

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 10

**An Act to provide by one General Law for the Incorporation of Electric Telegraph Companies.
10th November, 1852.**

Whereas it is expedient to provide by one General Law for the incorporation and regulation of Companies formed for the purpose of constructing lines of Electric Telegraph in this Province: 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—

I. Any number of persons, not less than three, may associate for the purpose of constructing a line or lines of Electric Telegraph, with branches leading to and from the same, from and to any point in this Province, upon the terms and conditions, and subject to the liabilities prescribed in this Act.

II. Such persons, under their hands and seals, shall make a Certificate which shall specify:

1st. The name assumed to distinguish such Association, and to be used in its dealings, and by which it may sue and be sued, and a designation of the line or lines of Telegraph to be constructed by such association, and the route or routes by which such lines are to pass;

2dly. The capital stock of such Association, and the number of shares into which the stock shall be divided, and any provision which may be made for increasing the same, the names of the Shareholders, and the amount of stock held by each;

3dly. The period at which the said Association shall commence and terminate;

4thly. A copy of their Articles of Association.

And such certificate shall be acknowledged before a Notary, and the original or a copy thereof, certified by such Notary, shall be filed in the office of the, Secretary of the Province.

III. Upon complying with the provisions of the last preceding section, such Association shall be and is hereby declared to be a Body Corporate by the name so as aforesaid to be designated in the said Certificate, and a copy of such Certificate, duly certified by the Secretary of the Province, may be used as evidence in all Courts and places for and against such Association.

IV. Such Association shall have power to purchase, receive and hold and convey, such real estate and such only, as may be necessary for the convenient transaction of the business and for the effectually carrying on the operations of such Association, and may appoint such Directors, Officers and Agents, and make such prudential Rules, Regulations and By-laws as may be necessary in the transaction of its business, not inconsistent with the laws of this Province.

V. Such Association is authorized to construct the lines of Telegraph designated in its Certificate, along any and upon any of the public roads and highways, or across any of the waters within this Province, 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 impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters, and also upon any lands purchased by the Association, or the right to carry their line over which shall have been conceded to them by the parties having a right to make such concession, nor shall any thing herein contained be construed to confer on any such Association the right of building a bridge over any navigable water.

VI. Any person who shall wilfully and maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said Lines of Telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction shall be had.

VII. It shall be lawful for any Association of persons, incorporated under this Act, by their Articles of Association, to provide for an increase of their capital and of the number of their associates.

VIII. It shall not be lawful for any Association under this Act to contract debts exceeding one half of the amount of the Capital Stock of such Association; and all evidences of debt issued by such Association shall be issued and signed by the President and Treasurer thereof.

IX. Any Telegraph Association or Company now organized may become incorporated under this Act, on filing in the office of the Secretary of the Province a certificate authorized by a resolution of its Board of Directors, signed and certified by the Secretary of the Company, containing the particulars hereinbefore required in like cases, and signifying its acceptance of this Act.

X. It shall be the duty of the owner of, or of the Association owning any Telegraph line now in operation, or that may hereafter be in operation, to transmit all despatches in the order in which they are received, under a penalty of not less than five nor exceeding twenty-five pounds, to be recovered, with costs of suit, by the person or persons whose despatch is postponed out of its order; except that 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.

XI. Any Operator of any Telegraph Line, or person employed by any Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

XII. Her Majesty may at any time, assume possession of any such Telegraph line and of all things necessary to the sufficient working thereof for any time, 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 twenty-five pounds 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 amount are recoverable by the Crown.

XIII. Her Majesty may, at any time after the commencement of any Telegraph line under this Act, and after two months' notice to the Company, assume the possession and property thereof, and upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the Company, as regards such Line, shall be vested in the Crown.

XIV. If any difference shall arise between the Company and those who act for the Crown, as to the compensation which ought to be paid to the Company, for any Telegraph Line and appurtenances taken under the thirteenth section of this Act, or for the temporary exclusive use thereof under the twelfth section, such difference shall be referred to three Arbitrators, one to be appointed on the part of the Crown, another by the Company, and the third by the two so appointed Arbitrators, and the award of any two of the said Arbitrators shall be final; and in case of refusal or neglect by the Company to appoint an Arbitrator on their behalf, or if the two Arbitrators cannot agree upon a third Arbitrator, then such Arbitrator shall be appointed by any two Judges of the Queen's Bench or Common Pleas in Upper Canada, or of the Superior Court in Lower Canada, on application on the part of the Crown.

XV. It shall be also lawful for any Municipal Corporation in this Province, or for any Joint Stock Company incorporated under any Act of the Parliament of this Province, to subscribe for and hold Stock in any Company to be formed under this Act, and to pay the amount of such subscription out of any Municipal or other funds not specially appropriated to any other purpose, and to levy money by rate, for paying any such subscription; and such Municipal Corporation shall have such rights as a Member of the Company, and shall vote upon the Stock held by it in such manner and by the intervention of such person or officer, as shall be determined by the Articles of Association.