

1937

c 254 Telegraph Companies Act

Ontario

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Bibliographic Citation

Telegraph Companies Act, RSO 1937, c 254

Repository Citation

Ontario (1937) "c 254 Telegraph Companies Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 2, Article 113.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss2/113>

CHAPTER 254.

The Telegraph Companies Act.

1. Subject to the provisions of *The Public Service Works on Highways Act*, every telegraph association or company, subject to the legislative authority of Ontario, and incorporated under chapter 67 of the Consolidated Statutes of Canada, or under any general Act passed subsequently thereto, and prior to *The Companies Act*, passed in the seventh year of the reign of His Majesty, King Edward VII, chaptered 34, may construct the lines of telegraph designated in its instrument of incorporation upon any lands purchased by the company, or the right to carry its line over which has been conceded to it by the person having a right to make such concession, and along and upon any of the public roads and highways, or across any of the waters within Ontario by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the wires or cables of such lines, provided the same are not so constructed as to incommode the public use of such roads or highways, or to 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. R.S.O. 1927, c. 220, s. 1.

Powers for the construction of the line.

Rev. Stat. c. 57.

1907, c. 34.

2. Nothing herein shall confer on any such association or company the right of building a bridge over any navigable water. R.S.O. 1927, c. 220, s. 2.

No right to build bridge over navigable water.

3. The person or company owning or operating any telegraph line shall, except in the cases provided for in section 4, transmit all despatches in the order in which they are received, under a penalty of not less than \$20 nor more than \$100, to be recovered by any person whose despatch has been postponed out of its order. R.S.O. 1927, c. 220, s. 3.

Duties of company in transmitting despatches.

4. Any message in relation to the administration of justice, the 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. R.S.O. 1927, c. 220, s. 4.

What messages entitled to preference.

Temporary assumption of the line by Government.

5. His 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 efficient 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 person or company owning or operating such line shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession of His Majesty, diligently and faithfully obey such orders, and receive and transmit such despatches as they may be required to receive and transmit by any duly authorized officer of the Government of Ontario, under a penalty not exceeding \$100 for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of Ontario. R.S.O. 1927, c. 220, s. 5.

Assumption of the property of the line by Government.

6.—(1) His Majesty, at any time after two months' notice to the company or owner of the telegraph line, may assume the possession and property thereof, and thereupon the line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of such company or owner as regards the same shall be vested in the Crown.

Mode of settling the compensation in case of disagreement.

Rev. Stat. c. 54.

(2) If a difference arises between the company or owner and the Crown as to the compensation to be paid therefor, or for the temporary exclusive use thereof under section 5, such difference shall be determined in the manner provided by *The Public Works Act* in the case of land taken without the consent of the owner. R.S.O. 1927, c. 220, s. 6.

Power of municipal corporations and joint stock companies to hold shares.

7.—(1) Any municipal corporation or a joint stock company incorporated under any Act of the late Province of Canada or of Ontario, may subscribe for and hold shares in any telegraph company mentioned in section 1, and may pay the amount of such subscription out of any funds not specially appropriated to any other purpose.

Power of municipality to raise funds,

and to vote.

(2) Such municipal corporation may levy money by rate for paying any such subscription, and, subject to the instrument of incorporation and the by-laws of the telegraph company, may vote upon the shares held by it in such manner and through the intervention of such person or officer as may be determined by the council of the municipal corporation or by the joint stock company. R.S.O. 1927, c. 220, s. 7.

Telephone companies.

8. This Act shall not apply to telephone companies. R.S.O. 1927, c. 220, s. 8.