ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. lxxxvi.

An Act for forming and regulating the *British* Electric Telegraph Company, and to enable the said Company to work certain Letters Patent.

[29th *July* 1850.]

WHEREAS by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date at *Westminster* on or about the Twenty-fifth Day of *January* in the Eleventh Year of the Reign of Her present Majesty, and in the Year of our Lord One thousand eight hundred and forty-eight, Her said Majesty did grant unto *Henry Highton* and *Edward Highton*, their Executors, Administrators, and Assigns, the sole Privilege of making, using, exercising, and vending their Invention of "Improvements in Electric Telegraphs" in *England, Wales,* and the Town of *Berwick-upon-Tweed,* the Islands of *Jersey, Guernsey, Alderney, Sark,* and *Man,* and in all Her Majesty's Colonies and Plantations abroad (save and except the Provinces of *Canada, Nova Scotia,* and *New Brunswick,* and the Island of *Prince Edward,* in *North America*), during the Term of Fourteen Years thence next ensuing, a Specification of which said Invention was duly enrolled in Chancery: And whereas by Letters Patent under the Seal kept and used in *Scotland* instead of the Great Seal formerly used there, and

sealed at *Edinburgh* on or about the Thirty-first Day of *July* One thousand eight hundred and forty-eight, Her said Majesty did grant unto the said *Henry Highton* and *Edward Highton*, their Executors, Administrators, and Assigns, the sole Privilege of making, using, exercising, and vending their said Invention of Improvements in Electric Telegraphs in *Scotland* aforesaid during the Term of Fourteen Years thence next ensuing, a Specification of which said Invention was also duly enrolled in Chancery: And whereas by certain other Letters Patent under the Great Seal of *Ireland*, bearing Date at *Dublin* on or about the Eighth Day of *November* One thousand eight hundred and forty-eight, Her said Majesty did grant unto the said *Henry Highton* and *Edward Highton*, their Executors, Administrators, and Assigns, the sole Privilege of making, using, exercising, and vending their said Invention of "Improvements in Electric Telegraphs" in *Ireland* aforesaid during the Term of Fourteen Years thence next ensuing, a Specification of which said Invention was duly enrolled in Chancery: And whereas in the said Letters Patent, or some of them, are contained Conditions or Provisoes against the said Letters Patent respectively, or the Privileges, Benefits, and Advantages thereby respectively granted, becoming vested in or in trust for more than the Number of Twelve Persons, or their Representatives, at any One Time, as Partners dividing or entitled to divide the Benefits or Profits obtained by reason of the same Letters Patent respectively: And whereas it would be of public Advantage if the said Inventions were brought into general Use, and that Object would be promoted if the said Patent Privileges were permitted to be vested in a Company consisting of more than Twelve Persons, with proper Powers and Provisions; but the same cannot be effected without the Aid and 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 Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or the said incorporated Acts shall authorize the Company to purchase or take any Lands without the Consent of the Owners and Occupiers thereof.

8 & 9 Vict. cc. 16. & 18. incorporated with this Act, except as to taking Land without Consent.

II. And be it enacted, That "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as respects the Property, Rights, Remedies, Liabilities, Affairs, Acts, and Proceedings of the Company in *Scotland*, be incorporated with and form Part of this Act; provided that nothing in this Act or the said Two last-mentioned Acts

8 & 9 Vict. cc. 17. & 19. incorporated with this Act, except as to taking Land without Consent.

contained shall authorize the Company to purchase or take any Lands in *Scotland* without the Consent of the Owners and Occupiers thereof.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Proceedings and Instruments, it shall be sufficient to use the Expression "The *British* Electric Telegraph Company's Act, 1850."

Company formed for the Purposes of working the Patents, but subject to the Provisions hereinafter contained.

IV. And be it enacted, That the said *Edward Highton* junior, *William Done Bushell*, *Edward Highton* senior, *William Davison*, and all Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking, according to the Provisions of the said Acts and of this Act, and for working the several Inventions in this Act comprised or mentioned, and for other the Purposes herein and in the said Acts contained; and for the Purposes aforesaid the same Company shall be incorporated by the Name of "The *British* Electric Telegraph Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Nothing herein to restrict the Liability of Shareholders.

V. Provided always, and be it enacted, That nothing herein or in the said incorporated Acts contained shall in anywise restrict the Liability of any of the Shareholders of the Company, under any Judgment, Decree, Order for Payment of Money, or other Proceeding which shall be had or obtained against the Company in any Action, Suit, or Proceeding prosecuted by or against the Company in any Court of Law or Equity, but every such Shareholder shall continue liable for or in respect of all such Monies, and every such Judgment, Decree, Order, and Proceeding, in the same Manner as he would have been if the Company had not been incorporated by this Act.

Effect of Judgments against the Company and Shareholders.

VI. Provided always, and be it enacted, That every Judgment and every Decree or Order which shall be at any Time obtained against the Company in any Action, Suit, or other Proceeding prosecuted by or against the Company in any Court of Law or Equity, shall and may take effect and be enforced, and Execution or Diligence thereon be issued, not only against the Property and Effects of the Company, but also, if due Diligence shall have been used to obtain Satisfaction of such Judgment, Decree, or Order, by Execution or Diligence against the Property and Effects of the Company, then against the Person,

Person, Property, and Effects of any Shareholder for the Time being, or any former Shareholder of the Company, in his natural or individual Capacity, until such Judgment, Decree, or Order shall be fully satisfied; provided, in the Case of Execution against any former Shareholder, that such former Shareholder was a Shareholder of the Company at the Time of the entering into or committing the Contract or Tort for or in respect of which such Judgment, Decree, or Order may have been obtained, or became a Shareholder during the Time such Contract or Tort was unexecuted or unredressed, or was a Shareholder at the Time of the Judgment, Decree, or Order being obtained: Provided also, that in no Case shall Execution or Diligence be issued on any such Judgment, Decree, or Order against the Person, Property, or Effects of any such former Shareholder of the Company after the Expiration of Three Years next after the Person sought to be charged shall have ceased to be a Shareholder.

No Execution against a Person who has ceased to be a Shareholder for Three Years.

Reimbursement of Shareholders against whom Execution issued.

VII. Provided always, and be it enacted, That every Person against whom or against whose Property or Effects Execution or Diligence upon any Judgment, Decree, or Order obtained as aforesaid shall have been issued as aforesaid, or who shall have paid any Monies on account of the Company on any Judgment, Decree, or Order obtained or made against the Company, shall be entitled to recover against the Company all Loss, Damages, Costs, and Charges which such Person may have incurred or paid by reason or in consequence of any such Execution or Diligence, either by Action of Debt or Assumpsit for Money paid to the Use of the Company, or by any other legal or equitable Action, Suit, or Proceeding applicable or convenient for that Purpose; and also that, after due Diligence used to obtain Satisfaction thereof against the Property and Effects of the said Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied from the several other Persons against whom Execution or Diligence upon such Judgment, Decree, or Order obtained against the said Company might also have been issued under the Provision in that Behalf aforesaid, and that such Contribution may be recovered from such Persons as aforesaid, either by Action of Debt or Assumpsit for Money paid to the Use of such Persons, or by any other legal Action, Suit, or Proceeding applicable or convenient for that Purpose.

Contribution by other Shareholders.

Proceedings in Execution against the Person or Property of a Shareholder.

VIII. And be it enacted, That in the Cases provided by this Act for Execution or Diligence on any Judgment, Decree, or Order in any Action or Suit against the Company to be issued against the Person or against the Property and Effects of any Shareholder or former Shareholder of the Company, or against the Property and Effects of the Company, at the Suit of any Shareholder or former Shareholder,

Shareholder, in satisfaction of any Monies, Damages, Costs, and Expenses paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution or Diligence may be issued by Leave of the Court or of a Judge of the Court in which such Judgment, Decree, or Order shall have been obtained, upon Motion, Rule, Summons, or other Form of Application consistent with the Practice of the Court, without any Suggestion or Scire facias in that Behalf, and that it shall be lawful for such Court or Judge to make absolute, or grant or allow, discharge, refuse, or dismiss, any such Motion, Rule, Summons, Petition, or Application, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Court or Judge shall seem fit; and in such Cases such Forms of Executions, Diligences, and Processes shall be sued out of the Courts of Law and Equity respectively, for giving Effect to the Provision in that Behalf aforesaid, as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced; provided that any Order made by a Judge as aforesaid may be discharged or varied by the Court on Application made thereto by either Party dissatisfied with such Order; provided also, that no such Motion shall be made nor Summons granted, for the Purpose of charging any Shareholder or former Shareholder, until Ten Days Notice thereof shall have been given to the Person sought to be charged thereby.

Memorials of Names of Shareholders to be enrolled.

IX. And be it enacted, That a Memorial of the Names and Descriptions of the several Shareholders of the Company, in the Form or to the Effect for that Purpose given or expressed in the Schedule to this Act annexed, shall, within Six Months after the passing of this Act, be verified by the Declaration of some Director, Secretary, or Officer for the Time being of the Company, made before a Master or Master Extraordinary in Chancery, and, when so verified, enrolled in the High Court of Chancery in *England*, and that the like Memorial of the Name and Description of every such Shareholder for the Time being of the Company, in such Form as aforesaid, shall, in the Month of *January* One thousand eight hundred and fifty-one, and in the Month of *January* in every succeeding Year, or within Twenty-one Days thereafter, be verified by such Declaration as aforesaid, and also enrolled in the said High Court of Chancery; and when any Person shall cease to be a Shareholder, or when any Person shall become a Shareholder, a Memorial of his Name and Description, verified in manner aforesaid, shall or may be forthwith enrolled in manner aforesaid, in the Form or to the Effect expressed in the said Schedule for that Purpose; and if any Declaration which shall be so made as aforesaid shall be false or untrue in any material Parti-

cular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor; and the Enrolment of every such Memorial shall be sufficient *primâ facie* Evidence that every Person named in such Memorial was at the Date thereof such Shareholder as in such Memorial mentioned, or had ceased to be such Shareholder as in such Memorial mentioned.

No Action to be brought before Enrolment of a a Memorial.

X. Provided always, and be it enacted, That, until such Memorial as firstly herein-before mentioned shall have been enrolled in manner aforesaid, no Action or Suit shall be brought or commenced by or on behalf of the Company; and every Shareholder whose Name shall be expressed in the Enrolment of the First Memorial, or any annual Memorial to be enrolled in manner aforesaid, shall continue liable to all Judgments, Decrees, and Orders against the Company, until the Enrolment of the then next annual Memorial, to be enrolled in manner aforesaid, or until a Memorial of his having ceased to be a Shareholder shall have been enrolled in manner aforesaid.

Penalty for not enrolling Memorial within due Time.

XI. And be it enacted, That if within the Period before limited any such Memorial as aforesaid be not enrolled as aforesaid, then, on Conviction of any such Default, the Company shall be liable to pay a Sum not exceeding Twenty Pounds.

Capital of the Company.

XII. And be it enacted, That the Capital of the Company shall consist of Shares of Twenty-five Pounds each.

Power to Company to issue Shares.

XIII. And whereas the Expense of executing the several Works by this Act authorized, and otherwise carrying out the Purposes of the Company, cannot be estimated: Be it therefore enacted, That the Company shall have Power to issue such Number of Shares, not exceeding in the whole Four thousand Shares, as shall from Time to Time be found necessary for the Purposes of the Company, and that such Shares shall be numbered in arithmetical Progression, beginning with Number One.

Amount of Calls.

XIV. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between each Call.

No Person to become a Shareholder unless approved by Directors.

XV. And be it enacted, That no Person shall become a Shareholder of the said Company, or be entitled to have his Name entered on the Register of Shareholders, under or by virtue of any Transfer, unless and until the Directors shall have approved of his becoming such Shareholder.

XVI. And

Power to borrow Money on Mortgage, &c.

XVI. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bonds such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Amount of One Third of the Capital of the Company then paid up, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Works and Profits of the Company, and any Lands of the Company, and, if they think fit, the future Calls upon the Shareholders of the Company, or to give Bonds in manner mentioned in the "Companies Clauses Consolidation Act, 1845."

Mortgagees and Bond Creditors not to have Priority one above another.

XVII. And be it enacted, That the respective Mortgagees and Bond Creditors of the Company shall be entitled to the same Security upon the Estate, Property, and Effects of the Company for the several Sums by them respectively advanced to the Company, with Interest thereon, without Preference the one above the other of them, unless it shall be otherwise specially provided between the Company and such Mortgagees and Bond Creditors respectively, or any of them.

Arrears may be enforced by Appointment of a Receiver.

XVIII. And be it enacted, That it shall be lawful for the Mortgagees or Bond Creditors of the Company to enforce the Payment of the Principal and Interest Monies due to them respectively upon their respective Mortgages and Bonds by the Appointment of a Receiver: Provided always, that the Amount of the Principal Monies due to the Mortgagees or Bond Creditors by whom Application shall be made for that Purpose shall not be less than the Sum of Five thousand Pounds.

Quorum of General Meetings.

XIX. And be it enacted, That the Quorum for every General Meeting of the Company shall be any Number of Shareholders holding in the aggregate not less than One hundred Shares in the Undertaking.

General Meetings to be held yearly.

XX. And be it enacted, That the First General Meeting of the Company shall be held within Three Calendar Months from the passing of this Act, and the future General Meetings shall be held in the Month of *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting.

Convening Extraordinary Meetings.

XXI. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten or more Shareholders holding in the aggregate not less than Two hundred Shares in the Undertaking.

XXII. And

Number and Qualification of Directors.

XXII. And be it enacted, That the Number of Directors shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XXIII. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twelve, and that the reduced Number be not less than Three.

Directors may declare Dividends half-yearly.

XXIV. And be it enacted, That it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay, in the Interval between any Two ordinary annual General Meetings, a Half Year's Dividend out of the Profits of the Company to the Shareholders; but the Directors shall not make any Dividend whereby the Capital of the Company will be reduced.

First Directors.

XXV. And be it enacted, That the said *William Done Bushell*, *Edward Highton* senior, and *Edward Highton* junior shall be the first Directors of the Company.

Quorum of Directors.

XXVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Land taken not to exceed 100 Acres.

XXVII. And be it enacted, That the Quantity of Land to be held by the Company at any One Time (over and above the Land which may be occupied in the Lines of their Wires and Tubes) shall not exceed One hundred Acres.

Patents may be assigned to the Company without causing a Forfeiture.

XXVIII. And be it enacted, That it shall be lawful for every Patentee and Grantee in each of the said several recited Letters Patent named, and for his Executors, Administrators, and Assigns, and for every Person in whom such Letters Patent, or the Privileges thereby granted, or any Part thereof, now are or shall at any Time hereafter be vested, at any Time to sell, transfer, assign, and dispose of, or otherwise assure, all his Part, Share, Right, Title, and Interest of, in, or to each of such Letters Patent, and the Privileges thereby given or granted, or any Part thereof, and also the Rights, Profits, and Advantages in or by such Letters Patent or any of them comprised, given, granted, or conferred, or any Part thereof, unto or in trust for the Company.

Patents for Improvements may also be assigned.

XXIX. And be it enacted, That it shall be lawful for any Patentee or Grantee named in every or any other Letters Patent (whether such Letters Patent be Foreign or otherwise) at any Time heretofore made, or hereafter to be made, granting any Right or Privilege of working, using,

using, exercising, or vending of any Invention, all or any Part of which shall be any Manner of Improvement in or upon or addition to, or shall in any way relate to or be founded on, the Inventions mentioned in the said several herein-before recited Letters Patent, or any Part of such Inventions respectively, or any Manner of Improvement in or upon or addition to Electric or other Telegraphs, or the Apparatus thereof, or the giving or transmitting of Signals, sounding Alarums, or regulating the transmitting or applying Electric Currents or other Processes for the Purposes of Telegraphic Communication, and for every Person in whom any such Letters Patent, and the Privileges thereby granted, or any Part thereof, now are or at any Time hereafter shall be vested, at any Time hereafter, or after the making of such Letters Patent respectively, to sell, transfer, assign, and dispose of or otherwise assure all his Part, Share, Right, Title, and Interest of, in, or to each of such Letters Patent, and the Privileges thereby given or granted, or to be given or granted, or any Part thereof, and all or any Part of the Rights, Profits, Benefits, and Advantages in or by such Letters Patent or any of them comprised, given, granted, or conferred, unto or to the Use of or in trust for or for the Benefit of the Company.

Assignments to be valid, and not cause a Forfeiture.

XXX. And be it enacted, That every such Sale, Transfer, Assignment, Disposition, and Assurance as aforesaid of any of such Letters Patent as aforesaid, or of all or any Part of every or any Right, Power, Privilege, Benefit, or Advantage given or granted by any such Letters Patent, and whether any such Part of any such Privilege shall extend to the whole or any Part of the Countries, Districts, or Places comprised in such Privileges or not, shall be good, valid, and effectual to and for all Intents and Purposes whatsoever, and shall not render the Letters Patent and Privileges or any Part thereof, or the Parts, Shares, Rights, Titles, and Interests thereby sold, transferred, assigned, or disposed of, or any of them, or any Part thereof respectively, void or voidable in anywise howsoever, or cause such Letters Patent, Privileges, Parts, Shares, Rights, Titles, and Interests, or any of them, or any Part thereof, to cease, determine, or become void or voidable, or be forfeited, repealed, or cancelled in anywise howsoever, although the Persons composing the Company shall exceed Twelve in Number, either at the Time of the making or Execution of any such Sale, Transfer, Assignment, Disposition, or Assurance, or at any Time afterwards, any Condition, Proviso, Restriction, or Clause whatsoever in the aforesaid Letters Patent or any of them expressed or contained to the contrary thereof in anywise howsoever notwithstanding.

After the Assignment, the Patents and Privileges to vest in and

XXXI. And be it enacted, That after any such Sale, Transfer, Assignment, Disposition, or Assurance as aforesaid of any of such Letters Patent, Parts, Shares, Rights, Titles, and Interests as aforesaid,

be exercised by the Company, freed from the Conditions against Assignment to more than 12 Persons.

said, or of any of them or any Part thereof, then and in every such Case the Letters Patent, Parts, Shares, Rights, Titles, and Interests so sold, transferred, assigned, disposed of, or otherwise assured, and every Part thereof respectively, shall be and the same are hereby declared to be fully, absolutely, and effectually vested in or sold, transferred, assigned, and disposed of and assured unto or to the Use of or in trust for or for the Benefit of the Company, to all Intents and Purposes whatsoever, and shall or may be exercised and enjoyed by the Company, their Successors and Assigns, without causing any Cesser, Determination, or Forfeiture thereof; and that of every such Letters Patent as aforesaid the whole or any Part of which shall or may be so sold, transferred, assigned, disposed of, or assured as aforesaid, or the whole or any Part of the Rights, Powers, Privileges, Authorities, Benefits, and Advantages comprised in or given or granted by which shall or may be sold, transferred, assigned, disposed of, or assured as aforesaid, shall thenceforth be construed, taken, and considered, operate, enure, and take effect, as to the whole or the Part or Parts thereof which shall have been sold, transferred, assigned, disposed of, or assured as aforesaid, in such and the same Manner to all Intents and Purposes whatsoever as if no such Condition, Proviso, Restriction, or Clause as herein-before mentioned or referred to, or any Condition, Proviso, or Clause whatsoever for the Cesser, Determination, or Avoidance of such Letters Patent in case of such Letters Patent, or the Liberties or Privileges thereby respectively granted, becoming vested in or in trust for more than the Number of Twelve Persons, or their Representatives, at any One Time, as Partners dividing or entitled to divide the Benefits or Profits to be obtained by reason of such Letters Patent respectively, or any other Condition, Proviso, or Clause against or restrictive of the selling, transferring, assigning, or otherwise assuring or disposing of such Letters Patent, Privileges, Benefits, and Advantages, had ever been inserted, expressed, or contained in or by such Letters Patent as aforesaid or any of them.

Licences may be granted to the Company without causing a Forfeiture.

XXXII. And be it enacted, That it shall be lawful for every Patentee or Grantee named in each of the said several Letters Patent herein-before recited, and every Patentee or Grantee named or to be named in each of the other Letters Patent herein-before mentioned, and for the Executors, Administrators, and Assigns of every such Patentee or Grantee, and for every Person in whom any of such Letters Patent as aforesaid, or the Privileges thereby granted, or any Part thereof, now are or at any Time hereafter shall be vested, so far as relates to or respects his and their Right, Title, Part, Share, and Interest in and to such Letters Patent and Privileges, to give or grant unto, or to the Use of or in trust for, or for the Benefit of the Company, any Leave, Licence, Power, or Authority to work, use, exercise,

exercise, or put in practice the Invention comprised in the Privilege or any Part thereof, although the Persons composing the Company shall exceed Twelve in Number.

This Act not to give Validity to Patents.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to give greater Force or Validity to the said recited Letters Patent, or any other Letters Patent that may be at any Time hereafter purchased by or assigned to the Company under the Powers of this Act, than they would legally have possessed if the same had not been assigned to the Company by virtue of the Provisions contained in this Act.

Limitation on the Exercise of Powers granted by this Act.

XXXIV. Provided also, and be it enacted, That it shall not be lawful for the Company to take any Assignment of or Licence under any Letters Patent until the One Half of the Shares in the Company's Capital to the Extent of Fifty thousand Pounds shall have been subscribed for, and One Fourth of the said Amount of Fifty thousand Pounds shall have been paid up.

A Certificate of Two Justices to be Evidence that the requisite Amount of Capital has been subscribed and paid up.

XXXV. And be it enacted, That a Certificate under the Hands of Two Justices, certifying that the prescribed Amounts of Capital have been respectively subscribed for and paid up as aforesaid, shall be sufficient Evidence thereof; and on the Application of the Company, and the Production of such Evidence as such Justices shall think proper and sufficient, such Justices shall grant such Certificate accordingly.

Confirmations and Prolongations may granted to the Company.

XXXVI. And be it enacted, That in case Her Majesty, Her Heirs or Successors, shall think fit, with the Advice of Her or their Privy Council, to grant to the Company any Confirmation or Prolongation of any Letters Patent or Patent Privilege which shall or may at any Time hereafter be assigned unto or become otherwise vested in or in trust for the Company, then and in every such Case such Confirmation or Prolongation shall or may be granted to the Company, any Condition, Clause, Matter, or Thing in any such Letters Patent contained to the contrary thereof in anywise notwithstanding.

Disclaimers may be made under the Seal of the Company. 5 & 6 W. 4. c. 83.

XXXVII. And be it enacted, That in case the Company shall at any Time hereafter, in pursuance of an Act of Parliament passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, obtain the Leave of Her Majesty's Attorney General or Solicitor General for *England* or *Ireland*, or of Her Majesty's Lord Advocate or Solicitor General for *Scotland*, to enter with the Clerk of the Patents of *England*, *Scotland*, or *Ireland* respectively any Disclaimer of

of any Part of either the Title of the Invention mentioned or comprised in any Letters Patent or Patent Privileges of or belonging to the Company, or of any Part of the Specification of any such Invention, or to enter with such Clerk a Memorandum of any Alteration in any such Title or Specification as aforesaid, then and in every such Case such Disclaimer or Memorandum of Alteration shall or may be made under the Seal of the Company, and signed by Two Directors or Officers of the Company, and when so made shall or may, in pursuance of such Leave as aforesaid, be entered, filed, and enrolled according to the Provisions of the said Act, and no Acknowledgment of any such Disclaimer or Memorandum of Alteration shall be necessary previous to the Enrolment thereof.

Power to Company to grant Licences.

XXXVIII. And be it enacted, That after any such Sale, Transfer, or Assignment as aforesaid of any such Letters Patent as aforesaid unto or to the Use of or in trust for the Company, it shall be lawful for the Company from Time to Time, by any Writing under the Seal of the Company and the Hands of any Two of the Directors of the Company, to grant any Licence to any Person to use, exercise, or vend the Invention or Inventions comprised in such Letters Patent or any of them, or any Part thereof, either generally or under or subject to such Payments, Conditions, Limitations, or Restrictions as to the said Company shall seem fit.

Company empowered to make Arrangements to facilitate Telegraphic Communications with other Countries.

XXXIX. And whereas the speedy Communication of Intelligence between *England* and Foreign Countries might be greatly promoted, and the Public thereby benefited, if the Company were empowered to make such Arrangements with Parties in Foreign Countries as would promote the mutual working and sending Telegraphic Communications: Be it therefore enacted, That it shall be lawful for the Company to enter into such Arrangements or Agreements with Foreign Governments, or with Companies or other Parties out of *Great Britain*, for working, using, or constructing Electric and other Telegraphs abroad, as shall be mutually agreed on between the Parties; provided nevertheless, that it shall not be lawful for the Company to appropriate or expend any Monies of the Company for any of such Purposes without an Order of a General Meeting for that Purpose.

Company empowered to lay Pipes and Wires along Streets.

XL. And be it enacted, That it shall be lawful for the Company from Time to Time to lay down and place under any Street, and either along or across such Street, any Wires, Pipes, or Tubes which shall or may be necessary or convenient for the Purposes of any Electric or other Telegraph or intended Electric or other Telegraph, and from Time to Time to alter, repair, amend, and reinstate the same, and for such Purposes to break up or open the Pavement or Soil

Soil of any such Street, the Company doing as little Damage as may be, and making Compensation for all Damage to be caused thereby to the Parties who shall have sustained such Damage.

Pipes not to be laid in City of London without Consent.

XLI. Provided always, and be it enacted, That it shall not be lawful for the Company to lay down any Wires, Pipes, or Tubes under any Street or public Way in the City of *London* or the Liberties thereof without the Consent in Writing of the Commissioners of Sewers of the City of *London* and Liberties thereof, under the Hand of their Clerk, first had and obtained for that Purpose.

Notice to be served before breaking up Streets.

XLII. And be it enacted, That before any Street shall be opened or broken up by the Company they shall give to the Persons under whose Control or Management such Street may be, or their Clerk or Surveyor, Notice in Writing of their Intention to open or break up the same, Three Days at least before the Commencement of such Operation.

Streets to be broken up under Superintendence.

XLIII. And be it enacted, That every such Street shall be opened or broken up under the Superintendence of the Persons so having the Control or Management of the same as aforesaid, or their Officer, and according to such Plan as shall be agreed upon between such Persons or their Officer and the Company or their Servants, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by a Justice; and such Justice is hereby required, on the Application of the Company, to determine the Plan according to which such Street shall be opened or broken up, provided that Three Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Person having the Control or Management of the Street proposed to be broken up.

Streets broken up to be reinstated without Delay.

XLIV. And be it enacted, That when the Pavement or Soil of any Street shall be opened or broken up by the Company, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night during which the Pavement or Soil shall be continued open or broken up.

Penalty for Delay in reinstating Streets.

XLV. And be it enacted, That if the Company shall make any Delay in completing any such Work, or in filling in the Ground or making

making good the Pavement or Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and a further Sum not exceeding Five Pounds for each Day during which such Delay shall continue.

In case of Delay, other Parties may reinstate, and recover the Expenses.

XLVI. And be it enacted, That if any such Delay as aforesaid shall take place it shall be lawful for the Persons having the Control or Management of the Street in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done, and the Expense of doing the same, together with the Costs of recovering such Expense, to be recovered from the Company by Action or otherwise, and the Money so recovered shall be applied by the Persons having the Control and Management of the Street for the Purposes of the same.

Twenty-one Days Notice of Works to be given to Metropolitan Commissioners of Sewers.

XLVII. And be it enacted, That before the Company open or break up or otherwise interfere with any Sewer, Drain, or Watercourse under the Management or Control of the Metropolitan Commissioners of Sewers, Notice in Writing of their Intention to open, break up, or otherwise interfere with the same shall be given to the Secretary of the said Commissioners, or left at his Office or the Office of the said Commissioners, not less than Twenty-one clear Days before beginning such Work (except in Cases of Emergency arising from Defects in any of the Wires, Pipes, or Tubes of the Company, and then so soon as is possible after the Beginning of the Work or the Necessity for the same shall have arisen); and no such Sewer, Drain, or Watercourse shall (except in Cases of Emergency as aforesaid) be opened, broken up, or interfered with, except under the Superintendence of the said Metropolitan Commissioners of Sewers, or of their Officer, and according to such Plan as shall be approved of by the said Commissioners or their Officer; and the said Company shall, in reference to laying down Pipes, or doing any Works affecting or which would affect any Sewers, Drains, or Watercourses, abide by and comply with any Orders and Regulations which the said Metropolitan Commissioners shall make for guarding against Expense to them, or Injury or Impediment to the Sewers, Drains, and Watercourses under their Control; provided that if, after such Twenty-one Days Notice shall have been given, the said Metropolitan Commissioners or their Officer shall not propose any Plan or make any Order in the Premises, or shall refuse or neglect to superintend the Operation, the Company may perform the Work specified in such Notice without the Superintendence of the said Commissioners or their Officer.

XLVIII. And

Power to let or sell Telegraphs.

XLVIII. And be it enacted, That it shall be lawful for the Company to sell, let, demise, or otherwise dispose of every or any Electric or other Telegraph and Part of Electric or other Telegraph of the Company, or any Right to use the same, upon such Terms and in such Manner as to the said Company shall seem fit.

The Company to be entitled to the Benefit of Contracts entered into since 1st Jan. 1849.

XLIX. And be it enacted, That every Contract or Grant since the First Day of *January* One thousand eight hundred and forty-nine entered into or made by or with or to the Proprietors of the said recited Patent Privileges or any of them, or by, with, or to the Proprietors of any other Patent Privileges authorized to be acquired by the Company, shall be deemed as a Contract or Grant entered into or made by, to, or with the Company, and that every such Contract or Grant shall, after such Patent Privileges shall have been legally vested in the Company, be deemed to be a Contract or Grant within the Meaning of the Provisions of this Act, in like Manner as if the same had been made after the passing of this Act, and that the Company shall be entitled to all and every of the Benefits of and arising from every such Contract or Grant, and shall be subject and liable to all and every of the Engagements thereby entered into and incurred by the said Proprietors or any of them.

Electric Telegraph to be open to the Use of the Public at uniform Charges. 7 & 8 Vict. c. 85.

L. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to the Railways*, it is enacted, that where a Line of Electrical Telegraph shall have been established upon any Railway by the Company to whom such Railway belongs, or by any Company, Partnership, Person or Persons, otherwise than exclusively for Her Majesty's Service or exclusively for the Purposes of the Railway, or jointly for both, the Use of such Electrical Telegraph for the Purpose of receiving and sending Messages shall, subject to the prior Right of Use thereof for the Service of Her Majesty and for the Purposes of the Company, and subject also to such equal Charges and to such reasonable Regulations as may be from Time to Time made by the said Railway Company, be open for the sending and receiving of Messages by all Persons alike, without Favour or Preference: Be it enacted, That the said recited Enactment shall be deemed to be a Part of this Act in the same Manner as if the same were herein repeated and re-enacted.

Board of Trade may require Company to grant Licences to Per-

LI. And be it enacted, That in case the Lords of the Committee of Privy Council for Trade shall deem it necessary for Her Majesty's Service that any Electric Telegraph or Telegraphs should be constructed in any Part of Her Majesty's Dominions, or across any Portion

sons for erecting Telegraphs for Her Majesty's Service.

tion of the Sea, and the Lords of the said Committee shall, by Notice in Writing given to the said Company, require the said Company to grant a Licence or Licences to any Person or Persons named or designated in such Notice for the Construction and Use of such Telegraph or Telegraphs, the said Company or their Assigns shall forthwith grant such Licence accordingly, upon Payment for such Construction of such Sum, either annual or in gross, as may be agreed on by the Lords of the said Committee and the said Company, or, in case of Difference of Opinion, as may be fixed by Arbitration as herein-after is mentioned; and if the said Company shall in any Case refuse or neglect to grant such Licence within Twenty-one Days after such Notice, the said Company or their Assigns so refusing or neglecting shall forfeit for every Day after the said Period of Twenty-one Days, until such Licence shall be granted, the Sum of Ten Pounds: Provided always, that the Telegraphs to be from Time to Time constructed in pursuance of any such Licence shall be used exclusively for the Service of Her Majesty, and for no other Purpose.

Electric Telegraphs to be open to the Use of Her Majesty's Government at all reasonable Times.

LII. And whereas it is expedient that Provision should be made by Law for the Conveyance of Intelligence for the Service of Her Majesty by the Electric Telegraphs of the Company, at a reasonable Rate of Charge to the Public: Be it therefore enacted, That every Electric Telegraph already made or in progress, or to be hereafter made, within the United Kingdom, and for the Time being belonging to or possessed by the Company, their Licencees or Assigns, shall, at all reasonable Times, be open for the Transmission of Intelligence for Her Majesty's Service; and that the said Company, their Licencees and Assigns, shall receive, take, and convey by every or any such Electric Telegraph all such Signals or Intelligence as shall from Time to Time be tendered to them, or any of their Officers, Servants, or Agents, by or on behalf of the Lords of the said Committee, or otherwise, on or for Her Majesty's Service; and all Messages at any Time sent to any Station of the Company for Transmission and Delivery on or for Her Majesty's Service shall have Priority over all other Messages whatsoever; and that it shall be imperative on the Company, and their Officers and Servants, to transmit and deliver such Messages accordingly, and to suspend the Transmission of all or any other Messages from such Station until the said Messages on or for Her Majesty's Service shall first have been transmitted.

Cmpany to be entitled to Remuneration, which shall be fixed between them and the Board of Trade.

LIII. And be it enacted, That the Company shall be entitled to such reasonable Remuneration for the Use of any Electric Telegraph for the Service of Her Majesty as aforesaid, and for the Assistance of the Company in respect thereof, as shall be fixed by Agreement between the Lords of the said Committee and the Company, or in case of Difference of Opinion between them, then as shall be determined

mined by Arbitration in the Manner herein-after provided; provided nevertheless, that the Services which may be required to be performed by the Company as aforesaid be not suspended, postponed, or deferred by reason of such Remuneration not having been then agreed on or determined.

Mode of fixing Remuneration.

LIV. And be it enacted, That in all Cases in which the Lords of the said Committee and the Company shall not be able to agree on the Amount of Remuneration to be paid to the Company for the Use of any Electric Telegraph, and for the Services of the Company in respect thereof, the same shall be referred to the Award of Two Persons, one to be named by the Lords of the said Committee, and the other by the Company, and if such Two Persons cannot agree on the Amount of such Remuneration, then to the Umpirage of some Third Person to be appointed by such Two first-named Persons previously to their entering on the Inquiry, and the said Award or Umpirage shall be binding and conclusive on the Parties in Difference and their respective Successors and Assigns.

Appointment of Arbitrator.

LV. And be it enacted, That in every such Reference each Party in Difference shall nominate his or their Arbitrator within Fourteen Days after Notice from the other Party requiring such Nomination, or in default it shall be lawful for the Arbitrator appointed by the Party giving Notice to name the other Arbitrator, and such Arbitrators shall proceed forthwith in the Reference, and make their Award therein within Twenty-eight Days after their Appointment, or otherwise the Matter shall be left to be determined by the Umpire; and if such Umpire shall refuse or neglect to proceed, or shall not make his Award for the Space of Twenty-eight Days after the Matter shall have been referred to him, then a new Umpire shall be appointed by the Two first-named Arbitrators, who shall in like Manner proceed and make his Award within Twenty-eight Days, or in default be superseded, and so *toties quoties*.

Power to take possession of the Telegraphs in case of public Emergency.

LVI. And whereas Emergencies may arise in which it may be expedient for the Public Service that the entire Control over the Operations of the Company and the Conveyance of Signals shall be vested in Her Majesty's Government: Be it therefore enacted, That at all Times hereafter, and whenever in the Opinion of One of Her Majesty's Principal Secretaries of State for the Time being such an Emergency as aforesaid shall have arisen, it shall be lawful for such Secretary of State, by Warrant under his Hand, to cause Possession to be taken of all the Telegraphs and Telegraphic Apparatus at the various Stations of the Company, their Licencees or Assigns, for the Space of One Week from the Date of such Warrant, for the Purpose of preventing any Communication being made or Signals given,

save such as shall be directed and authorized by any such Principal Secretary of State, and also by further successive Warrants to cause Possession of the said Telegraphs and Telegraphic Apparatus to be retained from Week to Week so long as any such Secretary of State shall deem such Possession expedient for the Public Service: Provided always, that for every Week during which Possession shall be so retained the Company, their Licencees or Assigns, shall receive and be paid from and by the Lords Commissioners of Her Majesty's Treasury the same Amount of Profits as the Company would have made in case they had continued the working of the said Telegraphs, such Profits to be computed upon an Average of the weekly Profits of the Company for Three Months immediately preceding the issuing of the first of the said Warrants.

Punishing Negligence of Officers of the Company.

LVII. And be it enacted, That if any Person in the Employment of the Company shall wilfully or negligently omit or delay to transmit or deliver any Message or Signal, or shall wilfully or negligently do any Matter or Thing whereby the Transmission or Delivery of any Message or Signal shall not take place or shall be delayed or prevented, or shall wilfully or negligently omit to do or perform any Act, Matter, or Thing by reason whereof any Message or Signal shall not be transmitted or delivered, or shall be delayed in its Transmission or Delivery, every such Person shall for every such Offence forfeit a Sum of Money not exceeding Twenty Pounds.

Power of Prosecution given to the Law Officers of the Crown.

LVIII. And be it enacted, That whenever it shall appear to the Lords of the said Committee that any of the Provisions of this Act have not been complied with on the Part of the said Company or any of their Officers, and that it would be for the public Advantage that the due Performance of the same should be enforced, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require, and thereupon the said Attorney General or Lord Advocate shall, by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, recover such Penalties or Forfeitures, or otherwise to enforce the due Performance of the said Provisions by such Means as any Person aggrieved by such Noncompliance or otherwise authorized to sue for such Penalties might employ under the Provisions of this Act: Provided always, that no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company.

Wilfully injuring an Electric

LIX. And be it enacted, That if any Person shall wilfully remove, destroy, or damage any Electric Telegraph which shall or may have

been lawfully erected, or any Wire, Standard, Apparatus, or other Part of any such Telegraph, or any Works connected therewith, he shall be guilty of a Misdemeanor. Telegraph a Misdemeanor.

LX. And with respect to the Offenders whose Names or Residences are not known, be it enacted, That any Officer, Agent, or Servant of the Company, or any Constable, Police Officer, or Servant of any Railway Company, along or near to whose Railway any Electric Telegraph, or any of the Apparatus thereof, or any Part thereof respectively, shall or may be erected or placed, or any other Constable or Police Officer, and all Persons called by any such Officer, Agent, Servant, or Constable as aforesaid to his Assistance, shall or may seize or detain any Person who shall or may have broken, injured, or obstructed the working of any Electric Telegraph of or belonging to the Company, or any of the Wires, Standards, Instruments, Apparatus, or other Parts of any such Electric Telegraph, or who shall have committed any other Offence against the Provisions of this Act, and whose Name or Residence shall be unknown to such Officer, Agent, Servant, or Constable, and shall or may convey such Offender with all convenient Speed before some Justice, without any Warrant or Authority other than this Act; and such Justice shall proceed with all convenient Speed to the hearing and determining of the Complaint against such Offender. Power to apprehend unknown Offenders.

LXI. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, damage, destroy, or injure any such Electric Telegraph as aforesaid, or any Wire, Standard, Apparatus, or any other Part of any such Electric Telegraph, or any of the Works connected therewith, and shall not make sufficient Satisfaction for the Damage thereby done, then it shall be lawful for any Justice to summon before him the Person against whom a Complaint shall be thereupon preferred; and upon hearing the Allegation and Proofs on both Sides, or on Nonappearance of the Person complained against, such Justice may award such Sum of Money to be paid by the Offender or Person complained against, to the Company or Person injured, for such Damages, as such Justice shall think reasonable; and in case of Neglect to pay any Sum so awarded within Two Days afterwards, it shall be lawful for such Justice to cause the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Person so complained against as aforesaid. Satisfaction for accidental Damage, how to be recovered.

LXII. And be it enacted, That, notwithstanding anything in this Act or any of the said herein incorporated Acts contained, the principal Place of Business of the Company, and its corporate Domicile, shall be in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*. Domicile of Corporation.

LXIII. And

Interpretation of Terms.

LXIII. And be it enacted, That in the Construction of this Act the Expression "General Meeting" shall be construed to mean a General Meeting of the Shareholders of the Company; and the Word "prescribed," used in reference to any Matter, shall be construed to refer to such Matter as the same shall be prescribed or provided for by the Regulations for the Time being of the Company, and the Sentence in which such Word occurs shall be construed as if instead of the Word "prescribed" the Expression "prescribed for that Purpose by the Regulations for the Time being of the Company" had been used; and that the Word "Share" shall mean a Share in the Capital and Joint Stock for the Time being of the Company; and that the Word "Street" shall include every Highway and other public Way not being a Railway: Provided always, that no such Expressions, Names, or Words shall have or bear such Meaning or Construction when it is otherwise provided by this Act, or in any Case in which there shall be anything, whether in the Subject Matter or Context or otherwise, inconsistent with or repugnant to such Meaning or Construction as aforesaid.

Power to Parliament to revise the Regulations of the Company.

LXIV. And be it enacted, That at any Time after the Expiration of Ten Years from the passing of this Act the Regulations of the Company in regard to the Transmission of Messages and the opening of Streets shall be subject to the Revision of Parliament, and Parliament may then require and enforce the Adoption and Performance by the Company of such modified or other Regulations in regard to the Matters aforesaid as shall be deemed necessary for the Protection and Convenience of the Public.

Public Act.

LXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULE referred to in the foregoing Act.

The British Electric Telegraph Company's Act, 1850.

MEMORIAL made the Day of 18 , of the Names and Descriptions of the present Shareholders of "The British Electric Telegraph Company."

A.B.	of	;
C.D.	of	,
&c. &c.		

I of one of the Directors [*or* Secretary *or* Officer] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names and Descriptions of the present Shareholders of the said Company, as the same appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

[*In case of Persons becoming Shareholders.*]

The British Electric Telegraph Company's Act, 1850.

MEMORIAL made the Day of 18 , of the Name and Description [*or* Names and Descriptions] of Persons [*or* a Person] who have [*or* hath] become Shareholders [*or* a Shareholder] of "The British Electric Telegraph Company."

E.F.	of	;
G.H.	of	,
&c. &c.		

I of one of the Directors [*or* Secretary *or* Officer] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names and Descriptions [*or* Name and Description] of Persons [*or* a Person] who have [*or* hath] become Shareholders [*or* a Shareholder] of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

[*In case of Persons ceasing to be Shareholders.*]

The British Electric Telegraph Company's Act, 1850.

MEMORIAL made the Day of 18 , of the Name and Description [*or* Names and Descriptions] of the Person [*or* Persons] who hath [*or* have] ceased to be a Shareholder [*or* Shareholders] of "The British Electric Telegraph Company" since the Day of 18 , being the Date of the last annual Memorial.

I. K. of ;
L. M. of ,
&c. &c.

I of one of the Directors [*or* Secretary *or* Officer] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Name and Description [*or* Names and Descriptions] of the Person [*or* Persons], as the same appear in the Books of the said Company, who have [*or* hath] ceased to be a Shareholder [*or* Shareholders] of the said Company since the Day of 18 [*the Date of the last annual Memorial*]; and I make this Declaration conscientiously believing the same to be true.

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