

## No. XLI.

### An Act to establish and regulate Electric Telegraphs. [18th March, 1857.]

**Preamble.**

WHEREAS it is expedient to establish and regulate communication by Electric Telegraph in New South Wales Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

**Interpretation.**

1. The following words when used herein shall unless the context otherwise indicate bear the several meanings set against them respectively:—

**Works**—Any stations posts masts piers insulators excavations wires cords or other works in any way connected with any Electric Telegraph or line of communication thereby.

**Road**—Any public or private road highway street lane court or passage.

2. It shall be lawful for the Governor with the advice of the Executive Council to appoint a proper person for superintending the construction maintenance protection management and working of all lines of communication by Electric Telegraph in New South Wales and also to appoint such other officers as may be deemed necessary for carrying this Act into execution.

3. It shall be lawful for such Superintending Officer or any other officer or person acting under his authority for any purpose of this Act to enter upon any land whatsoever and to survey and take levels thereof and to dig fell remove and carry away from any land any earth stone gravel sand or other soil whatsoever or any timber or other trees required to be used in constructing or maintaining any such line of communication or any works connected therewith.

**Lands may be entered and surveyed &c.**

4. It shall be lawful for such Superintending Officer to cause to be set up or laid down and maintained any works necessary for the purposes of this Act upon or under and through any land whatsoever or any shore of the sea or any road or water and to break excavate and remove any soil to any extent and depth required for placing or removing such works Provided that every wire or cord crossing any road or water above the surface shall be at least eighteen feet from such surface and that the free use of any such land shore road or water shall not be obstructed more than is absolutely necessary for some purpose of this Act.

**Officers to be appointed.**

**Works to be made on any land &c.**

*Electric Telegraphs.*

5. It shall be lawful for such Superintending Officer whenever Wires &c. may be affixed to buildings. it shall be necessary for continuing or completing any such line of communication to cause any wire or cord to be supported by affixing or annexing the same to upon or against any part of any house building or other erection whatsoever in any city town village or other place in the Colony. Provided that such wire or cord shall in every such case be eighteen feet at the least from the surface of the earth on which such house building or other erection shall be situate.

6. It shall be lawful for the Governor with the advice aforesaid Fees to be fixed and rules made by Governor. to fix the fees and dues to be received for the transmission and delivery of every despatch message or other communication by any such line under this Act and to make all necessary rules respecting the same and generally for the management of all such lines. And all such fees and dues may be legally demanded and recovered and all such rules shall have the force of law when respectively published in the *Government Gazette*. Provided that all such rules shall be laid before both Houses of the Parliament of the Colony within fourteen days after the making thereof if the Parliament be then sitting or within fourteen days after the commencement of the next Session thereof if the Parliament be not then sitting.

7. All fees and dues received under this Act shall be paid over Appropriation of fees. to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony.

8. All messages shall be transmitted and delivered in the order Order of transmitting messages. in which they are received by the Manager or other officer in charge of the station at which they shall be received. Except that messages relating to the arrest of criminals the discovery or prevention of crime or any other matter connected with the administration of justice and all Government despatches when so required shall have priority over all other messages. And every officer offending against this section shall be liable to a penalty not exceeding twenty pounds to be recovered before any two Justices.

9. Every officer clerk or other person employed in working any line who shall divulge the contents or substance of any private or secret despatch message or other communication transmitted or intended to be transmitted by any such line shall on conviction before any two Justices be liable for every such offence to a fine not exceeding one hundred pounds or to be imprisoned with or without hard labor for any period not exceeding six months.

10. Every person who shall wilfully cut or otherwise sever any wire or cord or so damage any part of the works connected with any such line of communication as to prevent the passing of the electric current shall be deemed guilty of a misdemeanor and shall be liable to fine or imprisonment with or without hard labor at the discretion of the Court adjudicating.

11. Every person who shall wilfully obstruct the making of any works under this Act or injure the same or interrupt or impede the use of any line or the transmission of any message along any line shall on conviction before any two Justices be liable to a fine not less than five pounds nor more than one hundred pounds or to be imprisoned with or without hard labor for any period not exceeding six months.

12. Any person whosoever may without warrant apprehend any other person found offending against any of the provisions of the last two preceding clauses of this Act and deliver him to some Constable or convey him before some Justice to be dealt with according to law. And every person obstructing or resisting any other person while acting in execution of any of the provisions of this Act shall on conviction before any two Justices be liable to a fine not exceeding twenty pounds or to be imprisoned with or without hard labor for any period not exceeding two months.

Offenders may be apprehended without warrant.

*Appropriation (1856-7).*

Damage to be made good in addition to penalty.

Compensation for private loss or damage.

Mode of obtaining private land where necessary.

13. Every person causing damage to any line of communication or any works connected therewith although he may have been fined or been sentenced to imprisonment under this Act shall also be liable to make good such damage the amount whereof shall be determined by the Justices imposing the penalty or sentencing to the imprisonment and such damage if not paid on demand may be levied in manner provided by the Justices Act of 1850.

14. Every private owner of any land house or other building and every other person who shall incur or suffer any loss or damage by anything done under the provisions and for any purpose of this Act shall be entitled to compensation for the same to be settled by two or more Justices in Petty Sessions assembled at a hearing of which fourteen days notice at the least shall have been given by the claimant to such Superintending Officer and upon the appearance of such Superintending Officer or some person on his behalf or otherwise upon proof of the service of such notice it shall be lawful for such Justices to hear and determine the claim and to settle and award the amount of compensation to be allowed to such claimant.

15. If the possession of any land not belonging to the Crown shall become necessary for any purpose of this Act it shall be lawful for such Superintending Officer to proceed in like manner as is provided for enabling the Commissioners of Railways to purchase or otherwise procure any like land for any purpose of the Act of Council eighteenth Victoria number forty and the several provisions of the said Act applicable to any like case shall so far as may be practicable be deemed applicable and may and shall be applied to every such case under this Act and shall be of like force as if contained herein and as if such Superintending Officer had been named in the said Act instead of the said Commissioners.