

ELECTRIC TELEGRAPHS.

ACT NO. XXXIV. OF 1854.

[Received assent of G. G. on the 23rd December, 1854.]

1. *East India Company to have exclusive privilege of establishing Electric Telegraphs in India; but G. G. in C. may grant license on conditions.*
- 2, 3. *Persons establishing Electric Telegraphs without authority to be liable to specified penalty, and (3) also persons using unauthorized Telegraph.*
4. *Empowers G. G. in C. to take possession of private lines of Telegraph on emergency.*
5. *G. G. in C. may establish Electric Telegraph on line of Railway Company.*
6. *Empowers G. G. in C. to make rules for conduct of Electric Telegraphs.*
7. *Government not to be responsible for loss occasioned by failure to transmit, or erroneous transmission of Telegraphic messages.*
8. *Persons unlawfully entering or refusing to quit Telegraph office to be liable to penalty.*
9. *Persons wilfully causing interruption to the transmission of signals, &c. by cutting line, &c. to be liable to penalty.*
10. *Person damaging Telegraph posts or portion of line liable to penalty.*
11. *Person fraudulently or maliciously making away with, &c. message or disclosing it, liable to penalty.*
- 12, 13, 14. *Person in Telegraph Department, by drunkenness, &c. endangering transmission of message, &c. liable to penalty; or (13) fraudulently transmitting message on which charge is not paid, or (14) false and fabricated message, to be liable to penalty.*
- 15, 16. *Persons not being European British subjects, and (16) European British subjects to be punishable by Magistrate within whose jurisdiction the offence is committed.*
17. *Conviction not to be quashed, except on the merits. Depositions to be returned with conviction.*

18, 19. *Empowers Magistrate to refer case for trial to Assistant or Deputy, or (19) Assistant or Deputy may try without reference if authorized by Government.*

20. *Fines leviable by distress and sale of goods.*

21. *Servants of E. I. C. in the Electric Telegraph Department in foreign territory punishable for offences, and where.*

22. *Interprets words "Magistrate" and "Fine."*

23. *G. G. in C. may frame rules for conduct of Electric Telegraph.*

An Act for regulating the establishment and management of Electric Telegraphs in India.

Whereas it is expedient that provision should be made for regulating the establishment and management of lines of Electric Telegraph in

Preamble.

India, it is enacted as follows :

I. Within the territories in the possession and under the Government of the East India Company,

The E. I. Company to have the exclusive privilege of establishing Electric Telegraph.

the said East India Company shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the

Governor General of India in Council may grant a license to any person or Company to establish a line of Electric Telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

Proviso.

II. Whoever shall, otherwise than under a license duly granted as aforesaid, establish or after revocation of such license maintain a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained shall be liable to a further fine not exceeding five hundred rupees.

Penalties for establishing or maintaining unauthorized Electric Telegraphs.

III. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any services incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty rupees.

Penalty for using or working such Telegraphs.

IV. The Governor General of India in Council may, on the

Government may take possession of Telegraphs established by license.

occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within

the said territories.

V. Any Railway Company, on being required so to do by the Governor General of India in Council, shall

Government may establish Telegraph on land of Railway Company.

permit the Government to establish upon the land of such Company adjoining the

line of Railway a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

VI. The Governor General of India in Council may from time to time frame rules for the conduct of

Governor General in Council to frame rules for the conduct of Government Telegraphs.

Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions,

and restrictions according to which all messages and signals shall be transmitted.

VII. The Government shall not be responsible for any loss or damage which may occur in consequence

Government not responsible for loss or damage.

of any person employed by the Government in the Electric Telegraph Department

failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

VIII. Whoever shall without permission enter into a Government Telegraph Office, or shall refuse to

No person to intrude into a Telegraph Office.

quit the same on being requested to do so by any officer or servant employed therein,

or shall wilfully obstruct or impede any such officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred rupees.

IX. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals

Penalties for cutting the line.

along a line of Electric Telegraph established by the Government, by cutting or

injuring the wire, or by injuring any portion of the line, or any

instrument or apparatus, or by any other means, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

X. Whoever shall wilfully or negligently damage or injure any post or any portion of the line of such Electric Telegraph, shall be liable to a fine not exceeding fifty rupees.

Injuring posts, &c.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission, or shall fraudulently or maliciously disclose any message so received by him and directed to be kept secret, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for fraudulently omitting to transmit messages or for disclosing secret messages.

XII. Whoever being in such employ shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message shall be liable to a fine not exceeding one hundred rupees.

Penalty for misconduct.

XIII. Whoever being in such employ shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for sending messages without payment to Government.

XIV. Whoever shall fraudulently or maliciously transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for transmission of fabricated messages.

XV. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, commit any of the offences mentioned in Sections IX. XI. XIII. and XIV. of this Act,

Persons other than European British subjects liable to be punished.

shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed.

XVI. Any person, whether European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the presidency Towns of Calcutta, Madras, and Bombay, or for any of the Settlements of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the power of Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XVII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds: but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

XVIII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

XIX. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise

Fines how to be recovered.

Conviction to be quashed on merits only. Form of conviction, &c.

Magistrate may refer charge to his Assistants.

Government may authorize Assistant and Deputy Magistrates to exercise certain powers.

upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

XX. All fines imposed under the authority of this Act, for

Fines how levied. offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint

Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer by warrant under his hand may commit the offender

Imprisonment, if no sufficient distress, &c. to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor,

according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXI. If any Servant of the East India Company, employed in the Electric Telegraph Department within the dominions of any Foreign Prince or State in alliance with the said Company, in which an Electric Telegraph is established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the territories under the Government of the said Company, such Servant of the said Company shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate or other competent Officer in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

XXII. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates; and the word "Fine" shall include a penalty or forfeiture.

XXIII. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such Telegraph and to persons using the same or employed in connexion therewith,

Authority to punish Servants of the East India Company who commit offences against this Act in Foreign territory.

Explanation of terms.

Government to frame rules for Telegraphs established by license.