

New Zealand.



ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Telegrams, in certain cases, protected for eighteen hours after publication. 3. Penalty for printing or publishing telegrams contrary to this Act. 4. Protected telegrams to be distinguished.</p>	<p>5. Simultaneous publication in two or more papers not to give right to copy without permission. 6. Time of publication. 7. Proof of receipt of message and of wilful wrongful publication. 8. Limitation of time within which action must be brought. 9. Appropriation of penalties.</p>
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1882, No. 19.

AN ACT to provide for the Protection of Telegrams from beyond the Colony of New Zealand. Title.
[13th September, 1882.]

WHEREAS it is expedient to secure in certain cases the right of property in telegraphic messages : 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 is “The Protection of Telegrams Act, 1882.” Short Title.

2. When any person, in the manner hereinafter mentioned, publishes in any newspaper or other printed paper published in New Zealand any message by electric telegraph, lawfully received by such person from any place outside the Colony of New Zealand for publication, no other person shall, without the consent in writing of such first-mentioned person or his agent thereto lawfully authorized, print or publish, or cause to be printed or published, such telegram or the substance thereof or any extract therefrom until after the period of eighteen hours from such first-mentioned publication : Provided that such period shall not extend beyond twenty-four hours, or, if Sunday intervenes, beyond forty-eight hours from the time of receipt of such message ; and the publication of the whole or any part of such telegram, or of the substance thereof, or (excepting the publication of any similar message in like manner sent from the same place) of the intelligence therein contained, shall be deemed to be a publication of the same. Telegrams, in certain cases, protected for eighteen hours after publication.

3. If any person wilfully print and publish any matter contrary to the provisions of this Act he shall, on conviction thereof, be liable to a penalty of not less than one pound and not exceeding five pounds, and every such person who is convicted of any subsequent offence against this Act shall, on conviction thereof, be liable to a penalty of not less than five pounds and not exceeding twenty pounds. Penalty for printing or publishing telegrams contrary to this Act.

4. Every telegraphic message published under the protection of this Act shall be printed with the heading “By Electric Telegraph Copyright,” and shall Protected telegrams to be distinguished.

bear the date and hour of its receipt, and such statement shall be *prima facie* evidence of the time of receipt of such message.

Simultaneous publication in two or more papers not to give right to copy without permission.

5. The simultaneous publication of the same telegraphic message in two or more newspapers shall not be deemed to authorize the republication of the same in any other newspaper, without the consent in writing of one of the original receivers, as hereinbefore provided, or in case such telegraphic message shall have been furnished to such papers by any company or association, and shall have printed above it words showing that it has been so supplied, then the written consent of such company or association.

Time of publication.

6. For the purposes of this Act the time of publication of morning newspapers shall be taken and deemed to be eight o'clock in the forenoon, and the time of publication of evening newspapers shall be taken and deemed to be five o'clock in the afternoon.

Proof of receipt of message and of wilful wrongful publication.

7. In any prosecution under this Act the production of any document which purports to be a telegraphic message, and which contains the intelligence published in the newspapers as aforesaid, and which has been delivered to some person entitled to receive the same by the proper officer of the Electric Telegraph Department, shall be *prima facie* evidence that the message published as hereinbefore described in any newspaper is a message within the meaning of this Act, and proof that any person is or is acting or appears to be acting as editor, sub-editor, or manager of any newspaper in which there has been any publication contrary to the provisions of this Act shall be *prima facie* evidence that such person has wilfully caused such wrongful publication.

Limitation of time within which action must be brought.

8. All offences under this Act may be prosecuted summarily under the provisions of "The Justices of the Peace Act, 1866," or under the provisions of any other Act for the time being in force in New Zealand regulating summary proceedings for offences punishable by penalties of a like nature: Provided always that any proceedings under this Act must be commenced within one calendar month after the date of the commission of the alleged offence.

Appropriation of penalties.

9. All penalties received and recovered under this Act shall be paid into the Consolidated Revenue Fund of the colony.