

from time to time as often as the said Company, their agents or servants, shall think proper, break up and open any part of the said roads, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, waggons, or horses, and keep the same open during the time necessary for setting up, erecting and constructing such posts or other works; provided always, that the said Company shall not in any case obstruct any of the said public roads, streets, bridges, or highways, and that the said Company shall and do at their own costs and charges, and without unnecessary delay, repair and amend the said public roads, streets and highways in any part where they shall be so broken up and opened as aforesaid, to the like conditions in which they were before breaking up the same.

5. If it shall at any time be deemed necessary by the said Company, their agents or servants, to carry any part of the said main lines of Electrical Telegraph communication, or of any of the branches or extensions thereof, through or over any estates, lands or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, bodies politic or corporate, as they shall think necessary for making, completing, maintaining or repairing the said lines of Electric Telegraph, or any of its branches or extensions, and on such lands to set up, construct or build such posts, buildings or other erections as may be necessary for such lines, or the branches or extensions thereof, and do all other matters and things which they the said Company shall think convenient and necessary for the making, extending, improving, completing and easy using of the said Electric Telegraph, or any of its branches or extensions, or any of the works therewith connected, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, their agents or servants, and one by the owner or owners, occupier or occupiers of the private or corporate property in question; which two arbitrators so chosen shall choose a third arbitrator, and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Governor for the time being, upon application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such corporate or private property shall decline making any such agreement or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party, or interested, then to any Coroner of such County, and in case of the said Sheriff and of the said Coroner being both interested, then to some person or

persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, which jury upon their oath (which oath, as well as the oath to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is and are hereby empowered to administer,) shall enquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such corporate or private property as aforesaid; and the inquisition, award or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation; which amount of such damages and costs shall be paid or rendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid.

6. So soon as the main lines of communication by the said Electric Telegraph, or any part thereof, or any of its branches or extensions, shall be complete and open, it shall and may be lawful for the said Corporation at all times to ask, demand and take, sue for and recover to and for their own proper use, such rates, tolls, or dues, for the transmission and writing out of any and every message or communication of any kind transmitted and conveyed at the cost and charges of the said Company, by or upon the said Electric Telegraph, as the said Company may think just and reasonable.

7. The Governor shall have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph, branches and extensions, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any Stations with which the said line or any of its branches or extensions shall connect; and the rates of charges therefor shall not in any case exceed the rates of charges made to private individuals and others for the transmission of like messages.

8. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

9. Whoever shall wilfully break, throw down, cut, sever, injure, damage or destroy any of the works, machinery or property of the said Company, or do any other act whereby the communication by the said lines, or any branch or extension thereof, may be interrupted, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding three years, which punishment shall be in addition to any civil or other remedy for such offence.

10. In case the said British and American Telegraph Company shall lease, underlet, transfer, or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said British and American Telegraph Company shall still remain liable under the terms of this Act for any fault, neg-