



Western Australia.

ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XII.

AN ACT to regulate and protect Electric
Telegraphs.

[Assented to, 8th September, 1883.]

WHEREAS it is expedient to regulate and to protect communication by Electric Telegraph in Western Australia: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

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, square, lane, court, or passage.

2. THE Postmaster General of Western Australia shall be the Chief Officer for the superintendence and control of the Electric Telegraphs of the Colony. Postmaster General.

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Officer for superintending telegraphs.

3. THE Superintendent of Telegraphs shall be the proper person for superintending the maintenance, protection, management, and working of all lines of communication by Electric Telegraph in Western Australia, subject always to the provisions of section 2 of this Act.

Lands may be entered and surveyed.

4. IT shall be lawful for the Director of Public Works, 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.

Works to be made on any lands.

5. IT shall be lawful for the Director of Public Works, or any such officer or person as aforesaid, to cause to be set up or laid down and maintained any works necessary for the purpose 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 fourteen 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.

Wires, &c., may be fixed to buildings.

6. IT shall be lawful for the Director of Public Works, or any such officer or person as aforesaid, whenever 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 fourteen feet at the least from the surface of the earth on which such house, building, or other erection shall be situate.

Fees to be fixed and rules made by Governor.

7. IT shall be lawful for the Governor, with the advice of the Executive Council, 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*, and a copy of the said *Gazette* containing such rules and purporting to be printed by the Government Printer shall be received in all Courts of Justice as evidence of such rules.

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

Appropriation of fees.

9. ALL messages shall be transmitted and delivered in the order 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 wilfully offending against this section shall be liable to a penalty not exceeding Twenty pounds, to be recovered in a summary way before any two Justices of the Peace according to the provisions of the Acts in that behalf.

Order of transmitting messages.

10. EVERY officer, clerk, messenger, or other person employed in working any line who shall, without the consent of the Colonial Secretary, 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 in a summary way as aforesaid, be liable for every such offence to a penalty not exceeding Fifty pounds, or to be imprisoned with or without hard labor for any period not exceeding six months.

Penalty for violation of secrecy.

11. WHOSOEVER shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any part of the works connected with, or being part of, or being used or employed in or about any electric or magnetic telegraph or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance, or delivery of any communication by any such telegraph, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labor; Provided that if it shall appear to any Justice on the examination of any person charged with any offence against this section that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the Justice may proceed summarily to hear and determine the same, and the offender shall on conviction thereof, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding Ten pounds, as to the Justice shall seem meet.

Injuries to electric telegraphs.

12. WHOSOEVER shall unlawfully and maliciously by any overt act attempt to commit any of the offences in the last preceding

Attempt to injure such telegraphs.

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section mentioned shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding three months, or else shall forfeit and pay as a penalty such sum of money, not exceeding Ten pounds, as to the Justice shall seem meet.

Offenders may be apprehended without warrant.

13. 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 summarily as aforesaid before any Justice, be liable to a penalty not exceeding Ten pounds or to be imprisoned with or without hard labor for any period not exceeding two months.

Damage to be made good in addition to penalty.

14. 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 Justice or Justices imposing the penalty or sentencing to the imprisonment; and such damage, if not paid on demand, may be levied and recovered as a penalty under the provisions of the Acts in that behalf.

Compensation for private loss or damage.

15. 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, and for which he would but for the provisions of this Act be entitled to sue, 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 the Superintendent; and upon the appearance of the Superintendent 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 (if any) to be allowed to such claimant, which amount shall be paid in the same manner as monies are directed to be paid by the 23rd section of "The Railways Act, 1878." Provided always, that nothing in this Act shall in any way affect the rights of the Crown in or over or in respect to any lands in the Colony.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.