



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. cii.

An Act to incorporate and regulate the *Atlantic Telegraph Company*, and to enable the Company to establish and work Telegraphs between *Great Britain, Ireland, and Newfoundland*; and for other Purposes. [27th July 1857.]

**W**HEREAS in the Month of *October* One thousand eight hundred and fifty-six a Joint Stock Company was duly constituted under "The Joint Stock Companies Act, 1856," by a Memorandum of Association filed in accordance with the said Act, whereby it was declared that the Name of the Company was "*The Atlantic Telegraph Company (Limited)*, that the registered Office of the Company was to be established in *England*, that the Objects for which the Company was to be established were to connect *Great Britain or Ireland* with *Newfoundland* by a Submarine Electric Telegraph, thus establishing Electric Telegraphic Communication between *Europe and America*, that the Liability of the Shareholders was limited, and that the nominal Capital of the Company was Three hundred thousand Pounds, divided into Three hundred Shares of One thousand Pounds each:" And whereas it was afterwards agreed and determined by the then Sub-

Constitution of Company under 19 & 20 Vict. c. 47.

[Local.]

16 Z

scribers

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scribers to or Shareholders in the said Company that the nominal Capital thereof should consist of Three hundred and fifty thousand Pounds, divided into Three hundred and fifty Shares of One thousand Pounds each, and all the said Three hundred and fifty Shares have been subscribed for and issued, and the Sum of Six hundred Pounds has been paid up upon each of the said Shares: And whereas the Telegraphic Cable or Wire intended to be laid down by the Company is in course of being constructed, and several Contracts and Agreements have been entered into by the Company, and by the original Promoters thereof on their Behalf, with other Companies and Persons, in order to the Completion and Working of their said Submarine Telegraph, and the Company are otherwise engaged in carrying out the Objects for which they were so constituted: And whereas the said Undertaking is one of great public and national Importance, and it is desirable in order to the better and more speedy Execution of the same that the Company as originally constituted should cease to exist, and that the present Shareholders therein should be incorporated by Special Act of Parliament, and that the Company so incorporated should be substituted for the original Company, and that Powers should be conferred upon the Company so incorporated to execute all Works necessary and convenient for the Purposes of their Undertaking; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title. I. This Act may be cited for all Purposes as "The *Atlantic Telegraph Act, 1857.*"

Interpretation of Terms.

II. The following Words or Expressions shall have the several Meanings hereby assigned to them, except where the Subject or Context shall be inconsistent therewith; (that is to say,)

The Expression "the original Company" shall mean "the *Atlantic Telegraph Company (Limited)*," as constituted immediately before the passing of this Act:

The Expression "the Company" shall mean the Company incorporated by this Act:

The Word "Person" shall include Corporations.

8 & 9 Vict. cc. 16. & 18. incorporated.

III. "The Companies Clauses Consolidation Act, 1845," and so much of "The Lands Clauses Consolidation Act, 1845," as relates to the Purchase of Lands by Agreement, shall be incorporated with and form Part of this Act.

IV. The

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IV. The *Atlantic Telegraph Company* (Limited), as constituted under "The Joint Stock Company's Act, 1856," shall, as from the Time of the passing of this Act, cease to exist.

Cesser of existing Constitution of Company.

V. The several Persons who immediately before the passing of this Act were respectively the Holders of the said Three hundred and fifty Shares in the original Company shall become and be Shareholders in the Company hereby incorporated, and they and all other Persons who shall from Time to Time become Shareholders in the last-mentioned Company, and their Executors, Administrators, Successors, and Assigns respectively, shall, while respectively continuing to be such Shareholders, be united into and be a Company for the Purposes herein mentioned by the Name of "The *Atlantic 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, subject to the Restrictions herein and in the Acts incorporated herewith contained.

Existing Proprietors incorporated.

VI. Upon the passing of this Act all Lands, Property, Rights, and Privileges of or to which the original Company, or any Person in trust for them, were possessed or entitled immediately before the passing of this Act, and all Moneys due or accruing due, and all Securities, Books, Accounts, Documents, and Choses in Action belonging to the original Company immediately before the passing of this Act, shall be and are hereby vested in the Company hereby incorporated for such Estate or Interest as the original Company or their Trustees had in the same, to hold to the Company, their Successors and Assigns, for the Purposes of this Act, subject nevertheless to such Charges and Liabilities as the same Premises were respectively subject to immediately before the passing of this Act.

Existing Property to be vested in the Company.

VII. All Deeds, Contracts, and Agreements entered into or made by the original Company, or by the Subscribers of the said Memorandum of Association acting on behalf of the original Company, and now in force, shall bind and be enforceable against the Company hereby incorporated, and shall also be enforceable by the Company against the respective Persons, Parties thereto or liable thereon, in the same Manner and to the same Extent as if the same respectively had been entered into or made by the Company hereby incorporated instead of the original Company.

Contracts prior to Act to be binding.

VIII. This Act shall not release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending against the original Company, or to which the original Company shall have been a Party at the Time of the passing of this Act, but such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued,

Actions, &c. not to abate.

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continued, and Execution had thereon by or in favour of or against the Company hereby incorporated in the same Manner as if the Company were the original Company.

Nothing to affect existing Rights of Action.

IX. This Act shall not prejudice or affect any Right of Action or Suit or any Remedy which the original Company may now have, or but for the passing of this Act might afterwards have had, against any Person, or which any Person may now have, or but for the passing of this Act might afterwards have had, against the said last-mentioned Company, but such Rights and Remedies may be enforced or prosecuted by or against the Company hereby incorporated in like Manner and with the same Effect as if the Company were the original Company; and all Debts owing to or by the original Company immediately before the passing of this Act may be sued for and recovered by or against the Company hereby incorporated in the same Manner as but for this Act they might have been by or against the original Company.

Certificates and Transfers to remain in force.

X. All Certificates, Sales, Transfers, or Dispositions and Agreements made or executed of or in respect of any Share in the original Company shall be of Force and Effect as Certificates, Sales, Transfers, or Dispositions and Agreements respectively of or in respect of the corresponding Shares in the Company hereby incorporated.

Officers under existing Company to account.

XI. All Officers and Persons who immediately before the passing of this Act shall have had in their Possession or under their Control any Money, Books, Documents, Papers, Securities, Goods, and other Effects belonging to the original Company, shall account for and deliver up the same respectively to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner and subject to the same Process and Penalties for Refusal or Neglect as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Securities, Goods, or other Effects under the Provisions of this Act or of "The Companies Clauses Consolidation Act, 1845."

Present Officers continued.

XII. All Officers and Persons who shall be in the Service of the original Company at the Time of the passing of this Act shall continue in the Service of the Company hereby incorporated, in the same respective Offices and Employments, according to their respective Appointments, until removed therefrom according to the Provisions of this Act, and all such Officers and Persons shall have the same Powers and Privileges, and they and their respective Sureties shall be liable to the same Conditions, Penalties, Obligations, and Regulations, as if such Officers and Persons had been appointed and such Sureties had become bound under this Act.

XIII. The

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XIII. The Capital of the Company shall consist of the said Sum of Three hundred and fifty thousand Pounds, divided as aforesaid into Three hundred and fifty Shares of One thousand Pounds each. Capital.

XIV. Every Person who immediately before the passing of this Act was the Holder of One or more Shares in the original Company shall immediately after the passing of this Act become entitled to the same Number of Shares in the Company hereby incorporated as he previously held in the Capital of the original Company, which Shares shall be indicated in the Register by the same Number as and be made in all respects to correspond as nearly as possible with those held by him in the original Company. Shareholders in existing Company to be Shareholders in new Company.

XV. The Company may, by a Resolution passed with the Assent of Two Thirds of the Votes of the Shareholders voting, personally or by Proxy, at any General Meeting of the Company convened with Notice of such Object, from Time to Time increase the Capital of the Company so as the total Amount of Capital, including the original Capital, shall not exceed the Sum of One million Pounds Sterling, and for that Purpose may from Time to Time create a sufficient Number of additional Shares of such nominal Amount, not being more than One thousand Pounds or less than Twenty Pounds each, as they may by such Resolution determine, and such new or additional Shares shall be allotted and issued by the Board of Directors to such Persons, on such Terms, and subject to such Conditions as may be prescribed by such Resolution, or (if not thereby prescribed) as the Directors may in each such Case think fit. Power to increase the Capital.

XVI. Any Capital to be raised by the Creation of new Shares shall be Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares for Nonpayment of Calls, or otherwise, as the original Capital, except as to the Times for making Calls for such additional Capital, and the Amount of such Calls, which respectively the Directors may and shall fix as they shall think fit. New or additional Capital to be Part of general Capital.

XVII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole One Third of so much of the Capital of the Company for the Time being subscribed for as shall for the Time being remain to be called up: Provided always, that after any Money shall have been borrowed by the Company under the Powers of this Act One Third of all Sums received by them for Calls shall be applied in the Repayment of such Money until the whole thereof be discharged. Power to borrow on Mortgage or Bond.

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Arrears may be enforced by Appointment of Receiver.

XVIII. The Mortgagees or Bond Creditors of the Company may enforce the Payment of the Principal and Interest Moneys due to them respectively upon their respective Mortgages and Bonds by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver in the event of the Principal Moneys due on such Mortgages and Bonds not being duly paid, the Amount of the Principal Moneys owing to the Mortgagees or Bond Creditors by whom Application for such Receiver shall be made shall not be less than the Sum of Five thousand Pounds in the whole.

Ordinary Meetings.

XIX. The Ordinary General Meetings of the Company shall be held some Time in the Month of *February* in each Year, or within Twenty Days next after, and the First of such Ordinary General Meetings shall be held some Time in the Month of *February* next after the passing of this Act, or within Twenty Days next after that Month.

Extraordinary Meetings.

XX. The Number of Shareholders who shall be entitled to require the Directors to convene an Extraordinary Meeting shall be Ten at least, holding in the aggregate not less than Fifteen thousand Pounds in Shares or Stock of the Company.

Place of holding Meetings.

XXI. Every General Meeting shall be held in *London* at the Company's principal Office for the Time being, or at such other convenient Place within Five Miles thereof as the Directors shall from Time to Time appoint.

Quorum of General Meeting.

XXII. The Quorum of every General Meeting shall be Twenty Shareholders, holding in the aggregate at least Fifty thousand Pounds in Shares or Stock of the Company.

Power to subdivide original 1,000l. Shares.

XXIII. The Company may, by a Resolution passed with the Assent of Two Thirds of the Votes of the Shareholders voting, personally or by Proxy, at any General Meeting of the Company convened with Notice of such Object, determine that the original Shares of One thousand Pounds shall each be subdivided into Fifty Shares of Twenty Pounds each, and thereupon the Board of Directors shall take the necessary Steps for carrying such Resolutions into effect, and shall cause a new Register to be made, and such Twenty Pound Shares to be consecutively numbered according to the Provisions of "The Companies Clauses Consolidation Act, 1845;" and each Person who at the Time of such Resolution shall be entered upon the Register as the Holder of an original Share of One thousand Pounds shall be registered as the Holder of Fifty of such Twenty Pound Shares, and shall be entitled to a Certificate of his Proprietorship thereof, and the Amount for the Time being unpaid  
on

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on such One thousand Pounds Share shall thenceforth be apportioned rateably over such Shares of Twenty Pounds respectively, and be called up and the Payment thereof enforced on such Terms and at such Times as the Directors may think fit.

XXIV. Every Share of One thousand Pounds shall confer Fifty Votes upon the Holder; every Share of less Amount which may hereafter be created either by Division of the original Shares or upon the raising of further Capital shall confer One Vote for every Twenty Pounds of its nominal Amount; and every Twenty Pounds of Stock in case of Conversion or Consolidation shall confer One Vote.

Scale of  
voting.

XXV. The principal Office of the Company and its Corporate Domicile shall be in *London*.

Domicile of  
Company.

XXVI. The Number of Directors shall for the present be Eighteen, but a General Meeting may from Time to Time reduce the Number of Directors to any Number not less than Eight, and may make or direct the necessary Changes in the Rotation of the Retirement.

Number of  
Directors.

XXVII. The Qualification of a Director shall be the holding in his own Right One original Share of One thousand Pounds in nominal Amount in the Capital of the Company, or in Shares of less Denomination if hereafter created, or in Stock, or partly in Shares and partly in Stock.

Qualifica-  
tion.

XXVIII. The Persons who immediately before the passing of this Act were the Directors of the original Company shall be the First Directors of the Company.

First Direc-  
tors.

XXIX. The Quorum of a Meeting of Directors shall be Five while the Number of Directors shall be Eighteen, or any Number exceeding Twelve; when the Number shall exceed Eight and not exceed Twelve the Quorum shall be Four; and when the Number shall not exceed Eight the Quorum shall be Three.

Quorum of  
Directors.

XXX. The Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Nine, and the Quorum of each such Committee shall be such Number as the Board of Directors shall prescribe.

Committees  
of Directors.

XXXI. The Remuneration of the Directors and also of the Auditors appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General

Remunera-  
tion of Di-  
rectors and  
Auditors.

General

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General Meeting of the Company, and paid out of the Funds of the Company.

Power to  
appoint  
honorary  
Directors.

XXXII. The Company may from Time to Time, by One or more Resolution or Resolutions of a General Meeting, elect from among the Shareholders ordinarily resident in the *United States* or in the *British Colonies of North America*, and duly qualified to be Directors, not more than Twelve Persons to be honorary Directors of the Company in addition to and independently of the ordinary Directors above mentioned; no more than Eight of these honorary Directors shall be elected from the Shareholders ordinarily resident in the *United States of America*, and no more than Four from those ordinarily resident in the *British Colonies of North America*; such honorary Directors when in *England* shall have the Right to be present at and take part in and vote at the Meetings of Directors, but they shall not be counted in determining whether or not there is a Quorum, and shall receive no Remuneration for their Services, and the Provisions of "The Companies Clauses Consolidation Act, 1845," as to the Retirement of Directors by Rotation, shall apply to such honorary Directors.

Power to  
Treasury to  
appoint an  
ex-officio  
Director.

XXXIII. In addition to the ordinary and honorary Directors of the Company above mentioned, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to appoint an *ex-officio* Director on behalf of Her Majesty's Government, for the Purpose of seeing to and securing as well the due Fulfilment by the Company of their Contracts for the Time being in force with the Government for the Transmission of Messages and Signals for Her Majesty or on Her Majesty's Service, as the working of the Company's Electric Telegraphs with due Attention to the Wants and Interests of the Public.

Ex-officio  
Director not  
to go out of  
Office by  
Rotation.

XXXIV. Such *ex-officio* Director shall not go out of Office by Rotation in the same Manner as the other Directors of the Company, but the said Lords Commissioners may at any Time remove from his Office any such *ex-officio* Director, and may appoint a new *ex-officio* Director in the Place of any One dying, retiring, or being removed.

Powers of  
ex-officio  
Director.

XXXV. Such *ex-officio* Director may be a Shareholder in the Company or not, as the said Lords Commissioners shall think fit, he shall be entitled to be present at all Meetings of the Directors and of the Company, and to take part in all Discussions thereat, and to inspect and examine all Minute Books, Books of Account, and other Books and Documents of the Company, but he shall not have a Right to vote, and no Remuneration shall be paid him by the Company.

XXXVI. Such



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XXXVI. Such *ex-officio* Director shall have Power, in case he shall be of opinion that any Course proposed to be taken or Act proposed to be done by the Company will or may be prejudicial to or inconsistent with the due Fulfilment of their Contracts with the Government, or the regular, speedy, and impartial Transmission of Messages and Signals for the Public, or otherwise disadvantageous to the Government or the Public, to veto the taking of such Course or the doing of such Act, and to require that the Matter shall be submitted to the Lords Commissioners of Her Majesty's Treasury for their Decision, and the said Lords Commissioners shall thereupon decide whether or not the Objection of such *ex-officio* Director was well founded, and whether or not such Course shall be taken or Act be done, and the Decision of the said Lords Commissioners thereon shall be final and conclusive upon the Company, unless the Board of Directors shall, within Seven Days after the Decision of the said Lords Commissioners shall have been notified to them, give to the said Lords Commissioners Notice in Writing that they are dissatisfied with such Decision, and in that Case the Matter shall be referred to any Two of the Judges of Her Majesty's Superior Courts of Common Law at *Westminster* who shall be willing to hear and determine the same, and the Decision of such Two Judges as to whether or not such Objection was well founded, and whether or not such Course is to be taken or Act to be done by the Company, shall be final and conclusive on all Parties.

Special Power of *ex-officio* Director to veto Proceedings in certain Cases and References thereon.

XXXVII. Except as is otherwise provided by this Act, such *ex-officio* Director shall have the same Rights and Powers as any other Director of the Company.

As to Rights of *ex-officio* Director.

XXXVIII. Upon the Election or Appointment of any new Director of the Company (whether an ordinary or honorary Director) Notice thereof shall be forthwith given in Writing to the Lords Commissioners of Her Majesty's Treasury, and his Name submitted to them for their Approval, and such new Director shall not take his Seat or act as a Director until either such Approval shall have been signified to the Board of Directors, or One Month shall have elapsed after such Notice without any Disapproval being signified by the said Lords Commissioners, in either of which Cases such Election or Appointment shall be taken to have been confirmed; but if within the said Period of One Month the said Lords Commissioners shall signify their Disapproval of the Director so elected or appointed, then such Election or Appointment shall thereby become null and void, and another Director shall be elected or appointed, and so on as often as the like shall happen: Provided, that this shall not apply to the present Directors of the Company on any future Re-election or Re-appointment, but they may sit and act without regard to any such Approval.

Every new Director to be subject to Approval of Treasury.

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Undertaking  
of the Com-  
pany.

XXXIX. The Undertaking for which the Company is incorporated shall be the constructing and laying down of One or more Submarine Telegraphic Cables or Wires, or other Telegraphic Communication, between any Point or Points upon or near the Coast of *Ireland* or of *Great Britain* and any Point or Points in *Newfoundland* or on the Continent of *America*, and the working and using the said Line or Lines of Telegraph for the Transmission of Messages.

Power to lay  
down Wires.

XL. For the Purpose of better enabling the Company to complete and maintain the said Line or Lines of Telegraphic Communication it shall be lawful for the Company to place, lay down, and maintain upon, over, and along the Shore of the Sea, or of any Bay or Inlet of the Sea, on the Western Coast of *Ireland* or the Western Coast of *Great Britain*, below High-water Mark of the highest Spring Tide, and so into and across the *Atlantic Ocean*, any Cables, Wires, Works, or Apparatus for the Purposes of any Telegraph belonging to or to be established by the Company, and from Time to Time to alter and repair the same respectively, and in order to and in the course of such placing, laying down, altering, and repairing, to dig up and cut Channels in the said Shore or Shores, below such High-water Mark, and to construct, lay down, moor, fix, and maintain in the Direction of any of such Lines of Telegraph, near the Western Coast of *Ireland* or of *Great Britain*, and so into the open Sea and the *Atlantic Ocean*, to such Distance from the said Coast as they may think fit, such Buoys, Sea Marks, and other Things of the like Kind for indicating the Position and Direction of such Lines of Telegraph as they may from Time to Time think fit, the Company in the Execution of such Works doing as little Damage as may be, and making Compensation for all Damage to be caused thereby.

Company to  
lay down  
Lines to  
London in  
case the  
Government  
require it.

XLI. In the event of the Company being required by Her Majesty's Government at any Time after the passing of this Act to lay down and construct a Line or Lines of Telegraphic Communication between *London* and the Terminus of the Company's Line or Lines on the Coast of *Great Britain* or *Ireland*, they shall be and are hereby authorized to lay down such a Line or Lines accordingly, but nothing herein contained shall authorize the Company to enter upon, take, or use any Lands or Hereditaments for such Purpose without the Consent of the Owner and Occupier thereof for the Time being.

Certain  
Works not to  
be executed  
without  
Consent of  
Commis-  
sioners of  
Woods, &c.

XLII. It shall not be lawful for the Company to execute any Works whatsoever on the Bed or Shore of the Sea, or of any navigable River, so far as the Tide flows and reflows, without the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

XLIII. This

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XLIII. This Act shall not authorize the Company to raise for or expend on the Execution of any Work situated in *Great Britain* and *Ireland*, or either of them, any greater Sum in the whole than Ninety-eight thousand Pounds.

Limiting Expenditure for Works in United Kingdom.

XLIV. The Quantity of Land within the United Kingdom which the Company may hold at any One Time (not including therein any Land actually occupied by their Telegraphic Cables or other their Lines of Telegraph) shall not exceed Thirty Acres, or such further Quantity as the Lords of the Committee of Privy Council for Trade shall or may from Time to Time by their Licence authorize or permit.

Quantity of Land to be taken limited.

XLV. The Company may construct, build, and maintain upon the Land of which they may for the Time being be in possession such Works and Buildings for the Purposes of their Undertaking as they may from Time to Time think fit.

Power to Company to construct Works and Buildings.

XLVI. Previously to commencing any Work whatever on and within Three Miles Seaward of the Shores of *Great Britain* and *Ireland*, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of all such Works for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval; and when any such Work shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Plans to be approved by the Admiralty.

XLVII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Work hereby authorized in, over, or affecting any tidal or navigable Water or River, or within Three Miles Seaward of the Shores of *Great Britain* and *Ireland*, or of the intended Site of such Works, the Company shall defray the Costs of every such local Survey

Admiralty may order local Survey at Expense of Company.

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the Transmission of such Messages and Signals by their Lines of Telegraph Charges greater than such maximum Charges.

And also  
Charges for  
through  
Transmis-  
sion by Tele-  
graphs of  
other Com-  
panies.

LIII. The Company shall also be entitled to demand, receive, and recover from all Persons for whom they shall undertake to transmit and shall transmit any Messages or Signals along any Line of Telegraph of any other Company or Person after the Transmission thereof by and along any of their own Lines of Telegraph the through Charges as fixed for the Time being, under any such Agreements or Arrangements for through Transmission as aforesaid, or if there shall not be a fixed through Charge, then, in addition to the Charges of this Company, to demand, receive, and recover on behalf of such other Companies or Persons the further Charges for such Message or Signal which may be payable to such other Companies or Persons, and no more, for the Transmission of the said Messages or Signals over the Lines of Telegraph of such last-mentioned Companies or Persons respectively; and such through Charges or additional Charges (as the Case may be) may also be demanded and required to be paid before the Transmission of such Messages and Signals respectively.

Lines of  
Telegraph  
to be open to  
all Persons.

LIV. The Use of the Company's Lines of Telegraph, and of all other Lines of Telegraph in the United Kingdom which they may for the Time being have the Right to use, shall, subject to the Rights of Priority herein-after mentioned, and the Company's Right of Priority for their own Purposes, and subject also to such reasonable Regulations as may from Time to Time be made by the Company, be open for the sending and receiving of Messages by all Persons alike without Favour or Preference; and, subject to such Priority and reasonable Regulations respectively, all Messages and Signals shall be transmitted and delivered according to the Order of Time in which they shall have been received by the Company.

Electric  
Telegraphs  
to be open to  
the Use of  
Her Ma-  
jesty's Go-  
vernment at  
all reason-  
able Times.

LV. All Lines of Telegraph constructed or worked by the Company shall at all reasonable Times be open for the Transmission of Intelligence for Her Majesty or on Her Majesty's Service; and the Company shall receive, transmit, and deliver all such Messages and Signals as shall from Time to Time be tendered for Transmission for Her Majesty or on Her Majesty's Service.

Preference  
of such Mes-  
sages.

LVI. All Messages and Signals sent or forwarded for Transmission and Delivery for Her Majesty or on Her Majesty's Service shall have Priority over all other Messages whatsoever, and it shall be imperative on the Company, their Officers and Servants, to transmit and deliver such Messages and Signals accordingly, and to suspend the Transmission of all or any other Messages until the said Messages  
and

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and Signals shall first have been transmitted: Provided always, that the Company may, in consideration of a Guarantee or Subsidy granted or secured by the Government of the *United States* equal in Rate or Amount to that granted by or on behalf of Her Majesty's Government, grant and extend to the Government of the *United States* the like Priority for Intelligence on and for their Service over all other Messages and Signals whatsoever, except those for Her Majesty or on Her Majesty's Service; and after they shall have so done, and shall have notified their having so done to the Lords Commissioners of Her Majesty's Treasury, the Messages and Signals on the Service of the Government of the *United States* shall thenceforward be entitled to and shall have, during the Continuance in force of any such Guarantee or Subsidy, the like Priority as Messages and Signals for Her Majesty or on Her Majesty's Service over those of all other Persons whatsoever; and thenceforward Messages and Signals for Her Majesty or on Her Majesty's Service and those on the Service of the Government of the *United States* shall, as between themselves, have no Right of Priority, but be transmitted and delivered respectively in the Order of Time in which they may be respectively tendered for Transmission and Delivery.

LVII. The Lords Commissioners of Her Majesty's Treasury may make and enter into on behalf of Her Majesty and of all Departments of Her Majesty's Government such Agreements or Arrangements with the Company as to the Rates or Charges to be paid to the Company for the Use of their Lines of Telegraph, and for the Assistance of their Officers and Servants in the Transmission and Delivery of Messages for Her Majesty or on Her Majesty's Service, and may introduce into any such Agreements or Arrangements such Terms and Provisions as to the Amount of the Rates and Charges to be demanded as well from Her Majesty as from the Public at large, and as to securing to the Company a minimum annual Payment for the Transmission and Delivery of Messages and Signals for Her Majesty or on Her Majesty's Service, and generally in relation thereto, as they may think proper and may be able to agree on; and all Agreements and Arrangements which before the passing of this Act were made and entered into between the said Lords Commissioners and the original Company, shall be and are hereby ratified and confirmed so far and to such Extent as they would have been good and valid if made and entered into after the passing of this Act between the said Lords Commissioners and the Company under the above Power, and shall, as from the Time of the passing of this Act, be to such Extent good and binding Agreements and Arrangements respectively between the said Lords Commissioners and the Company hereby incorporated.

Power to Treasury to make Agreements with Company for Use of Telegraph on Her Majesty's Service.

LVIII. When

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Where no Agreement made, Remuneration to be determined by Arbitration.

LVIII. When there shall be no Agreement or Arrangement in force as to the Amount of such Remuneration as aforesaid, the Company shall be entitled to such reasonable Remuneration for the Use of their Lines of Telegraph, and the Assistance of their Officers and Servants, for Her Majesty or on Her Majesty's Service as aforesaid, as shall be determined by Arbitration in the Manner herein-after provided; but the Company shall not be entitled to refuse or delay to transmit or deliver any Messages or Signals for Her Majesty or on Her Majesty's Service by reason of such Remuneration not having been then agreed on or determined.

Provision as to Arbitration.

LIX. Every such Matter to be determined by Arbitration as in the last Section mentioned shall be referred to the Award of Two Persons, one to be named by the said Lords Commissioners, and the other by the Company, and if such Two Arbitrators cannot agree as to 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 all Parties thereto.

Further Provisions as to Arbitrations.

LX. In any such Reference each of the Parties thereto shall nominate their Arbitrator within Fourteen Days after Notice from the other Party requiring such Nomination, or in default the Arbitrator appointed by the Party giving such Notice shall act as sole Arbitrator, and the Matter to be determined shall be left to the Umpire in case the Arbitrators shall not have made their Award within Three Months after the Appointment of the One of them last appointed, and if any Umpire shall not make his Award within Three Months after the Matter shall have been left to him, then a new Umpire shall be appointed by the Arbitrators, who shall in like Manner make his Award within Three Calendar Months from his Appointment, or be superseded, and so *toties quoties*.

Power to make Arrangements with United States for Transmission of Messages, &c.

LXI. It shall be lawful for the Company, whether or not they shall grant to the Government of the *United States* any such Priority as aforesaid, from Time to Time to make and enter into Agreements and Arrangements with that Government for the Transmission of Messages and Signals on the Service of that Government, and as to the Rates and Charges or other the Remuneration in respect thereof.

After a certain Time, Government empowered to take the Control of the Company's Operations.

LXII. At all Times from and after the Period of Twenty-five Years from the opening of the said Lines of Telegraphic Communication for the Transmission of Messages, whenever One of Her Majesty's Principal Secretaries of State for the Time being shall be of opinion that Circumstances render it expedient to vest in Her Majesty's Government the Control of the Operations of the Company,

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*The Atlantic Telegraph Act, 1857.*

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 of the various Stations of the Company, their Licensees 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 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 Licensees or Assigns, shall receive from and be paid 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.

LXIII. 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 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.

Penalty on Officers of Company for Neglect.

LXIV. If any Person shall wilfully remove, destroy, or damage any Electric Telegraph belonging to or under the Control of the Company, and which may have been lawfully constructed, or any Apparatus or other Part of any such Telegraph, or any Works connected therewith, he shall be guilty of a Misdemeanor.

Penalty for wilfully injuring an Electric Telegraph.

LXV. Any Officer or Servant of the Company, and all Persons called by any such Officer or Servant to his Assistance, shall or may seize or detain any Person who shall or may in the Presence of such Officer or Servant wilfully have broken, injured, or obstructed the working of any Telegraph of the Company, or any of the Apparatus or Works belonging to or connected with the same, and whose Name or Residence shall be unknown to such Officer or Servant, and shall convey such Offender with all convenient Speed before some Justice without any other Warrant or Authority than this Act, and

Power to apprehend unknown Offenders.

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*The Atlantic Telegraph Act, 1857.*

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such Justice shall proceed with all convenient Speed to the hearing and determining of the Complaint against such Offender.

Recovery of Satisfaction for accidental Damage.

LXVI. If any Person shall wilfully or negligently break, throw down, destroy, or injure any such Telegraph, Apparatus, Buoys, or Works as aforesaid, and shall not on Demand make sufficient Satisfaction for the Damage thereby done, the Company may recover such Damages from the Person so offending as any Two Justices think reasonable and adjudge, and the Recovery of such Damage shall not relieve such Person from Liability to any other Punishment or Penalty.

Certain Provisions of 8 & 9 Vict. c. 20. incorporated.

LXVII. The Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with and form Part of this Act.

Provision as to Rights of the Crown.

LXVIII. Nothing in this Act or the Acts wholly or in part incorporated therewith shall authorize the Company to purchase, take, use, or otherwise interfere with any Lands, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or some One of them, first had and obtained for that Purpose, and which Consent such Commissioners or Commissioner are or is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs and Successors.

Expenses of Act.

LXIX. All the Costs and Expenses of and incidental to the applying for and passing of this Act shall be paid by the Company.

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