

CHAP. 73.

An Act to alter and amend "The Telegraph Act, 1868."

[9th August 1869.] A.D. 1869.

WHEREAS by "The Telegraph Act, 1868," Her Majesty's Postmaster General is empowered to purchase, in the manner therein mentioned, the whole or any part of the undertaking of any telegraph or other company authorized to transmit telegraphic messages in the United Kingdom, except the undertakings of the Atlantic Telegraph Company and the Anglo-American Telegraph Company (Limited): 31 & 32 Vict. c. 110.

And whereas the Postmaster General is required by the said Act to make one uniform charge for the transmission of telegraphic messages throughout the United Kingdom:

And whereas by the said Act it is provided that in case no Act be passed in that or the next session of Parliament, putting at the disposal of the Postmaster General such monies as may be requisite for carrying into effect the objects and purposes of the said Act, the provisions contained therein or in the agreements thereby confirmed relating to the arrangements with railway and telegraph companies, and all proceedings thereunder, should become void; and the Postmaster General is required in that event to pay to the several companies therein mentioned all reasonable costs and expenses incurred by them in relation to any proceedings under the said Act:

And whereas, in order to protect the public revenue, it is expedient that similar powers to those conferred upon the Postmaster General with respect to the exclusive privilege of conveying letters should be enacted with reference to the transmission of public telegraphic messages within the United Kingdom of Great Britain and Ireland; and that the said Act should be amended in other respects:

And whereas agreements have been entered into by or on behalf of the said Postmaster General for the acquisition of the under-

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takings of the several telegraph companies enumerated in the schedule to this Act, on payment to such companies respectively of the amounts set forth in such schedule, amounting in the whole to the sum of five millions seven hundred and fifteen thousand and forty-eight pounds eight shillings and eleven pence:

And whereas in further pursuance of the said Telegraph Act, 1868, the Postmaster General has entered into arrangements with divers railway companies, and negotiations are now pending between him and other railway companies as to their interest in telegraphic business, and it is estimated that the amount which will be required for the purchase by the Postmaster General on behalf of Her Majesty of the interest of such railway companies in telegraphic business will not exceed the sum of seven hundred thousand pounds:

And whereas it is estimated that the amount which will be required for the other purposes of the said recited Act and of this Act will not exceed the sum of three hundred thousand pounds:

And whereas it is necessary to give authority to the Commissioners of Her Majesty's Treasury to raise the funds which will be required to enable the Postmaster General to carry into effect the arrangements herein-before mentioned and the other purposes of the recited Act and of this Act:

Be it therefore 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, as follows:

Short title.

1. This Act may be cited as "The Telegraph Act, 1869," and this Act and "The Telegraph Act, 1868," may be cited together as "The Telegraph Acts, 1868–1869."

31 & 32 Vict. c. 110. and this Act to form one.

2. The provisions of "The Telegraph Act, 1868," save so far as they are expressly repealed or varied by or inconsistent with the provisions of this Act, shall be incorporated and construed as one with this Act.

Interpretation of terms.

3. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

The term "telegraph" shall, in addition to the meaning assigned to it in "The Telegraph Act, 1863," mean and include any apparatus for transmitting messages or other communications by means of electric signals:

The term "telegram" shall mean any message or other communication transmitted or intended for transmission by a telegraph:

The term "telegraph company" shall mean any company, corporation, or persons for the time being engaged in transmitting or, by any instrument incorporating the same, authorized to transmit telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration:

The term "undertaking," when used with reference to a telegraph company, shall mean all the rights, powers, privileges, works, and other property of such company acquired or used for the transmission of telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration.

The Postmaster General to have exclusive privilege of sending messages, with certain exceptions.

4. The Postmaster General, by himself or by his deputies, and his and their respective servants and agents, shall, from and after the passing of this Act, have the exclusive privilege of transmitting telegrams within the United Kingdom of Great Britain and Ireland, except as herein-after provided; and shall also within that kingdom have the exclusive privilege of performing all the incidental services of receiving, collecting, or delivering telegrams, except as herein-after provided.

Exceptions.

5. There shall be excepted from the said exclusive privileges of the Postmaster General all telegrams of the following descriptions; (that is to say,)

Telegrams in respect of the transmission of which no charge is made, transmitted by a telegraph maintained or used solely for private use, and relating to the business or private affairs of the owner thereof:

Telegrams transmitted by a telegraph maintained for the private use of a corporation, company, or person, and in respect of which, or of the collection, receipt, and transmission or delivery of which no money or valuable consideration shall be or promised to be made or given:

Telegrams transmitted, with the written licence or consent, either special or general, of the Postmaster General, under the hand of any officer of the Post Office, authorized for that purpose by the Postmaster General:

Telegrams transmitted by a telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, the undertaking of which shall not for the time being have been acquired by the Postmaster General:

Telegrams the transmission of which is authorized by the provisions of "The Telegraph Act, 1868," or any agreement confirmed thereby, or made or to be made in pursuance thereof:

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Telegrams transmitted to or from any place out of the United Kingdom of Great Britain and Ireland.

Penalty on contravention of Act.

6. Any company, corporation, or person who transmits, or aids or is concerned in transmitting, any telegram in contravention of the exclusive privilege conferred on the Postmaster General by this Act, or who receives, collects, or delivers any telegram in contravention of such exclusive privilege, or aids or is concerned in the receipt, collection, or delivery of such telegram in contravention of such privilege, shall, on summary conviction, be liable for every such offence to a penalty not exceeding five pounds; and where any person offending against this Act is a servant or person hired to do the act complained of, the master or other person employing such servant shall be subject to a like penalty.

Purchase of undertakings other than those referred to in the Act of 1868.

7. At any time after the passing of this Act it shall be lawful for the Postmaster General, with the consent of the Lords Commissioners of Her Majesty's Treasury, to purchase the undertaking of any telegraph company which he shall not for the time being have agreed to purchase or been required to purchase under the provisions of "The Telegraph Act, 1868," and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking, and to give valid discharges for the purchase money in pursuance of such notice: Provided always, that any part of such undertaking may be excepted from such purchase if the Postmaster-General and the company shall so agree.

Certain companies may require the Postmaster General to purchase their undertakings.

8. The Postmaster General shall, upon the request in writing of any telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, purchase the whole or any part of the undertaking of such company, provided such request be made within twelve months after the passing of this Act; and he shall accordingly, within one month after the receipt by him of any such request, give notice in writing of his intention to make such purchase; and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking accordingly, and to give valid discharges for the purchase money.

Postmaster General not required to purchase undertakings without the United Kingdom.

9. Provided always, that the Postmaster General shall not by virtue of this Act be authorized or required to purchase the whole or any part of the undertaking of any company or persons engaged in the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland.

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Incorporation of "Lands Clauses Consolidation Act, 1845."

10. For the purpose of facilitating the acquisition by the Postmaster General of the undertaking of any company which he is authorized to purchase under this Act or "The Telegraph Act, 1868," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (Scotland) Act, 1845," and the Act amending those Acts, passed in the session of the twenty-third and twenty-fourth years of Her present Majesty, chapter one hundred and six, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained; (that is to say,)

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Acts, 1845," herein-after mentioned, that is to say, the sections whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; the sections whereby it is provided that the certificate of two justices or the sheriff, as the case may be, shall be evidence that the capital has been subscribed or the provisions relating to access to the special Act.

(2.) In the construction of this Act and the said incorporated Acts, this Act shall be deemed to be "the special Act," and the Postmaster General shall be deemed to be "the promoters of the undertaking," and the word "lands" shall include the whole or any portion of "the undertaking" of any company whose undertaking the Postmaster General is authorized to purchase under the Telegraph Acts or either of them, and any such undertaking shall, in the construction of this Act and the said incorporated Acts, be deemed to be lands authorized to be taken and required for the purposes of the special Act.

(3.) The bond required by the incorporated Acts respectively shall be under the common seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said Acts mentioned.

And any telegraph company with which the Postmaster General may not come to an agreement with respect to the amount of compensation to be paid to them for their undertaking (unless the contrary shall be expressly declared by "The Telegraph Act, 1868," or any agreement confirmed thereby) may have such amount settled by arbitration in manner provided by "The Lands Clauses Consolidation Acts, 1845."

Purchase money to be paid into the

11. In every case in which any telegraph company shall neglect or fail to assure, or to procure all other necessary and proper parties

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bank in certain events.

to concur in assuring, to the Postmaster General, free from all mortgage and other debts, any undertaking which shall have been purchased by him under the provisions of the Telegraph Acts or either of them, it shall be lawful for the Postmaster General to deposit the purchase money which shall have been agreed or awarded to be paid in respect of such undertaking in the bank to the credit of such company and the incumbrancers thereof, if any, in manner provided by the seventy-sixth section of "The Lands Clauses Consolidation Act, 1845," or the seventy-fifth section of "The Lands Clauses Consolidation (Scotland) Act, 1845," as the case may be, with respect to monies deposited under those sections respectively, and thereupon such undertaking shall absolutely vest in the Postmaster General, free from all mortgage or other debts of such company; and the monies so deposited shall be dealt with in manner provided by the said incorporated Acts respectively with respect to monies deposited in pursuance of the seventy-fifth or seventy-sixth sections of those Acts respectively.

Power to Postmaster General to transmit foreign messages.

12. The Postmaster General may, upon the reasonable request in writing of any company or persons constituted for the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland, make all necessary arrangements for the transmission of such telegrams within the said United Kingdom, and for the connexion with that view of the cables or other apparatus of such companies or persons with the wires or other apparatus of the Postmaster General; and if any question arises as to the reasonableness of such request, or as to the nature or sufficiency of such arrangements, or as to the payments to be made by the company or person requiring the same, in respect of the acts done or services performed by the Postmaster General with respect to the matters aforesaid, every such question shall from time to time be settled by arbitration in the manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration: Provided that the Postmaster General may contract with any such company or person with respect to any of the matters aforesaid, and with respect to the construction or use of wires and other telegraphic apparatus in connexion with those of the Postmaster General for the purpose of the transmission of such telegrams, and provided also that the powers by this section given to the Postmaster General shall not be exercised in contravention of any of the agreements referred to in the schedule to the Telegraph Act, 1868, and thereby confirmed so far as any such agreement is for the time being in force.

Power to raise money.

13. The Commissioners of Her Majesty's Treasury may raise for the purposes of the Telegraph Acts, 1868–1869, any sum or sums of money, not exceeding in the whole seven million pounds sterling, by the creation of terminable annuities for any period of years not exceeding thirty, or by the creation of Exchequer bills or Exchequer bonds, or of three pounds per centum per annum capital stocks of annuities, or by all or any of these modes; and the interest upon such securities shall be chargeable upon and payable out of the Consolidated Fund or the growing produce thereof.

Monies to be placed at the disposal of the Postmaster General under regulations.

14. The amount so raised, or the stock so created, shall be placed to an account at the Bank of England in the names of the Commissioners for the Reduction of the National Debt, and shall be appropriated by the said commissioners in such manner and transferred to such parties as shall be directed by the Postmaster General for the purposes of the Telegraph Acts, under such regulations as shall be prescribed by the Commissioners of Her Majesty's Treasury.

Creation of terminable annuities.

15. The said stock and the said terminable annuities shall be created by warrant under the hands of the Commissioners of Her Majesty's Treasury, directed to the Governor and Company of the Bank of England, authorizing and directing them to inscribe in the books of the said Governor and Company the amount of such three per cent. stock and of such terminable annuities into the names of the Commissioners for the Reduction of the National Debt, and such warrant shall be a sufficient authority to the said Governor and Company for so doing, and such annuities, if made terminable on the fifth day of April one thousand eight hundred and eighty-five, shall be consolidated with the terminable annuities created under the authority of the Act thirty and thirty-one Victoria, chapter one hundred and forty-five, and preceding Acts, and be transferable in like manner as other terminable annuities in the books of the Governor and Company of the Bank of England.

Exchequer bills and bonds.

16. The said Exchequer bills and Exchequer bonds shall be prepared in the form and manner prescribed by the Act twenty-nine Victoria, chapter twenty-five, and shall be paid off at par at any period not exceeding five years.

Capital stocks created under this Act to be consolidated with other

17. The three pounds per centum per annum capital stocks of annuities, if created under the authority of this Act, shall be consolidated in the books of the Governor and Company of the Bank of England with the capital stocks of annuities, bearing the like rate of interest, the interest upon which is payable upon the fifth January

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capital stocks.

and fifth July in each year, and shall be transferable in the books of the said Governor and Company in like manner as the capital stocks of annuities with which they are consolidated, and shall have the like rights and be subject to the like conditions as the said annuities with which they are consolidated.

Treasury empowered to raise 7,000,000*l.*

18. It shall be lawful for the Governor and Company of the Bank of England to lend upon the credit of the securities created under this Act any sum or sums of money, not exceeding in the whole seven million pounds sterling, anything in an Act of the reign of King William and Queen Mary, chapter twenty, or any subsequent Act, to the contrary notwithstanding.

Application of revenue.

19. The gross revenue received by the Postmaster General for the transmission of messages by means of electric telegraphs shall be paid into the Exchequer to the account of the Consolidated Fund; and the expenses incurred, with the sanction of the Commissioners of Her Majesty's Treasury, in working, maintaining, or extending telegraphs shall be paid out of monies to be voted by Parliament.

Annual accounts to be laid before Parliament.

20. There shall be laid before both Houses of Parliament on or before the thirty-first day of March in every year an account showing the gross amount received during the previous year ending the thirty-first day of December, the amount of expenses incurred during the year, and the balance remaining applicable to pay the annuities, or the interest falling due upon the securities issued under the authority of this Act, and as a sinking fund for the redemption of such securities; and the surplus remaining after deducting the amount of such expenses and of such annuities and interest shall be issued out of the Consolidated Fund, or the growing produce thereof, to the Commissioners for the Reduction of the National Debt, to be applied in reduction of debt to an amount equivalent to that created by the annuities or securities issued under the provisions of this Act.

Regulations to be laid before Parliament.

21. A copy of all regulations which may be made by the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, under the said Telegraph Acts, shall also be laid before both Houses of Parliament.

Deeds to be exempt from stamp duty.

22. No deed or other instrument which shall be made or executed by, to, or with Her Majesty's Postmaster General, or otherwise, for any of the purposes of "The Telegraph Act, 1868," or of this Act, shall be subject or liable to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and

specifically charged therewith by any future Act, and the fifth section of "The Telegraph Act, 1868," shall be read and shall operate as if the words "duly stamped" had not been inserted therein. A.D. 1869.

Messages to be deemed post letters.

23. Every written or printed message or communication delivered at a post office for the purpose of being transmitted by a postal telegraph, and every transcript thereof made by any person acting in pursuance of the orders of the Postmaster General, shall be a post letter within the meaning of an Act passed in the first year of the reign of Her present Majesty, chapter thirty-six: Provided always, that nothing in this Act contained shall have the effect of relieving any officer of the Post Office from any liability which would but for the passing of this Act have attached to a telegraph company, or to any other company or person, to produce in any court of law, when duly required so to do, any such written or printed message or communication.

The provisions of Telegraph Acts to be "Post Office Laws."

24. "The Telegraph Act, 1868," and this Act shall be "Post Office Acts," and the provisions contained therein respectively shall be "Post Office Laws," within the meaning of the said Act passed in the first year of the reign of Her present Majesty, chapter thirty-six.

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The SCHEDULE to which the foregoing Act refers.

Names of Telegraph Companies with whom arrangements have been made pursuant to the Telegraph Acts.	Amounts payable to Telegraph Companies under the Telegraph Acts.		
	£	s.	d.
The Electric and International Telegraph Company	2,938,826	9	0
The British and Irish Magnetic Telegraph Company, Limited - - - - -	1,243,536	0	0
Reuter's Telegram Company, Limited - -	726,000	0	0
The United Kingdom Electric Telegraph Company, Limited - - - - -	562,264	9	11
The Universal Private Telegraph Company -	184,421	10	0
The London and Provincial Telegraph Company, Limited - - - - -	60,000	0	0
	5,715,048	8	11

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