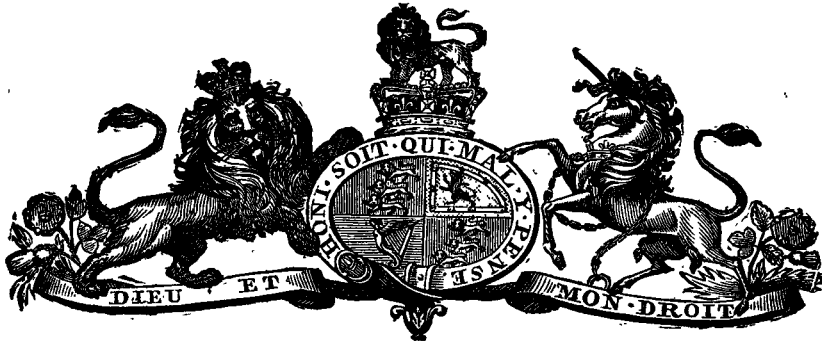


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. II.

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ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Telegrams not to be produced in evidence.<br/>3. Unless with consent.<br/>4. Saving in the case of treason felony or perjury.<br/>5. Officers not responsible for transmitting libels.</p> | <p>6. Privileged communications conveyed by telegraph not to be deemed maliciously published.<br/>7. Accidental injuries to telegraph lines.<br/>8. Injuries by careless driving, how punishable.<br/>9. Offender may be arrested without warrant.<br/>10. Witness before Select Committee of either House or Royal Commission free from penal actions if he make full disclosures. Chairman may give him certificate.</p> |
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AN ACT to amend "The Electric Telegraph Act, 1865." Title.  
[7th August, 1874.]

WHEREAS it is expedient to amend "The Electric Telegraph Act, 1865" (hereinafter referred to as "the said Act"); Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows:—

1. The Short Title of this Act shall be "The Electric Telegraph Act Amendment Act, 1874." Short Title.

2. Except as hereinafter provided, no officer clerk operator or other person employed in or about the working of any such line of telegraph as in the said Act mentioned shall, on the trial of any issue, whether civil or criminal, or of any matter or question, or on any inquiry in any Court of justice, or before any person having by law or by consent of parties authority to hear receive and examine evidence, be competent or compellable to give evidence of the contents of any message despatch or communication transmitted or conveyed, or presented to be transmitted or conveyed, by any such line, nor to produce under any writ of subpoena summons or order the original of any such message despatch or communication signed by or on behalf of the sender. Telegrams not to be produced in evidence.

*Electric Telegraph Act Amendment.*

Unless with consent.

3. The provisions of the second section of this Act shall not apply if the person by or to whom any such message despatch or communication as aforesaid shall have been sent or addressed, notifies to the Electric Telegraph Commissioner or the General Manager of the Electric Telegraph lines under the said Act, in writing, that he desires that any such officer clerk operator or other person aforesaid may give such evidence or make such production as aforesaid.

Saving in the case of treason felony or perjury.

4. The provisions of the said second section shall not apply to the case of any indictment, information for treason felony or perjury, or of any preliminary magisterial inquiry into a charge of treason felony or perjury, if the consent in writing of the said Commissioner be first obtained to such evidence as aforesaid being given or to such production as aforesaid.

Officers not responsible for transmitting libels.

5. No officer clerk operator or other person employed in or about the working of any such line of telegraph as in the said Act mentioned shall be liable to any indictment information or other criminal proceedings, or to any action or suit for damages by reason of his having as such officer clerk operator or person transmitted or conveyed, or taken part in transmitting or conveying, by any such line of telegraph any defamatory libel.

Privileged communications conveyed by telegraph not to be deemed maliciously published.

6. Any communication transmitted by any line of telegraph under the said Act which would be deemed a privileged communication if published only to the person to whom it is addressed, shall not, by reason of its having been published to any officer clerk operator or other person employed as aforesaid for the purpose of being transmitted by such line of telegraph to the person to whom it is addressed, be deemed to have been maliciously published.

Accidental injuries to telegraph lines.

7. Any person who shall by negligence carelessness or other misconduct cause any injury to or destroy any of the wires cords insulators posts piers abutments apparatus works or lines of communication or any part thereof, or of the material or property relating thereto, shall, on conviction thereof, for every such offence, forfeit and pay a penalty of not exceeding ten pounds, to be recovered on summary conviction before one or more Justices of the Peace.

Injuries by careless driving, how punishable.

8. If any damage shall be caused to any of such wires cords posts piers abutments apparatus or works as aforesaid, or any apparatus material or property relating to such lines as aforesaid, by any vehicle drawn by horses or other animals, or anything loaded on any such vehicle coming in contact with any such wires cords posts piers abutments apparatus works material or property as aforesaid, the driver or person in charge of such vehicle shall *prima facie* be deemed to have been guilty of an offence under the seventh section of this Act without any proof of carelessness or misconduct, but such person shall be entitled to rebut such presumption.

Offender may be arrested without warrant.

9. Any person whatsoever may, with or without warrant, apprehend any person who shall be found offending against the provisions of the seventh or eighth sections of this Act, and deliver him to some constable or peace officer, or convey him before some Justice of the Peace, to be dealt with according to law; and any person resisting any other person acting in execution of this provision shall, on conviction, pay a penalty not exceeding twenty pounds, or be imprisoned, with or without hard labour, for any period not exceeding two months.

Witness before Select Committee of either House or Royal Commission free from penal actions if he make full disclosures.

10. On any inquiry before any Committee, either of the Legislative Council or of the House of Representatives, or any Joint Committees of such Council and House, or before any Commission duly appointed by the Governor touching the divulging of the contents of any telegram, or the publication of any telegram improperly divulged, every person who is examined as a witness and gives

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*Electric Telegraph Act Amendment.*

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evidence on such inquiry, and who thereon makes a true discovery to the best of his knowledge touching all things on which he is so examined, shall be free from all penal actions forfeitures punishments disabilities and criminal prosecutions to which he may have been or become liable at the suit of Her Majesty or any other person, for anything done by such person in or about the divulging of any telegram which is the subject of such inquiry or connected therewith. And no person shall be excused from answering any question put to him by such Committee Joint Committee or Commission on the ground of privilege, or on the ground that the answer to such question may criminate or tend to criminate the witness.

When any such witness is so examined, such witness shall not be indemnified under this Act, unless he receive from the Chairman of such Committee, Joint Committee, or Commission a certificate in writing stating that such witness appears to have made full disclosure touching all things whereon he has been examined. And the production in any Court of law of such certificate shall be a full bar to any action or prosecution against such witness for any act in or about the divulging of any telegram which is the subject of the inquiry revealed by the evidence of such witness; and the Court in which such action or prosecution is brought may award to such witness such costs as he may have been put to by such action or prosecution.

Chairman may give  
him certificate.

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