditaments or property, or for annual rent of any lands, grounds, hereditaments or property, of any person or persons whomsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of summoning such Jury and taking such inquest shall be settled by the said Courts respectively and defrayed by the said Company; but if any verdict shall be given for the same, or a less sum than had been previously offered by and on behalf of the said Company, or in case no damage shall be given by the verdict, when the dispute is for damages only, then, and in every such case, the costs and expenses shall be settled in like manner by the said Courts respectively, and be borne and paid by the party or parties with whom the said Company shall

have had such controversy, which said costs and expenses, having been so settled, shall and may be so deducted out of the money so assessed and adjudged, when the same shall exceed such costs and expenses, as so much advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sums so assessed or adjudged as aforesaid.

X. And be it enacted, That upon payment or legal tender of such sum or sums of money, or annual rent, as shall be contracted or agreed for between the parties, or determined by arbitrators, or assessed by such Juries in manner respectively as aforesaid, to the proprietors thereof, or other person or persons entitled to receive the same, or to the principal officer or officers of any body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed upon, determined or assessed, such lands, grounds or hereditaments, or property respectively, may be entered upon and taken possession of by the said Company, and applied to the purpose of making and maintaining the said Telegraph, and other works and conveniences thereunto appertaining, or such right or servitude required by the said Company.

XI. And be it enacted, That all agreements, sales and conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof, when the same may be passed before Notaries, and also the said verdicts and judgments thereupon, shall be transmitted to and registered in the Registry Office for the County in which the lands, tenements or hereditaments shall be situated, and that the same shall be therein registered at full length; and all persons shall have liberty to inspect the same, paying for each inspection the sum of six pence currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence currency, and so in proportion for any number of words; and immediately on such payments of purchase money or rent as aforesaid, and entry or registration of such agreement, sales, conveyances, determinations by arbitration, verdicts, judgments and other proceedings of the said Court and Juries, all the estate, right, title, interest, use, trust, property, claim and demand in law and equity, of the person or persons for whose use such money or rent shall be paid, in, to and out of the lands, grounds, tenements, hereditaments and premises, shall vest in the said Company and their successors, and they shall be respectively deemed in law to be in actual possession and seizin of the same, to all intents and purposes whatsoever, as fully and effectually as if every person having an estate therein had been able to convey, and had actually conveyed the same to them by the most effectual legal conveyance; and such payment shall bar all right, title, interest, claim and demand of the person or persons to whose use the same shall be made, bodies politic, corporate or collegiate, ecclesiastical or civil communities, women subject to marital authority, minors, interdicted persons or absentees, who may have a claim to have any right, title, interest, claim or demand therein, and of every other person or persons whomsoever for dower not yet open, (*douaire non encore ouvert*), any law to the contrary notwithstanding.

XII. And be it enacted, That applications to the said Courts respectively, for indemnity for any damage or injury sustained by reason of the power and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants shall

and may plead the general issue, and give this Act and the special matter in evidence, at any trial to he had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

XIII. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Telegraph, or the other works incidental or relative thereto, or connected therewith, such person shall for every such offence, besides paying the amount of damages sustained by the Company by such obstructions or interruptions, incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District or County, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

XIV. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Telegraph authorized to be kept up or made by this Act, break, throw down, damage or destroy the same or any part thereof, or any of the station-houses, observatories, posts, poles, wires or other apparatus, works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Telegraph or works, or any of the appurtenances thereof, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining, using or working the said Telegraph, such person or persons shall be guilty of a misdemeanor, and being convicted thereof shall be punished accordingly.

XV. And to the end that the said Company may be enabled to carry on so useful an undertaking, Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall, seem meet and convenient, a competent sum of money for the making, completing and keeping up the said Telegraph and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Telegraph and other works: Provided always, that the sums so raised shall not exceed the sum of eight thousand pounds currency of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such number of shares as hereinafter directed, at a price of six pounds five shillings currency aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Telegraph and other the purposes of this Act, and to no other use, intent or purpose whatever: Provided always, that all sums raised before the passing of this Act by the said Association shall be held to be part of the sum hereby authorized to be raised by the said Company, and all subscriptions to the stock of the said association shall be held to be subscriptions to the stock of the said Company.

XVI. And be it enacted, That the said sum of eight thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the stock of the said Company, shall be divided and distinguished into twelve hundred and eighty equal parts or shares, at a price not exceeding six pounds five shillings currency aforesaid, per share; and that the shares be deemed personal estate, and shall be transferable as such; and that the said twelve hundred and eighty shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of six pounds five shillings, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said Telegraph, shall be entitled to and receive, after the said Telegraph shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one or more shares in the said undertaking, and so in proportion as aforesaid, shall hear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed: Provided always, that every share in the stock of the said Association shall be held to be a share in the stock of the said Company.

XVII. And be it enacted, That in case the said sum of Eight Thousand Pounds hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportion as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Telegraph and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of Two Thousand Pounds currency aforesaid; and every subscriber towards raising such further or other sum of money shall be a proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of Two Thousand Pounds; any thing herein contained to the contrary notwithstanding.

XVIII. And be it enacted, That the number of votes to which each Proprietor of shares in the said Company shall be entitled, on every occasion when in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, provided no Proprietor as aforesaid shall have more than forty votes; and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy shall be a stockholder, and do

produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say:

"I, _____, of _____, one of the Proprietors of The By town and Montreal Telegraph Company, do hereby nominate, constitute and appoint _____ of _____ to be my proxy, in my name, and in my absence, to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the Proprietors of the said " undertaking, or any of them, in such manner as he the said _____ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year in the presence of _____."

(Signature of Proprietor.)

(Signature of Witness.)

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid.

XIX. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or by an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

XX. And be it enacted, That no Stockholder in the said Company shall be in any manner whatsoever liable for or charged with, the payment of any debt or demand due by the said Company, beyond the extent of his, her or their share in the Capital of the said Company not paid up.

XXI. And be it enacted, That the first general meeting of the Proprietors for putting this Act in execution, may be held at the Town of Bytown, at any time after the expiration of one month from the passing of this Act, provided that public notice thereof be given by the Provisional Directors hereinafter named, or a majority of them, during one month in some newspaper published in the English language, and in some newspaper published in the French language, in the District of Montreal, and in one newspaper published at Bytown in the English language, and at such said general meeting the Proprietors assembled, with such proxies as shall be present, shall choose nine persons, being each a Proprietor of not less than four shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall from time to time be ordered by the Proprietors, and at such general meeting the Proprietors shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

XXII. Provided always and be it enacted, That until Directors shall be chosen under and in pursuance of the power hereinbefore contained, the following persons shall be the Provisional

Directors of the said Company, namely: Joseph Aumond, John McKinnon, H. V. Noel, John McNider, Robert Hervey, Robert Bell, John L. Campbell, Alexander Workman, Charles Sparrow, Nicholas Sparks, John A. Torney, and as such shall have all the powers and authority given to Directors by this Act, until they be removed or others be appointed in their stead.

XXIII. And be it enacted, That on the second Thursday in January, in each year, an annual general meeting of the said proprietors shall be held to choose Directors in the room of those whose office may at any time become vacant, and generally to transact the business of the said Company, ten days' notice of the time and place of such meeting being previously given in the *Canada Gazette*; but if at any time it shall appear to any fifteen or more of such proprietors, holding together two hundred shares at least, that for more effectually putting this Act in execution, a special meeting of proprietors is necessary to be held, it shall be lawful for such fifteen, or more of them, to cause fifteen days' notice, at least, to be given thereof in the *Canada Gazette*, or in such manner as the proprietors and their successors shall at any general meeting direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings respectively; and the proprietors are hereby authorized to meet, pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special meeting assembled, such majority not having, either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes, as if the same were done at general meetings: Provided always, that it shall and maybe lawful for the said proprietors at such special meetings, in like manner as at general meetings, in case of the death, absence, resignation or removal of any person named as Director of the said Company in manner aforesaid, to choose and appoint another or others in the room or stead of him or those who may die or be absent, resign or be removed, as aforesaid; any thing in this Act to the contrary notwithstanding.

XXIV. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the Chairman, who shall be chosen by and out of the said Board of Directors, and who, in case of a division of equal numbers, shall have the casting vote, although he may have given one vote before; And provided also, that such Directors shall from time to time be subject to the examination and control of the said General and other Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises, as they shall from time to time receive from the said Proprietors at such General and other Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained.

XXV. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Member of the Board of Directors for managing the affairs of the said Company.

XXVI. And be it enacted, That every such General Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer or Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for and under them in and about the said undertaking: and to that end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors assembled by the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said undertaking, to defray the expense of, or to carry on the same, as they from time to time shall find necessary and wanting for those purposes: Provided, however, that no call do exceed the sum of two pounds ten shillings current money of this Province, for every shave of six pounds five shillings: And provided also, that no calls be made but at the distance of two calendar months from each other: and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well as contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and making all contracts and bargains touching the said undertaking, so that no such purchase, bargain or other matter be done or transacted without the concurrence of a majority of such Directors; and the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice, at least, shall be given in the *Canada Gazette*, in both languages, or in such other manner as the said proprietors or their successors shall at any general meeting direct or appoint, and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said moneys to be called for as aforesaid, at the time and place appointed by such general meeting or Board of Directors, he, she or they neglecting or refusing to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the proprietors of the said undertaking, their successors and assigns, in trust for and for the benefit of the said proprietors, in proportion to their respective interests.

XXVII. And be it enacted, That the said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the rules and directions hereinbefore prescribed with regard to their proceedings amongst themselves, (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Telegraph and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever using or

requiring the use of the said Telegraph or other works, or the services of the officers or persons in the employ of the said Company in the transmission of intelligence by the said Telegraph or in any other way in which the said Telegraph or works can be employed; and to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders, as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds current money of this Province for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereafter mentioned; Provided always, that no such Rule, By-law or Order shall have any force or effect until the same shall have been sanctioned and confirmed by the Governor, Lieutenant-Governor, or Person administering the Government of this Province, for the time being, under his hand and seal at arms, and shall thereafter have been published in the *Canada Gazette*; which said By-laws and Orders, being put into writing under the common seal of the said Company, shall be kept in the office of the said Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company, and in all and every the places where Tolls are to be gathered, and in like manner as often as any change or alterations shall be made to the same: and the said Rules, By-laws and Orders so made, confirmed and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them, certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

XXVIII. And be it enacted, That it shall and may be lawful to and for the several proprietors of the said Telegraph or undertaking to sell or dispose of his, her, or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly: and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid to him, her or them, nor any vote as a Proprietor or Proprietors.

XXIX. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:

No. _____

For value received from _____ do hereby assign and transfer unto the said _____ shares (on each of which has been paid _____ currency, amounting to the sum of _____) in the capital stock of the Bytown and Montreal Telegraph Company, subject to the rules and regulations of the said Company.

Witness _____ hand _____, at the office of said Company, this _____ day of _____ one thousand eight hundred and _____ do hereby accept the foregoing assignment of _____ shares in the Stock of the Bytown and Montreal Telegraph Company, assigned to _____ as above mentioned at the office of the said Company, this _____ day of _____ one thousand eight hundred and _____

Witness, _____

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

XXX. And be it enacted, That it shall and may be lawful to and-for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Telegraph or undertaking, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

XXXI. And be it enacted, That it shall and may he lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand, take and recover to and for their own proper use and behoof, for all communications transmitted through the line of Telegraph, such rates and dues as shall be from time to time fixed and appointed by the Directors, which shall be paid to such person or persons, and at such place or places near to the place where such service may have been performed, in such manner and under such regulations as the said Company shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said company may sue for and recover the same in any Court having competent jurisdiction; and the said Company shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said rates and dues, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking.

XXXII. And in order to ascertain the amount of the clear profits of the said under-taking, Be it enacted, That the said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on the said Telegraph and works, and of all other receipts and expenditure of the said Company or the said Directors; and at the Meetings of the proprietors of the said undertaking, to be from time to time

holden as aforesaid, or at some adjournment thereof, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

XXXIII. And be it enacted, That it shall and may be lawful for the said Company, from time to time, to let, lease or confirm any lease already made of the said Telegraph Line or any part thereof: Provided always, that public notice thereof be given of such contemplated intention, during one month, in the several newspapers, as provided in the twenty-second section.

XXXIV. And be it enacted, That the said Company, their successors and assigns, shall and are hereby required and directed to take a sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from the Treasurer, Receiver and Collector for the time being, of the money to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector, of his and their office and offices respectively.

XXXV. And whereas several persons have subscribed, or may hereafter subscribe, to advance money towards carrying the purposes of this Act into execution, Be it therefore enacted, That the several person or persons who have subscribed, or who may or shall hereafter subscribe to advance money for and towards making and maintaining the said Telegraph and other works connected therewith, shall and they are hereby required to pay the sum and sums of money by them respectively subscribed, or such parts or portions thereof as shall, from time to time, be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or by the Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same in any Court having competent jurisdiction.

XXXVI. And be it enacted, That in any action to be brought by the said Company against any proprietor or proprietors or owner or owners of any share or shares in the said undertaking, to recover any sum or sums of money due and payable to the said Company for or by reason of any call or calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the defendant or defendants, being a proprietor or proprietors of such or so many shares in the said undertaking, is or are indebted to the said Company in such sum or sums of money as the call or calls in arrear shall amount to, for such and so many call or calls of such or so many sum or sums of money, upon such or so many shares belonging to the said defendant or defendants, (as the case may happen to be) whereby an action, hath accrued to the said Company by virtue of this Act, without setting forth the special matter; and on the trial of such action it shall only be necessary to prove that the defendant or defendants, at the time of making such call or calls, was or were a proprietor or proprietors of some share or shares in the said undertaking, and

that such call or calls was or were in fact made, and that such notice thereof was given as directed by this Act, without proving the appointment of the Directors who made such call or calls, or any matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such call exceeded two pounds ten shillings at any one time upon any one share of six pounds five shillings, or was not made after the interval of two calendar months from the last preceding call, or was made without notice given in any newspapers as aforesaid.

XXXVII. And be it enacted, That if any person shall wilfully obstruct or impede any officer or agent of the said Company in the execution of his duty with regard to the said Telegraph, or the using thereof, or of any apparatus or works thereto appertaining, or upon or in any of the stations or other works or premises connected therewith; or if any person shall wilfully trespass upon the said Telegraph or any of the stations or other works or premises connected with the said Telegraph, and shall refuse to quit the same upon request to him made by any officer or agent of the said Company, every such person so offending, and all others aiding and assisting therein, shall and may be seized and detained by any such officer or agent, or any person whom he may call to his assistance, until such offender or offenders can be conveniently taken before some Justice of the Peace for the District or County wherein such offence shall be committed, and when convicted before such Justice as aforesaid, (who is hereby authorized and required, upon complaint to him upon oath, to take cognizance thereof, and to act summarily in the premises) shall, in the discretion of such Justice, forfeit to Her Majesty any sum not exceeding ten pounds; and in default of payment thereof, shall or may be imprisoned for any term not exceeding two calendar months; such imprisonment to be determined on payment of the amount of penalty.

XXXVIII. And for the more easy and speedy conviction of offenders against this Act, Be it further enacted, That all and every the Justice and Justices of the Peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up according to the following or in any other form of words to the same effect, as the case shall happen, viz:

“To Wit: Be it remembered, that on the _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____, A. B, is convicted before me, C, D. (or before C. D. and E. F.) one (or two) of Her Majesty’s Justices of the Peace for the District (or County of _____ specifying the offence and the time and place when and where the same was committed, as the case may be,) contrary to an Act passed in the Session held in the thirteenth and fourteenth years of the Reign of Queen Victoria, intituled, (here set forth the title of this Act.) Given under my hand and seal (or our hands and seals) the day and year above mentioned.”

[Seal.]

(Signature of Justice.)

XXXIX. And be it enacted, That all fines and forfeitures inflicted by this Act, or which shall be inflicted by virtue of any rule, order or by-law to be made in pursuance thereof, (of which rule, order or by-law, when produced, all Justices are hereby required to take notice) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of

the offence before any one or more Justice or Justices of the Peace for the District or County, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals, of such Justice or Justices; and all such respective fines, forfeitures or penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted, the application whereof is not: hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Telegraph or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Jail for the District of Montreal or of the County in Upper Canada where the offence shall have been committed, as the case may be, there to remain without bail or mainprize, for such term not exceeding one month, as such Justice or Justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

XL. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice of the Peace, in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Superior Court in the District, or of the County Court for the County, wherein the offence shall have been committed, at the Session next after such conviction.

XLI. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be so brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be non-suit, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases.

XLII. And be it enacted, That the said Company shall be authorized to enter into arrangement and co-operate with any Telegraph Company or Companies which may be formed in this Province, and that the Company hereby incorporated shall have full power, if they shall deem it advisable, to treat with such Company or Companies, and enter into such arrangements as may be necessary to unite the several interests in one general association.

XLIII. And be it enacted, That the said Company shall at all times when required by the Governor, or by any officer or person thereunto authorized by him, whether for any special occasion or by a general authority previously granted, place their sole Telegraph, and all the works and apparatus therewith connected, and their operators and servants at the disposal of the said Governor or such officer or person, and shall transmit such communications (and if required, such communication only) as he shall require: Provided always, that the said Company shall be reasonably remunerated for such services and for all delay and loss occasioned by their compliance with any such requisition.

XLIV. And be it enacted, That this Act shall be deemed and taken as a Public Act.