

# New Zealand.

ANNO VICESIMO NONO

## VICTORIÆ REGINÆ.

No. \_\_\_\_.

### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"><li>1. Short Title.</li><li>2. The Governor may establish lines of electric telegraph and appoint Commissioner.</li><li>3. The Governor may purchase existing lines.</li><li>4. May contract for lines across Cook's Straits and Foveaux Straits.</li><li>5. The Commissioner may appoint officers clerks &amp;c.</li><li>6. Commissioner &amp;c. may enter lands and take levels.</li><li>7. May clear bush off lines of telegraph.</li><li>8. May enter lands and erect lines.</li><li>9. Commissioner may take Crown lands and purchase other lands where necessary.</li><li>10. The Governor in Council may make regulations and establish fees.</li></ol> | <ol style="list-style-type: none"><li>11. Remedy for non-payment of fees.</li><li>12. Commissioner &amp;c. to transmit all messages. Penalty. Precedence.</li><li>13. Penalty for wilful injury or obstruction.</li><li>14. Offender may be apprehended without warrant. Penalty for resistance.</li><li>15. Penalty for improperly divulging messages.</li><li>16. Proceedings under Act may be summary.</li><li>17. Fees and fines how disposed of.</li><li>18. Damage to line to be made good in addition to penalty.</li><li>19. Compensation for private loss.</li><li>20. Mode of obtaining private land.</li><li>21. Interpretation clause.</li></ol> |
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### A BILL INTITULED

## AN ACT to authorize the Construction Title. Establishment and Maintenance of Electric Telegraph Communication and to provide for the Regulation thereof.

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

I. This Act may be cited as “The Electric Telegraph Act 1865.” Short Title.

II. It shall be lawful for the Governor to establish lines of communication by electric telegraph throughout the Colony and to appoint a proper person to superintend the construction establishment management maintenance and protection thereof who shall be called the Electric Telegraph Commissioner. The Governor may establish lines of electric telegraph and appoint Commissioner.

III. It shall be lawful for the Governor upon such terms and conditions and in such manner as and whenever he shall consider fitting to arrange for and complete the purchase of existing electric telegraph lines with their offices furniture plant and instruments or such of them as shall be necessary for the working of such electric telegraph lines and such lines when purchased shall be under the control and management of the Electric Telegraph Commissioner. The Governor may purchase existing lines.

IV. It shall be lawful for the Governor to enter into any contract or contracts with any person or persons for the construction placing laying down fixing and keeping or maintaining in repair and working order an electric telegraph line or mode of communication across or under Cook's Straits to connect lines of electric telegraph in the North and May contract for lines across Cook's Straits and Foveaux Straits.

Middle Islands of the Colony and also an electric telegraph line or mode of communication across or under Foveaux Straits to connect lines of electric telegraph in the Middle Island of the Colony and in Stewart's Island.

The Commissioner may appoint officers clerks, &c.

V. It shall be lawful for the Governor to appoint all such officers clerks and servants as in addition to the Commissioner shall be requisite for the purposes of this Act and such officers clerks and servants from time to time to remove and other or others to appoint in their stead.

Commissioner &c. may enter lands and take levels.

VI. The Commissioner and any person acting under his authority for any of the purposes of this Act may enter into and upon any lands whatsoever whether Crown lands or private lands and survey and take levels of the same or any part thereof and also dig cut remove and carry away any earth stone soil sand and gravel whatsoever and any trees or timber suitable for the construction formation or maintenance of any such telegraph line or any part thereof or any other works belonging or appertaining to any such line or connected therewith.

May clear bush off lines of telegraph.

VII. The Commissioner and any person or persons acting under his authority and directions may cut and remove for the space of

feet on each side of any proposed line of telegraph and any existing line of telegraph purchased under the provision hereinbefore contained all such trees and underwood as may otherwise interfere with the proper working of the telegraph and this Act shall be sufficient to indemnify the Commissioner and persons so acting for what he or any of them shall do pursuant to the power hereby created.

May enter lands and erect lines.

VIII. The Commissioner or any person or persons acting under his authority and directions may for any of the purposes of this Act enter into and upon any Crown or other land whatsoever whether Crown lands or private lands and may thereupon and upon any road shore of the sea or water erect set up and maintain any masts or posts for the support of the cord or wire of any such telegraph line and may on such land road shore or water erect set up and maintain any other works necessary for the purposes of this Act and may make any excavations in any land or road for erecting placing maintaining altering or removing such masts or posts and other works and also for laying down maintaining altering or removing subterranean lines of telegraphic communication Provided that every cord or wire of any such line if above the surface crossing any road be placed eighteen feet at least from the ground and that the free use and enjoyment of any road and the navigation of any inlet bay creek river or lake over along across or underneath which any such cord or wire or line of telegraph communication may pass be not hindered or obstructed further than is absolutely necessary for the purposes of this Act or some of them.

Commissioner may take Crown Lands and purchase other lands where necessary.

IX. It shall be lawful for such Commissioner or any other officer or person acting under his authority for any of the purposes of this Act to erect any buildings offices and works required for the effectual construction and working of such telegraph lines and for such purposes to appropriate and set apart any waste lands of the Crown and for such purposes in the name and on behalf of Her Majesty to purchase and acquire and hold such other lands as shall be found requisite for any of the purposes of this Act.

The Governor in Council may make regulations and establish fees.

X. It shall be lawful for the Governor by Order in Council to make regulations for the transmission and delivery of all despatches messages and communications by means of any such line and in like manner to fix and determine the fees rates or dues to be demanded and received for the transmission of any such despatch message or communication and for the delivery thereof respectively and the modes and times of payment and to regulate the conduct management working and maintenance of any such telegraph line and any such fees rates dues or regulations from time to time to increase or lower repeal alter or vary respectively and direct and make such others as may be deemed expe-

dent and such fees rates and dues may be legally recovered and such regulations shall have the force of law when published in the Government *Gazette* of the Colony Provided that a scale of all such fees rates and dues and a copy of every such regulation shall within fourteen days after being so published be laid before the General Assembly if then sitting or if not then sitting within fourteen days after the commencement of the session next following such publication.

XI. In case of refusal or neglect of payment of any such fee rate or due or any part thereof on demand to the person appointed to receive the same such person may sue for and recover the same in any court of competent jurisdiction in his own name. Remedy for nonpayment of fees.

XII. It shall be the duty of the Commissioner and of all officers servants or workmen employed in the working or operating of any such telegraph line to transmit all messages despatches or communications in the order in which they may be received and every officer or person offending against this provision shall pay a penalty of not less than one pound nor exceeding twenty pounds Provided that all General or Provincial Government messages or despatches and all messages relative to the arrest of criminals or accused persons the discovery or prevention of crime or matters connected with the administration of justice shall be transmitted in priority to any other message or despatch Provided also that unless otherwise directed by any such regulation as aforesaid no person shall be bound to transmit by any telegraph line any message or despatch except for the purposes mentioned in the last preceding proviso unless the fee or rate for transmission and delivery of such message or despatch shall if demanded have been previously paid. Commissioner &c. to transmit all messages  
Penalty.  
Precedence.

XIII. Any person who shall wilfully injure 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 or in any way disturb obstruct or intercept the free use or working of any such line of telegraph communication or any works incidental thereto or connected therewith or shall obstruct hinder or prevent the forming constructing completing and maintaining any such line of communication or any part thereof shall on conviction for every such offence forfeit and pay a sum of not less than five pounds nor exceeding one hundred pounds or be imprisoned with hard labor for any period not exceeding *six months*. Penalty for wilful injury or obstruction.

XIV. Any person whatsoever may with or without warrant apprehend any person who shall be found so offending against the provisions of the fourteenth section 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 labor for any period not exceeding two months. Offender may be apprehended without warrant.  
Penalty for resistance

XV. Any officer clerk operator or other person employed in the working of any such line as aforesaid who shall improperly divulge the contents of any message despatch or communication transmitted or conveyed or to be transmitted or conveyed by any such line or the purport of such message despatch or communication shall on conviction thereof be liable to a fine not exceeding one hundred pounds or to be imprisoned with hard labor for any period not exceeding six months Provided that nothing herein contained shall prevent the person duly authorized in that behalf from giving copies of any message despatch or communication to the person entitled thereto. Penalty for improperly divulging messages.

XVI. All penalties imposed by this Act may be recovered in a summary way before any Resident Magistrate or two or more justices of the peace of the Colony. Proceedings under Act may be summary

- Fees and fines how disposed of. XVII. All fees rates and dues recovered under or by virtue of the regulations and directions to be made and given in pursuance hereof shall be paid to the Colonial Treasurer for the public uses of the colony and all fines and pecuniary penalties recovered under this Act shall be paid one half to Her Majesty her heirs and successors for the uses aforesaid and the other half to the informer or party prosecuting who shall in all such cases be deemed a competent witness.
- Damage to line to be made good in addition to penalty. XVIII. Every person causing damage to any line of communication or any works connected therewith although he may have been fined or imprisoned under this Act shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the Justices or Resident Magistrate adjudicating and such amount when determined may be levied by distress of the goods and chattels of such person in the manner provided by law for the levying of a pecuniary penalty.
- Compensation for private loss. XIX. Every 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 the purposes of this Act shall be entitled to compensation for the same unless such thing shall have been done with such person's consent and the amount of such compensation shall be settled and determined in the manner provided in and by "The Lands Clauses Consolidation Act 1863" for settling cases of disputed compensation.
- Mode of obtaining private land. XX. 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 Commissioner to proceed in like manner as is provided in and by "The Lands Clauses Consolidation Act 1863" for enabling "promoters of an undertaking" under a special Act of the General Assembly to purchase or otherwise acquire land and the several provisions of the said Act shall so far as they are applicable be applied to every case under this Act where the Commissioner shall desire to acquire any land for the purposes of this Act and shall be of like force and effect as if contained herein. And for the purposes of this Act the expression "promoters of the undertaking" where used in the said "Lands Clauses Consolidation Act 1863" shall be deemed to mean the Commissioners of Electric Telegraphs.
- Interpretation clause. XXI. In this Act—  
 The term "road" means any public or private road highway street square lane or passage.  
 The term "works" means 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 erected or purchased under or by virtue of the provisions of this Act.