ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. ccxii.

An Act to amend the Act and enlarge the Powers of *Bonelli*'s Electric Telegraph Company (Limited). [28th *July* 1863.]

WHEREAS a Company, with limited Liability, has been formed under the Provisions of "The Joint Stock Companies Act, 1856," and "The Joint Stock Companies Act, 1857," called "*Bonelli*'s Electric Telegraph Company (Limited)": And whereas by "*Bonelli*'s Electric Telegraph Companies Act, 1861," Powers were conferred upon the said Company for enabling them to carry their Undertaking into effect: And whereas it is expedient that the recited Act should be amended, and that further Powers should be conferred upon the Company: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

24 & 25 Vict. c. xcii.

Interpretation of Terms.

1. In construing the recited Act and this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repug-

nant to such Construction; that is to say, the Expression "the Company" in this Act shall mean *Bonelli*'s Electric Telegraph Company (Limited), and the Expression "Superior Court" or "Court of competent Jurisdiction," or any other like Expression in the recited Act and this Act, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Word "Telegraph" in this Act shall mean any Wire or Wires which is, are, or may be used for the Purpose of Telegraphic Communication, together with any Casing, Coating, Tube, or Pipe in which the same may be placed or enclosed; and the Word "County" in the recited Act and this Act shall include, with reference to *Ireland*, any Riding or Division of a County for which Riding or Division separate Assizes are held, but not a County of a City or County of a Town; and the Word "Street" in the recited Act and this Act shall mean and include any public Street, Square, or Court, and any Turnpike or other public Carriage Road or Bridge, being a Cart or Carriage Road or Way, and shall include the Footpaths thereof respectively (if any), and any Land on the Side of any such Road or Way and forming Part of a public Highway, but shall not include any Railway, Navigation, Canal, or navigable River, or any Dock, Basin, or Towing-path, Warehouse or other Works, belonging thereto respectively.

Recited Act and this to be read as One.

2. The recited Act as amended by this Act and this Act shall be read and construed together as One Act.

Company not to alter Position of Gas or Water Pipes, except Service Pipes.

3. The Company shall not raise, sink, or otherwise alter the Position of any Watercourse, Main, or Pipe used for supplying Water or Gas to the Inhabitants of any House adjoining or near to any Telegraph of the Company, nor remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any Body Corporate, Company, or Society authorized to supply Water or Gas, or do anything whereby the Passage of Water or Gas into or through any such Watercourse, Main, or Pipe shall be impeded, without the Consent in Writing of the Body Corporate, Company, or Society having the Control and Management of such Watercourse, Main, or Pipe, or of their proper Officer duly authorized in that Behalf, nor, after obtaining such Consent, without giving Notice in Writing to the Body Corporate, Company, or Society Fourteen Days at least before commencing the Works which will necessitate the Alteration of their Mains or Pipes as aforesaid; and if the Company shall offend against this Provision they shall for every such Offence forfeit and pay a Penalty of Twenty Pounds.

Works to be done by Water or

4. All Works in connexion with the raising, sinking, or other Alteration of any such Watercourse, Main, or Pipe shall (except upon the Default

Default of the Body Corporate, Company, or Society as herein-after mentioned) be executed under the sole Superintendence of the Engineer for the Time being of the Body Corporate, Company, or Society by such Person or Persons and in such Manner in all respects as he in his absolute Discretion shall think fit to appoint and direct, and all the Expenses incurred by such Body Corporate, Company, or Society in or in any way relating to the Execution of such Works shall be repaid to them by the Company: Provided, that if the Body Corporate, Company, or Society shall, for Ten Days next after the Day named in the Notice served by the Company for the Commencement of the Works interfering with or affecting any Watercourse, Main, or Pipe as aforesaid, fail to commence or at any Time thereafter fail to proceed with reasonable Despatch in the Execution of the Works, the Company (at their own Expense) may execute all such Works as shall be requisite for preventing any Interruption for the Supply of Water or Gas, as the Case may be, and may remove, alter, or otherwise interfere with such Watercourse, Main, or Pipe in such Manner and to such Extent as shall be necessary.

Gas Company, or in their Default by the Company.

5. The Company shall, with as little Delay as possible, reinstate all private Service Pipes that may be removed or interfered with by them, and shall also make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with any Watercourse, Main, Pipe, or Work of any Body Corporate, Company, or Society as aforesaid, or with any private Service Pipe of any Person supplied by them with Water or Gas, and such Compensation shall be in addition to any Penalty that may have been incurred by the Company under the Provisions of this Act.

Company to reinstate Service Pipes, and pay Compensation for all Damage.

6. Notwithstanding anything in this or the recited Act contained, it shall not be lawful for the Company to break up or open any Street situate within the Limits of any City or Municipal Borough or any Town the Population of which exceeds Ten thousand Inhabitants, or any Land therein laid out as a Street, although not dedicated to public Use, or to lay any Tubes, Wires, or other Apparatus, or to erect or execute any other Work under or over, upon, along, or across any such Street or Land laid out as aforesaid within such Limits, except with the Consent in Writing previously had and obtained of the Corporation of the City or Borough acting by their Council, or of the Improvement Commissioners or Persons (if any) having the Management or Control of the Streets, as the Case may be, within such Limits as aforesaid, who may give such Consent on such Conditions and subject to such Restrictions as they may deem expedient.

Company not to lay Tubes, &c. in any City, &c. without Consent.

7. It shall not be lawful for the Company to lay down any Tubes, Wires, Posts, Poles, or other Apparatus in, under, or over any Street or public

Tubes, &c. not to be laid in City of –

London without Consent.

public Way in the City of *London* or the Liberties thereof without the Consent in Writing of the Commissioners of Sewers in the City of *London* and Liberties thereof under the Hand of their Clerk first had and obtained for that Purpose, and under and subject in all respects to the Powers and Provisions contained in "The City of *London* Sewers Act, 1848," and "The City of *London* Sewers Act, 1851;" and nothing in this Act contained shall extend to prejudice, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of *London*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Power to Commissioners of Sewers to execute Works, and charge Expenses to Company.

8. Whenever the permanent Surface or Soil of any Street within the City of *London* and the Liberties thereof shall be broken up or opened by the Company, it shall be lawful for the Commissioners, in case they think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company, and the Costs and Expenses of filling in such Ground and of making good the Pavement or Soil so broken up or opened shall be repaid on Demand to the Commissioners by the Company, and in default thereof shall be recovered by the Commissioners from the Company in the Manner mentioned in "The City of *London* Sewers Act, 1848."

Saving Rights of the Bridge House Estates of the City of London.

9. Nothing in this Act or the recited Acts contained shall enable the Company to lay down, place under, over, upon, along, or across *London Bridge* or *Blackfriars Bridge* any Wires, Pipes, or Tubes, or other Apparatus, without the Consent in Writing of the *Bridge House* Committee of the Corporation of *London*, signed by the Comptroller of the *Bridge House* Estates for the Time being.

As to Telegraphs in Birmingham.

10. No Telegraph or Apparatus of the Company shall be laid within the Borough of *Birmingham* in, along, over, or across any Street, except with the previous Consent in Writing of the Persons under whose Control such Street may be, and also, if such Telegraph or Apparatus be not laid under Ground, with the previous Consent of the Owners and Occupiers of any Property abutting on such Street or either Side thereof within a Distance of Ten Yards from which Property such Telegraph or Apparatus is proposed to be carried, and every or any such Consent may be given upon and subject to such Terms, Conditions, and Restrictions as may be agreed upon.

As to laying Telegraph through Property of

11. Where it is intended under the Provisions of the recited Acts and of this Act, or either of them, to lay any Telegraph or Apparatus of the Company over Ground along or across any Turnpike Road, Highway, Railway,

Railway, Canal, or River, or the *Mersey and Irwell* Navigation, and in front or alongside of any Property belonging to Sir *Humphrey de Trafford* Baronet, his Heirs or Assigns, in the Counties of *Lancashire* and *Cheshire*, or either of them, the Company shall not lay any such Telegraph or Apparatus without previously obtaining the Consent in Writing of the said Sir *Humphrey de Trafford*, his Heirs or Assigns, for that Purpose. Sir H. de Trafford.

Registered Office of Company for Service of Documents.

12. The Company, before exercising any Power for the Construction of Works or the opening or breaking up of Streets or public Roads in any One of the Three Parts of the United Kingdom, shall give to the Registrar of Joint Stock Companies acting for that Part of the United Kingdom under "The Companies Act, 1862," Notice of the Situation of some Office where Notices may be served on the Company within that Part of the United Kingdom, and the Company shall from Time to Time give to such Registrar Notice of any Change in the Situation of such Office; and every such Notice shall be recorded by the Registrar, and the Record thereof may be inspected from Time to Time by any Person, and the Delivery at the Office of which Notice is so given of any Notice, Writ, Summons, or other Document addressed to the Company shall, for the Purposes of this Act and all other Purposes, be deemed good Service on the Company; and the Company shall, on giving each Notice to the Registrar under the present Section, pay such Fee as is payable under the last-mentioned Act on Registration of any Document by that Act required or authorized to be registered other than a Memorandum of Association, and every Person inspecting the Record of such Notice with the Registrar shall pay such Fee as is for the Time being payable under the last-mentioned Act for the Inspection of Documents kept by the Registrar under that Act.

Power to buy Telegraphs, &c.

13. The Company may from Time to Time purchase or use any Electric Telegraph and Works or Instruments, or any Part of any Electric Telegraph or Works of any Description, or, subject to the Consent of the Board of Trade after Notice to the Universal Private Telegraph Company, let any Telegraph, or the Right to use the same, upon such Terms and in such Manner as to the Company may seem fit, and may maintain the Telegraph or Works, and carry on the Business of a Telegraph Company generally: Provided always, that the Right hereby given to the Company shall be limited to the Right to purchase and use any Electric Telegraph and Works or Instruments, or any Part of the same respectively, as an Extension of a Line of Telegraphs laid down upon *Bonelli*'s Principle, and that wherever the Company shall deem it expedient to work, and shall work, between any Two Places not less than Five Wires, they shall work between such Places a Telegraph Communication constructed upon *Bonelli*'s Principle only.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

14. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, except with the Consent of all Persons and Bodies having any Right of Property or other Right, or any Power, Jurisdiction, or Authority, in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

Plan of such Works to be subject to Approval of Board of Trade.

15. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, except in Cases of Emergency for Repairs to any Work previously constructed or laid, and then as speedily after the Commencement of such Work as may be, the Company shall deposit at the Office of the Board of Trade a Plan thereof for the Approval of the Board of Trade: The Work shall not be constructed otherwise than in accordance with such Approval: If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Lights and Signals for such Works.

16. Notwithstanding anything in "The Merchant Shipping Act, 1854," or any Act amending the same contained, the Company may, in or about the Construction, Maintenance, or Repair of any such Work, use on board Ship or elsewhere any Light or Signal allowed by any Regulation to be made in that Behalf by the Board of Trade.

Power of Board of Trade as to such Works if disused, &c.

17. If any such Work, Buoy, or Sea Mark is abandoned or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

18. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

19. Whenever the Board of Trade, under the Authority of this Act, does in relation to any such Work any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

20. Nothing

Certain Clauses of recited Act not to be altered or repealed.

20. Nothing in this Act contained shall be held or construed to alter or repeal the Provisions of the recited Act contained in the 15th, 16th, 17th, 18th, 25th, 26th, 27th, 28th, 38th, or 39th Sections of the recited Act, so far as such Provisions are or may be for the Protection or Benefit of the several Trustees or Commissioners, Corporations or Persons, therein specifically named.

Messages on Her Majesty's Service to have Priority.

21. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything in this or the recited Act contained) have Priority over all other Messages, and the Company shall, as soon as reasonably may be, transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

22. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

23. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connexion with any of the Company's Works by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company, subject nevertheless to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

24. Where the Company places a Telegraph in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(3.) If

(3.) If either Party or Arbitrator makes default in nominating an Arbitrator or Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at *Westminster* may, on the Request of the Board of Trade or of the Company, by Writing under his Hand, nominate an Arbitrator or Umpire:

(4.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(5.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him, or, on default, a new Umpire shall be appointed, as nearly as may be, in manner aforesaid, who shall make his Award within the like Time, or, on default, be superseded, and so *toties quoties*:

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies, Telegraphs may be taken possession of for Her Majesty's Service.

25. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Control over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit or may direct and authorize such Persons as he thinks fit to assume the Control of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs: Any such Warrant shall not have Effect for longer Time than One Week from the issuing thereof, but the Secretary of State may issue successive Warrants from Week to Week as long as in his Opinion such Emergency continues: The Commissioners of Her Majesty's Treasury shall pay to the Company as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted in manner provided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed against Com-

26. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that

that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for *England* or for *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require, and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision by the Recovery of Penalties or otherwise according to Law; but no such Certificate shall be made by the Board of Trade until the Expiration of Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

pany given to Law Officers of Crown on Certificate of Board of Trade.

27. The Provisions of any General Act relating to Telegraphs which may pass in the present or any future Session of Parliament shall apply to this Act in like Manner as they would have applied if this Act had been passed subsequent to the passing of such General Act.

Provisions of 26 & 27 Vict. c. 112. to apply to this Act.

28. Nothing in this Act or in the recited Act contained shall exempt the Company or their Undertaking from the Provisions of any General Act relating to Telegraphs now in force or which may hereafter be passed.

Company to be subject to Provisions of General Acts.

29. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to lay or construct any Telegraph or any other Work whatsoever in, upon, or over any Land, Tenements, or Hereditaments belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

30. The Powers and Provisions of this Act shall extend to *England*, *Scotland*, and *Ireland*.

Act to extend to United Kingdom.

31. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act shall be paid by the Company.

Expenses of Act.

Bonelli's Electric Telegraph Act, 1863.

Short Title.

32. This Act may be cited for all Purposes as "*Bonelli*'s Electric Telegraph Act, 1863," and the recited Act and this Act may together be cited for all Purposes as "*Bonelli*'s Electric Telegraph Acts, 1861 and 1863."

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