



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxxi.

An Act to enable the *United Kingdom Electric Telegraph Company (Limited)* to carry on the Works and Business of an Electric Telegraph Company. [7th July 1862.]

WHEREAS under the Provisions of the Joint Stock Companies Acts, 1856 and 1857, a Company has been incorporated, called "*The United Kingdom Electric Telegraph Company (Limited)*," for the Purposes, as stated in the Memorandum of Association of the said Company, of making, working, and maintaining Telegraphic Communication between various Places in *Great Britain and Ireland*, and purchasing and carrying out the Systems of one *Thomas Allan* in Electric Telegraphy, and making, working, and maintaining, obtaining, purchasing, selling, disposing, doing, transacting, and performing all Things necessary or incident to the carrying out of the aforesaid Objects, or any of them, with Power to sell or lease to any other Company or Person all or any of the Telegraphic Lines so made, or any of the Patents, Privileges, Easements, or Things required, or to grant any Licences in respect thereof, or to confer on any other Company or Person the Right to make, work, or maintain any Telegraph which the Company would be by the now reciting Memorandum authorized to make, and to acquire and hold any Lands or Heredita-

[*Local.*] 20 K ments,

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ments, Patents, Licences, Permissions, Easements, Rights, Privileges, or Authorities necessary or conducive to the carrying out of the said Undertaking, and to enter into and carry out any Arrangements with any other Person or Companies for the connecting the said Telegraphic Lines of any the m with other Telegraphic Lines, or for leasing, purchasing, or hiring the said last-mentioned Lines, and generally to do all Things whatsoever directly or indirectly incident to the above-mentioned Undertakings, or to carrying into effect the Purposes of the Company: And whereas the Systems of the said *Thomas Allan*, as mentioned in the said Memorandum of Association, were certain alleged Improvements in Electric Telegraphy for which he had obtained Patents: And whereas Agreements were entered into between the said Company, or the Directors thereof, and the said *Thomas Allan* relating to the purchasing and carrying out of his said Systems, but such Agreements have since been determined, and the said Company has abandoned so much of the Purposes aforesaid as relates to the said Systems: And whereas it would be for the public Benefit if such Powers were conferred upon the Company as will enable them effectually to carry on their Undertaking, and to perform the Duties and Services of an Electric Telegraph Company: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpreta-
tion of
Terms.

1. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "the Company" shall mean "The *United Kingdom Electric Telegraph Company (Limited)*:"

The Word "Persons" shall include Corporation, whether aggregate or sole, Council of a City or Borough, Trustees, Commissioners, or other public Body or Board:

The Word "Justice" shall mean Justice of the Peace acting for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall mean Two Justices assembled and acting together, or any One Police Magistrate or Justice of the Peace who may have by Law Authority to act alone for any Purpose with the Powers of Two Justices:

In this Act the Expression "The Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*:

The

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The Word "County" includes, with reference to *Ireland*, any Riding or Division of a County for which Riding or Division separate Assizes are held, but not a County of a City or a County of a Town:

The Word "Sheriff" shall mean the Sheriff Depute of the County or Ward of a County in *Scotland*, and the Steward Depute of the Stewartry in *Scotland*, in which the Matter requiring the Cognizance of such Sheriff shall arise, and shall include the Substitute of such Sheriff Depute and Steward Depute respectively:

The Word "Street" shall mean and include any public Street Square, or Court, and any Turnpike or other, public Carriage Road or Bridge, being a Cart or Carriage Road or Way, and shall include the Footpaths thereof respectively, and any Land on the Side of any such Road or Way, and forming Part of a public Highway, but shall not include any Railway, Navigation, Canal, or navigable River, or any Dock, Basin or Towing-path, Warehouse, or other Works belonging thereto respectively; and the Word "Lands" or "Land" shall not be deemed to include any "Street:"

The Word "Telegraph" and the Word "Telegraphs" shall mean any Wire or Wires which is, are, or may be used for the Purpose of Telegraphic Communication, together with any Casing, Coating, Tube, or Pipe in which the same may be placed or inclosed.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that the Company shall not purchase Lands, except by Agreement, nor any greater Quantity of Land than Five Acres.

8 & 9 Vict. cc. 18. and 19. incorporated.

3. Compensation for any Damage which may be done in the Execution of the Powers of this Act shall be ascertained and determined, and Payment thereof may be enforced, in manner provided by "The Lands Clauses Consolidation Act, 1845," in respect of Lands in *England* or *Ireland*, and in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to Lands in *Scotland*.

Compensation to be ascertained under Lands Clauses Act.

4. For the Purpose of laying Telegraphs, or placing Posts, Poles, or other Apparatus for carrying or supporting a Telegraph, the Company may, by Agreement, acquire any Easement in any Lands, or any limited Right or Privilege therein, and all Persons by "The Lands Clauses Consolidation Act" authorized to sell Lands may agree with the Company for the Grant to them of such Easement or limited Right or Privilege.

Power to purchase Easements in Land.

5. Subject to the Provisions of this Act the Company may from Time to Time lay, maintain, repair, and renew Telegraphs over, along, across, or under any Street, and set up, erect, place, maintain, repair,

Power to lay Telegraphs in Streets.

and

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and renew in or upon any Street any Posts Poles, Standards, Stays, Struts, or other Apparatus for carrying, suspending, or otherwise supporting such Telegraphs, and for the Purposes aforesaid, or any of them, may open and break up any such Street, doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage which may be done in the Execution of such Powers to the Parties who shall have sustained such Damage.

No Tele-
graph to be
laid along or
across
Streets
otherwise
than under-
ground, ex-
cept with
Consent.

6. No Telegraph shall be laid along or across any Street, or any Part of a Street, in *Great Britain*, otherwise than underground, except with the previous Consent in Writing of the Persons having the Control or Management of such Street under the Hand of their Clerk or Surveyor, and the Persons having such Control or Management may give such Consent upon such Terms and Conditions, pecuniary or otherwise, and subject to such Restrictions, as they may deem expedient.

After obtain-
ing Consents
of Persons
having Con-
trol of
Roads,
Notices to
be given by
the Com-
pany.

7. Where the Company shall propose to place Posts, Poles, or other Apparatus for carrying or supporting a Telegraph in or by the Side of any Turnpike Road in *Great Britain*, or any common Highway under the sole Management or Control of a Surveyor or Surveyors in *England*, or any Statute Labour Road in *Scotland*, or any Part of any such Road or Highway, the Company shall forthwith, after obtaining the Consent of the Persons having the Management or Control of such Road or Highway, publish in manner herein-after mentioned a Notice describing the intended Route of such Telegraph, and the Company shall not set up or erect any Post, Pole, Strut, Stay, or other Work connected therewith in or by the Side of any such Road or Highway as aforesaid until after the Expiration of Twenty-one Days from the last Publication of such Notice.

Mode of
giving
Notices.

8. Such Notice shall be affixed on some conspicuous Places by the Side of the said Road or Highway, or the Part thereof as aforesaid, at Distances not exceeding One Mile apart, and shall also be inserted once in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of such Road or Highway, or the Part thereof as aforesaid, and shall be left at every Dwelling House fronting on such Road or Highway, or the Part thereof as aforesaid, and within Fifty Feet thereof.

Owner on
either Side
may appeal.

9. If the Owner or Occupier of any Land or House adjoining either Side of such Turnpike Road or Highway as aforesaid, in or by the Side of which the Company shall propose to place any Posts, Poles, or other Apparatus as aforesaid, shall at any Time after any such Consent or Permission as aforesaid shall have been obtained, and before the Expiration of such Twenty-one Days as herein-before mentioned, give to the Company Notice in Writing that he considers that such proposed
Works

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Works will injuriously affect his said Land or House, and that he intends to appeal against such Consent or Permission as aforesaid, it shall be lawful for such Owner or Occupier to appeal against the same as hereinafter mentioned, and such Owner or Occupier shall forthwith give Notice to the Board of Trade or Sheriff, as the Case may be, of such Appeal.

10. Where such Turnpike Road or Highway as aforesaid shall be situate in *England*, such Appeal shall be heard and determined either by the Board of Trade, who shall have Power to appoint a competent Person to inquire and report to them upon the Circumstances of the Case, or, if the Board of Trade shall think fit, by some Person to be appointed by them the Referee for that Purpose; and where such Turnpike Road or Highway as aforesaid shall be situate in *Scotland*, such Appeal shall be heard and determined by the Sheriff of the County in which such Land or House as aforesaid is situate, and such Sheriff shall have Power to appoint a competent Person to inquire and report to him upon the Circumstances of the Case; and such Appeal shall be prosecuted as soon after the Expiration of Ten Days after the giving of such Notice of Appeal as conveniently may be, the necessary Costs, Charges, and Expenses of the Referee or of the Sheriff respectively being paid by the Company.

Appeal when Road is situated in England or Scotland.

11. It shall be lawful for the Board of Trade, or the Referee appointed by them, as the Case may be, and for the Sheriff respectively, to hear and finally determine the Matter of such Appeal, and to award such Costs, if they think any ought to be paid to the Appellant, as they shall think proper, and their and his Determination in the Premises shall be conclusive upon all Parties.

Provision affecting Appeal.

12. If the Board of Trade, Referee, or Sheriff shall consider that any Alteration proposed will affect any other Owner or Occupier of Land, he shall, unless such Owner or his Agent, or such Occupier be present, adjourn the Case, and shall direct Notice to be given to such Owner or his Agent, or to such Occupier, of the Intention to propose such Alteration, and shall hear any Objections of such Owner or Occupier as if it were an original Appeal: Provided always, that the Decision on any such Appeal shall not prejudice or affect the Rights or Powers of the Persons having the Control or Management of any Street, or prejudice or affect any Persons other than the Company and the Appellant, and the Persons, if any, to whom any Notice shall be given in pursuance of such Direction as aforesaid.

Notice to be given to Owners and Occupiers affected by proposed Alteration.

13. Where any Street in *Ireland*, or the Part thereof along or across which the Company shall purpose to lay a Telegraph, is not under the Control of the Grand Jury of the County within which such Street or the Part thereof as aforesaid is locally situate, no Telegraph shall be laid

Consents to Telegraphs overground in Ireland where Street not under

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along

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Control of
County
Grand Jury.

along or across such Street, or the Part thereof as aforesaid, otherwise than underground, except with the previous Consent in Writing of the Persons having the Control or Management of such Street, under the Hand of their Clerk or Surveyor; and the Persons having such Control or Management may give such Consent upon such Terms and Conditions, pecuniary or otherwise, and subject to such Restrictions, as they may deem expedient.

Consents to
Telegraphs
overground
in Ireland
where Street
under Con-
trol of
County
Grand Jury.

14. Where any Street in *Ireland*, or the Part thereof along or across which the Company shall purpose to lay a Telegraph, is under the Control of the Grand Jury for the County in which such Street, or the Part thereof as aforesaid, is locally situate, no Telegraph shall be laid along or across such Street, or the Part thereof as aforesaid, otherwise than underground, except with the previous Approval of such Grand Jury, to be applied for in manner herein-after provided.

Notices of
Application
to Grand
Jury.

15. Previously to making such Application the Company shall publish Notice of their Intention to make such Application, and such Notice shall describe the intended Route of the proposed Telegraph, and shall be published by Advertisements affixed on or immediately adjacent to the Doors of every Police Station or Barrack, and at the Places, if any, appointed by the Grand Jury for posting Notices within each Parish, and also by Advertisements to be inserted once in each of Three successive Weeks in some One and the same Newspaper of the County, or if there be none, then in the Newspaper in some adjoining County; and the Company shall deposit a Copy of such Notice with the Secretary of the said Grand Jury, the County Surveyor, and the Clerk of each Union through which the Telegraph is proposed to be laid.

Time of
giving of
Notices of
Application
to Grand
Jury.

16. In case the Application is made at the Spring Assizes, the said Advertisements shall be published in the Months of *November* and *December*, or either of them, and the said Deposits made on or before the First Day of *December* immediately preceding such Application; and in case the Application is made at the Summer Assizes, the said Advertisements shall be published in the Months of *April* or *May*, or either of them, and the said Deposits made on or before the First Day of *May* immediately preceding such Application.

Proceedings
before the
Grand Jury.

17. The said Grand Jury shall, on the Application of the Company, inquire whether the said Advertisements have been published, and Deposit made, in accordance with the Requirements of the foregoing Enactments, and shall then proceed to inquire into the Merits of the said Application; and with reference thereto the Grand Jury shall take into consideration the Report of the County Surveyor on the proposed Telegraph (who is hereby required to make Report thereon to the Grand Jury,

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Jury, and to deliver a Copy thereof to the Company Three clear Days at least before the Inquiry by the Grand Jury), and shall hear in opposition to the Application any Owner or Occupier of any Lands alleged to be injuriously affected thereby, and the Inhabitants of any Town, Place, or District alleged to be injuriously affected by the proposed Telegraph; and the Grand Jury shall then approve or disapprove, as they may think fit, of the proposed Telegraph with or without Modification, and such Approval or such Disapproval (with, in the Case of Disapproval, the Grounds thereof) shall be certified in Writing under the Hand of the Secretary of the Grand Jury.

18. Where the proposed Telegraph does not lie wholly within One County, the foregoing Enactments relating to *Ireland* exclusively shall apply equally to every County within which any Part of it lies, except that the Company may, if they think fit, deposit with the Secretary of the Grand Jury, and the Surveyor of any County, and the Clerk of any Union, Copies of so much only of any such Notice as relates to so much of the proposed Telegraph as lies within that particular County.

When proposed Telegraph in more than One County in Ireland.

19. Where the proposed Telegraph does not lie wholly within One County, and is approved of by any One of the Grand Juries before whom the Application comes, but is disapproved of by any other or others of such Grand Juries, it shall be lawful for the Company to appeal against such Disapproval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of Disapproval, and allow or disallow the Appeal.

Appeal to Lord Lieutenant in certain Cases in Ireland.

20. Where the proposed Telegraph lies wholly within One County, and the Grand Jury of that County disapproves of the same, and also where the proposed Telegraph does not lie wholly within One County, and either the Grand Juries of all the several Counties disapprove of the same, or any One of them disapproves of it, and no Appeal is brought against such Disapproval, or any Appeal brought is disallowed, then and in every such Case the Application of the Company shall be deemed to have wholly failed.

When Application shall be deemed to have failed in Ireland.

21. Everything required to be done under this Act by the Grand Jury of a County shall be deemed to be a Part of their fiscal Business, and all Enactments for the Time being in force respecting the fiscal Concerns of a County, or the fiscal Business to be transacted by a Grand Jury before or at any Assizes, shall apply to everything done by a Grand Jury under this Act, so far as the same Enactments shall be applicable thereto.

Proceedings of Grand Jury to be Part of fiscal Business.

22. In any Case where any Post, Pole, Strut, or Stay, or other Apparatus as aforesaid, or Wire belonging to the Company, shall be or have

In certain Cases where Owners of

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Land adjoining a Highway shall be desirous of building, Posts, &c. may be removed.

have been placed or carried in or upon or by the Side of any Street, and the Owner of the Land adjoining such Street on either Side thereof shall be desirous of erecting any Dwelling House or Houses, or of letting or selling such Land for the Purpose of erecting any such House or Houses, on such adjoining Land within Fifty Feet from any Post or Telegraph Wire of the Company, and shall give Notice to the Company of his Intention to erect any such House or Houses, or to let or sell such Land for the Purpose of erecting any such House or Houses, and require the Company to carry the Telegraph underground, or to remove or alter the Position or Height of any Post, Pole, Strut, Stay, or other Apparatus or Wire belonging to the Company in or upon either Side of the said Street in front of or opposite to such proposed House or Houses, then in case the Company shall not, within One Month after the Receipt of such Notice, or the Commencement of the Erection of such House or Houses, which shall last happen, comply with the Terms of such Notice, it shall be lawful for such Owner to appeal to the Board of Trade if the Lands be in *England*, to the Sheriff if the Lands be in *Scotland*, or to the Chairman of Quarter Sessions in Sessions if the Lands be in *Ireland*; and it shall be lawful for the Board of Trade, upon the Report of their Referee, or for the Sheriff, or for the Chairman of Quarter Sessions, as aforesaid respectively, to order that any Post, Pole, Strut, Stay, or other Apparatus or Wire, specified in such Notice, so far as the same shall in their or his Opinion injuriously affect the said proposed House or Houses, shall be either wholly removed, or be removed to such Place, or that the Wire suspended therefrom, or from any higher or lower Post or Pole directed to be substituted in lieu thereof, shall be raised or lowered to such Extent, as shall be specified in such Order, and the Order shall be binding on the Company, and shall be obeyed by the Company within the Period to be fixed by the Order: Provided always, that such Order shall not prejudice or affect the Rights or Powers of any Persons having the Control or Management of any Street, or any other Person than the Company and the Appellant: Provided also, that if the Owner of any Land adjoining a Street builds continuously upon such Land, or builds detached Dwelling Houses the Grounds of which adjoin each other, he may, if he think proper, require the Company, by Notice in Writing, to remove any Posts, Poles, or other Apparatus of the Company in front of the Houses so built to a Distance of Fifty Feet at least from any of such Houses, or to carry the Telegraph underground, and the Company, within One Month after the Receipt of such Notice, shall comply with the Terms of such Notice.

Poles on Waste by the Side of a Highway to be removed on Enclosure by Owner.

23. In any Case where any Post, Pole, Strut, Stay, or other Apparatus for carrying or supporting a Telegraph, or where any Telegraph belonging to the Company, shall be placed or laid in, upon, or under any waste or uncultivated Land forming Part or lying by the Side of any Street, and the Owner of the adjoining Land, or the Lord of the Manor within which such waste or uncultivated Land shall be situate,

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situate, shall be desirous to enclose such waste or uncultivated Land, and shall give Notice to the Company of his Intention to enclose the same, and require the Company to remove all or any such Works of the Company in, upon, or under such waste or uncultivated Land, the Company shall, within One Month after the Receipt of such Notice, or within One Month after such Enclosure shall be actually completed, which shall last happen, remove all such Works as aforesaid of the Company in, upon, or under such waste or uncultivated Land or Enclosure.

24. If the Company intend to carry or lay Telegraphs over Houses or Buildings or Lands in any City, Municipal Borough, or Town, or any District or Part of such City, Borough, or Town, the Company shall submit to the Persons having the Control of the Streets therein respectively a Plan showing the Height, Course, and Direction, and the Distance between the several Supports of such Telegraphs, and, if required, shall alter such Plan so as to meet their Approval; and all Works shall be constructed, erected, and (subject to the Provisions herein-after contained for the Protection of Owners, Lessees, and Occupiers of Houses, Buildings, or Lands) be maintained by the Company in accordance with such Plan as the same may be approved by the Persons having such Control as aforesaid; and such Approval shall be a sufficient Authority to the Company to carry, lay, suspend, and, subject to such last-mentioned Provisions, maintain Telegraphs over any House or Building or Land within the Limits of such City, Borough, or Town, or District or Part thereof respectively: Provided always, that such Telegraph shall not be placed directly over any House, Building, or Land if the Owner or Occupier object thereto, and, if so placed, shall be removed if required by such Owner or Occupier: Provided also, that, except as is herein-after provided, the Company shall not be required to remove any such Telegraph by any such Owner or Occupier after the Expiration of Twelve Months from its Suspension, unless Two Justices of the Peace, upon the Application of such Owner or Occupier, and after hearing the Company, think there are reasonable Grounds for its Removal.

Notice to
be given
before Tele-
graphs laid
over Houses
and Plan
approved.

25. 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 to 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, where the Telegraph is intended to be laid otherwise than underground, and the Consent of such Persons shall have been previously obtained as aforesaid, and Ten Days at the least where the Telegraph is intended to be laid underground (except in case of Emergency for the Purpose of repairing or renewing a Telegraph previously laid under the Provisions of this Act, in which Case

Notice to be
served before
breaking up
Streets.

[*Local.*]

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Notice

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Notice shall be given as soon as possible after such Emergency shall have arisen); and every such Notice shall specify the Time when such Street is intended to be opened; and every such Notice which shall relate to the first laying of any Telegraph underground shall specify the Course and Direction in which and the Depth at which it is intended to be laid under such Street; but no Street within the Limits of the Metropolis, defined as herein-after mentioned, shall be opened or broken up for the Purpose of laying new Telegraphs during any Part of the Months of *December, January, and February*, without the Consent of the Vestry or District Board under whose Control or Management such Street may be.

Streets to be
broken up
under Super-
intendence.

26. Every such Street shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, and any underground Telegraph shall be laid at such Depth, and in such Course, Position, or Direction, as shall be agreed upon between such Persons or their Officer and the Company or their Servants, or, in case of any Difference as to Depth, Course, Position, or Direction, as shall be determined by Two Justices, or any Person to be nominated by them, or, if the Street be in *Scotland*, by the Sheriff or any Person to be nominated by him: Provided that if the Persons having such Control or Management, or their Officer, do not, within Ten Days after receiving such Notice as aforesaid, by Writing under their or his Hand, signify to the Company their or his Objections to the proposed Operations as specified in such Notice, and specify in such Writing the Course, Position, or Direction in which and the Depth at which they or he desire that such Telegraph should be laid, they or he shall be deemed to have agreed to the proposed Operations as specified in such Notice; but if such Objections be so signified, the said Telegraph shall be laid at the Depth, and in the Course, Position, or Direction, specified in such Writing, unless the Company shall require the Depth or Course, Position or Direction, to be determined as aforesaid, and in that Event the said Telegraph shall be laid at the Depth, and in the Course, Position, and Direction, which shall be so determined; and after any such Objections shall have been signified, or such Depth, Course, Position, and Direction shall have been determined by the Justices or Sheriff as aforesaid, the Company shall give to the Persons aforesaid, or their Officer, a fresh Notice in Writing of the Time at which the Work is to be commenced Three Days at least before such Commencement: Provided also, that if such Persons or their Officer, having received any such original Notice as herein-before mentioned, or such fresh Notice as aforesaid (as the Case may be), fail to attend at the Time thereby fixed for the opening of any such Street, or refuse or neglect to superintend the Operation, the Company may perform the Work without the Superintendence of such Persons or their Officer: Provided further, that the Company shall pay all reason-
able

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able Expenses to which the Persons having the Control or Management of any Street shall be put in reference to such Superintendence as aforesaid.

27. All Tubes or Pipes laid by the Company underground shall be marked so as to distinguish the same from the Tubes or Pipes of any other Company. Pipes to be marked.

28. When 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 Surface of the Street so opened or broken up, and restore the same to as good a Condition as that in which it was before being so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Street 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 Street so broken up or opened a sufficient Light during every Night during which such Street shall be continued open or broken up, and shall pay all reasonable and proper Expenses of keeping the Street or Pavement which has been so opened in good Repair for Six Months after replacing, restoring, and making good the same, in so far as such Expenses shall have been occasioned in consequence of the said Street or Pavement having been so opened or broken up : Provided always, that in lieu of such last-mentioned Payment, the Company, in respect of any Turnpike Road under the Jurisdiction of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, or the Trustees of the *Surrey* and *Sussex* Turnpike Roads, or the Trustees of the *New Cross* Turnpike Roads, respectively, shall, within Seven Days from the Restoration thereof, and in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, pay to the Commissioners or Trustees having the Control of the same Turnpike Roads respectively such Sum as they shall reasonably require, not exceeding Sixpence for every Superficial Square Yard broken up by the Company within the Limits of the Metropolis, and not exceeding Fourpence for every Superficial Square Yard so broken up beyond those Limits ; and the Company shall keep in repair the Roads and Footpaths, so far as they are interfered with and injured, for a Period of Ten Days after the same shall have been filled in. Streets broken up to be reinstated without Delay.

29. If the Company shall (except in case of Emergency as herein-before provided) open or break up any Street without giving such Notice as aforesaid, or in a Manner different from that which shall have been consented to, approved of, or determined as aforesaid, or without having obtained the Consent of the Persons having the Control or Management of the Street where any such Consent is by this Act required, or without Penalty for Delay in reinstating Streets.

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having obtained the Consent herein-after required in the Case of certain Cities or Municipal Boroughs, or if the Company make any Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Street or Pavement so opened or broken up, or in restoring the same to such good Condition as aforesaid, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Street or Pavement has been broken up to be properly fenced, guarded, and lighted as herein-before mentioned, the Company shall forfeit to the Persons whose Consent is so required, or having the Control or Management of the Street in respect of which such Default is made, a Sum not exceeding Five Pounds for every such Offence; and the Company shall forfeit an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue, without Prejudice to the Rights of any Parties interested to enforce specific Performance of the Requirements of this Act.

Company to
make good
any Damage
to the
Streets.

30. If in the making or laying down any of their Works the Company do or cause any Injury or Damage to any Street, or to any Brick or other Drain, Sewer, Cesspool, Water Channel, or other Convenience connected therewith, and do not forthwith proceed to repair and make good the Injury or Damage to the Satisfaction of the Persons having the Control or Management of the same respectively, or of their Surveyor, or if by reason of the making or laying down any of the Works by this Act authorized or required any Alteration of any Street, or of the Drains, Sewers, Cesspools, or Water Channels connected therewith, is, in the Judgment of such Persons or of their Surveyor, rendered necessary, then and in every such Case such Persons or their Surveyor may cause all such Repairs or Alterations to be made as they or he in their or his Discretion may think fit; and all Expenses thereof shall be paid on Demand by the Company, or, in default of Payment for Twenty-one Days after Demand, may be recovered by the Persons aforesaid by summary Proceeding before a Justice or Justices, or before the Sheriff, as the Case may be, as in this Act provided.

Traffic not
to be stopped
during Com-
pany's
Works in
any Street.

31. The Company shall not, at any Time during the making or laying down of any Works by this Act authorized or required, shut up or in any way impede the public Traffic along a greater Width of any Street than shall be necessary for the proper Performance of the Work, nor in any Case more than One Third in Width of any Street at the same Time; and if the Two Thirds of the Street so left open be not wide enough to allow Two Carriages to pass each other, then and in every such Case not more than Fifty Yards in Length of the other Third of the Street shall be occupied by the Company's Works at the same Time, unless by special Permission of the Surveyor of the Persons having the Control of the Street.

32. The

United Kingdom Electric Telegraph Act, 1862.

32. The Company shall, at their own Expense, do all such Things in the way of watching, lighting, fencing, and other precautionary Measures during the making of any Works by this Act authorized or required as are necessary for the public Safety and the Convenience and Protection of any Street and of the Traffic thereon; and the Company shall be answerable for all Accidents and Damage happening through the Default of the Company, or any Person in their Employ, by reason or in consequence of any of the Works of the Company.

Precautions
to be taken
by Company
during
Works in
Streets.

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

Company
not to alter
Position of
Gas or
Water Pipes
except Ser-
vice Pipes.

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

Works to be
done by
Water or
Gas Com-
pany, or in
their De-
fault by
Company.

[*Local.*]

20 N

35. The

United Kingdom Electric Telegraph Act, 1862.

Company to
reinstate
Service
Pipes and
pay Com-
pensation
for all
Damage.

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

Saving
Rights of
Water and
Gas Com-
panies.

36. Nothing in this Act contained shall limit, control, or in any Manner affect any Power, Right, or Privilege vested in any Water Company or Gas Company now acting under Act of Parliament or Royal Charter, but all such Powers, Rights, and Privileges shall be and remain in full Force and Effect as if this Act had not been passed.

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

37. It shall not be lawful for the Company to lay any Telegraph along, across, over, or under any Street in the City of *London* or the Liberties thereof, or to set up, erect, place, or maintain in or upon any such Street any Posts, Poles, Standards, Stays, Struts, or other Apparatus, 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, and under and subject in all respects to the Powers and Provisions contained in "*The City of London Sewers Act, 1848,*" and "*The City of London Sewers Act, 1851;*" and nothing in this Act contained shall extend to prejudice, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of *London*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

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

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

39. Where

United Kingdom Electric Telegraph Act, 1862.

39. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of or so as to interfere with any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the Metropolis Local Management Act, 1855, or with any Sewers or Works to be made or executed by the said Boards or Vestry, or either of them, or shall or may in any way prejudicially affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of their Intention to commence the same by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Directions and Regulations of the respective Board or Vestry in the Execution of the said Works, and shall provide, by new, altered, or substituted Works, in such Manner as such Board or Vestry may deem necessary, for the proper Protection of and for preventing Injury or Impediment to the Sewers and Works herein-before referred to by or by reason of the said intended Works, or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby; and all such Works shall be done by or under the Directions, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Company, and all Costs, Charges, and Expenses which the said Metropolitan Board or any District Board or Vestry may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to such Boards or Vestry by the Company on Demand; and when any new, altered, or substituted Works as aforesaid, or any Works or Defence connected therewith, shall be completed by or at the Costs, Charges, or Expenses of the Company under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Boards and Vestry respectively as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of

For Protection of Sewers of Metropolitan and other Boards.

United Kingdom Electric Telegraph Act, 1862.

of the Rights, Powers, or Authorities vested or to be vested in the said Boards or Vestries, or any of them, or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Company to alter or remove Works when so required for Sewerage, &c. Purposes by Metropolitan Board or Vestry or District Board.

40. If and when, for the Purposes of any Work of Sewerage, Drainage, Paving, Repair, or otherwise, the Metropolitan Board or any such Vestry or District Board as aforesaid shall in exercise of any Power vested by Law in them, or any or either of them, proceed to break open or interfere with the Soil or Pavement of any Street along or across which any Part of the Works of the Company shall pass, every such Board and Vestry may, where it may be necessary for the Execution of any such Work, require the Company to raise, sink, alter, or remove any Part of the said Works belonging to the Company in such Manner and within such reasonable Time as shall be specified in such Notice; and the Expenses of and incident to such raising, sinking, Alteration, or Removal shall be borne by the Company; and if such Notice be not complied with such Board or Vestry may proceed to execute the necessary Works at the Expense of the Company, and any reasonable Costs, Charges, or Expenses which they or either of them may be put to or incur thereby shall be payable to them by the Company on Demand, and shall be recoverable either by Action at Law, or summary Proceeding before a Justice, at the Option of the Vestry or Board; provided, except in case of Emergency, that no Alteration of such Work shall be required or made which will permanently injure the Work without Two clear Days previous Notice in Writing to the Company, at their principal Office for the Time being, stating the Name of the Street, and the particular Part thereof, and the Part of the Work which may be proposed to be raised, sunk, altered, or removed, is situate: Provided always, that every such Board or Vestry shall proceed with or complete any Works which they may require to execute with all reasonable and convenient Speed, but no such Board or Vestry shall be liable to make Compensation to any Body or Person whatever for or on account of any Loss or Damage arising from or consequent upon any Stoppage or Obstruction of the Works from any of the Causes aforesaid.

Persons having Control of Streets may require Alteration of Telegraphs on Improvements and Works.

41. If any Persons having the Control or Management of any Street shall be desirous of executing any Alteration or Improvement thereof or Work therein, with which Improvement or Work any Telegraph of the Company, or Support or Work connected therewith, laid or placed over, along, across, under, in, or upon such Street will interfere, such Persons may, by Notice in Writing, require the Company, within a reasonable Period to be specified in such Notice, to alter or remove any such Telegraph, Support, or Work, so far as may be necessary for carrying such Improvement or Work into effect; and any Dispute between such

Persons

United Kingdom Electric Telegraph Act, 1862.

Persons and the Company with reference to this Provision shall be settled by Two Justices, or, if in *Scotland*, by the Sheriff.

42. Subject to the Provisions of this Act, it shall be lawful for the Company, by Agreement with the Owners, Lessees, and Occupiers of any Land, House, or Building, or with the Proprietors or Lessees of any Railway, Navigation, Canal, or navigable River, or the Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons interested in or having the Charge of such Canal, Navigation, or River, or the Tolls thereof, and according to the Terms of such Agreement, to lay, maintain, repair, and renew Telegraphs, and set up, erect, affix, place, maintain, repair, and renew any Posts, Poles, Standards, Stays, Struts, or other Apparatus for carrying, suspending, or otherwise supporting such Telegraphs in, upon, over, along, across, or under such Land, House, Building, Railway, Navigation, Canal, or navigable River; but none of the Powers or Provisions of this Act shall extend or apply to any Railway, Navigation, Canal, or navigable River, or any of the Stations, Towing-paths, Lands, Wharves, Works, or Buildings belonging to or connected therewith respectively, except with the Consent in Writing of the Company, under their Common Seal, or of the Person to whom the same respectively shall belong, or of such Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons as aforesaid, first had and obtained; but this Provision shall not extend to prevent the Company from laying Telegraphs along, across, or over any Street, although such Street may cross or be crossed by a Railway, Navigation, Canal, or navigable River: Provided that such Telegraphs do not in anywise damage and are not calculated to damage the Railway, Navigation, Canal, or navigable River, or any of the Works connected therewith, or interfere with any Alteration or Improvement thereof, and do not at all interrupt or interfere with, and are not calculated to interrupt or interfere with, the Use, Alteration, or Improvement thereof, or the Passage and Conveyance of Traffic along the same.

As to laying
Telegraphs
in, over, &c.,
Lands,
Buildings,
Railways,
Canals, &c.

43. No Telegraph, or any Support or Work connected therewith, shall be so laid, placed, or continued along any Railway as to stop the Access thereto for Engines and Carriages from any other Railway forming a Junction therewith, or along any Navigation, Canal, navigable River, or Dock, so as to stop up, prevent, or otherwise interfere with the Access thereto for Vessels, Barges, or Boats, whether with or without Masts, from any other Navigation, Canal, or navigable River, or any Dock, Basin, or Cut communicating therewith, or in any way impede the Traffic passing to or from any such Railway, or to or from any such Navigation, Canal, navigable River, or Dock, Basin, or Cut.

Telegraphs
and Works
not to be so
placed as to
impede the
Traffic
passing from
one Railway
or Canal,
&c. to
another.

44. If at any Time after any Telegraph of the Company shall be laid in, under, over, or along any Navigation, Canal, or navigable River any
[Local.] 20 O

Providing
for Access
from future
Persons

United Kingdom Electric Telegraph Act, 1862.

Docks to
Canal or
River.

Persons having Power to construct Docks, Basins, or other Works upon any Land adjoining or near to such Navigation, Canal, or navigable River shall construct or be desirous and proceed to construct any Dock, Basin, or Works on such Land, but shall be prevented from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Works and any such Navigation, Canal, or navigable River, or if the Business of any such Dock, Basin, or other Works, or of any such Navigation, Canal, or navigable River, shall be interfered with by reason or in consequence of any such Telegraph, or any Support or Work connected therewith, the Company, at the Request of such Persons, and upon having reasonable Facilities and Permission given them by such Persons to lay their Telegraph round the said Docks, Basin, or other Works in and upon Land belonging to or under the Control of such Persons, shall remove and lay their Telegraph accordingly, so as to allow free Passage for Vessels entering or departing from the Dock, Basin, or other Works from or into the Navigation, Canal, or navigable River, and the Business thereof respectively to be conveniently carried on; and if any Dispute shall arise between the Company and such Persons as to the Facilities to be granted to the Company, or as to the Direction in which the Telegraph should be laid, such Dispute shall be determined by Two Justices.

Houses and
Lands not to
be entered
except with
Consent.

45. This Act, or any Powers acquired by the Company under this Act, shall not authorize or enable the Company to enter upon, take, or use any House or Building or Land, other than Land under any Street, except with the Consent of or by Agreement with the Owners, Lessees, and Occupiers thereof.

Telegraphs
and Works
not to pass
within Ten
Yards of
any House.

46. No Telegraph of the Company, or Support or other Work connected therewith, shall be laid above ground in the Street of any Town, or in any Street between Land continuously built upon, or across any Avenue or Approach to any House of the annual Value of Twenty Pounds or upwards, or within Ten Yards of any such House, without the Consent of the Owner or Occupier of such House: Provided always, that the Consent of the Occupier shall in all Cases be obtained, but if his Consent only be given the same shall not be deemed to give any Right to the Company beyond the Period of his Tenancy.

Wires, &c.
to be re-
moved when
they may
interfere
with Im-
provement,
&c. of
Property.

47. If any Company or Persons, being the Proprietors or Lessees of any Railway, Canal, navigable River, Navigation, Docks, Basins, Gas or Water Works, or any Corporation, Commissioners, Board, Undertakers, Conservators, Trustees, or other Body, who shall for the Time being be entitled to make use of, or to execute, construct, maintain, alter, or improve, any Works, or any Waterway or other Way, or Road or other Easement, within or upon any House or other Building or Land or Street, or if any Owner, Lessee, or Occupier for the Time being of
any

United Kingdom Electric Telegraph Act, 1862.

any House or other Building or Land in, over, or under which House or other Building, or Land or Street, any Tube, Wire, or other Apparatus may pass, shall state in Writing to the Company that it is necessary for the Improvement or other Use of, or for the Execution, Construction, Maintenance, Alteration, or Improvement of, any Work, or Water or other Way, or Road or Easement, which any such Owner, Lessee, or Occupier, Company, Corporation, Commissioners, Board, Undertakers, Conservators, Trustees, or other Body shall be entitled to make, execute, construct, maintain, alter, improve, or use within or upon any such House or other Building or Land or Street, or for the Use or Enjoyment of any such Work, Water or other Way, or Road or Easement, as aforesaid, or for the Objects or Purposes of any such Works, Water or other Way, or Road or Easement, that the Tube, Wire, or other Apparatus should be displaced, the Company shall, with all convenient Speed, after any such Notice, remove such Tube, Wire, or other Apparatus, so far as such Removal may be necessary to avoid Interference with any such Improvement or other Use of, or the Execution, Construction, Alteration, Improvement, or Maintenance of, any Works, Water or other Way, or Road or Easement, which any such Party may be entitled to make, or the Use or Enjoyment of the said Works, Water or other Way, or Road or Easement, and the Objects and Purposes thereof, within or upon any such House or other Building, or Land or Street.

48. In any Case in which, previous to the passing of this Act, any Persons having the Control or Management of any Street, or any Owners, Lessees, or Occupiers of any House, Building, or Land, or any Company, or the Owners, Proprietors, or Lessees of any Railway, Navigation, Canal, or navigable River, or the Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons interested in or having the Charge of such Railway, Canal, Navigation, or River, or the Tolls thereof, shall have given any Consent or entered into any Agreement with the Company which they respectively would have been enabled or authorized to give and enter into if this Act had, previously to the giving of such Consent or entering into such Agreement, been passed, the Company shall not, so far and for such Time and on such Conditions as shall be expressly provided for by any such Consent or Agreement, but not further or otherwise, be required again to obtain the Consent of or to enter into a fresh Agreement with any such Parties as aforesaid, but every such Consent and Agreement so given or entered into as aforesaid shall be binding on the Company, and such Owners, Lessees, and Occupiers, Company, Owners, Proprietors, Lessees, Undertakers, Directors, Conservators, Trustees, Commissioners, and other Persons as aforesaid respectively, and shall be as valid and effectual, and of the same Force, to all Intents and Purposes, as the same would be under the Provisions of this Act in case it were given or entered into subsequently to the

As to Consents given and Agreements entered into previously to this Act.

United Kingdom Electric Telegraph Act, 1862.

the passing of this Act: Provided that no such Consent or Agreement given or entered into previously to the passing of this Act shall be binding upon the Person (other than the Company) who have given or entered into the same, in case such Person shall, within Three Months after the passing of this Act, give Notice to the Company determining such Consent or Agreement.

Power to lay
Telegraphs
under
Estuary, &c.

49. The Company may from Time to Time lay and place Telegraphs and Supports, and other Works connected therewith, and maintain, repair, and renew the same, in, upon, over, across, along, or under any Estuary or Branch of the Sea within the Limits of this Act, and for that Purpose may exercise such Powers as may be necessary, doing as little Damage as may be in the Execution of such Powers, and making Compensation for any Damage which may be done in the Execution of such Powers: Provided always, that no such Powers shall be exercised with reference to any such Estuary or Branch of the Sea, except with the Consent of all Persons having any Rights of Property, or other Rights, Powers, Authorities, or Jurisdictions, in, over, or relating to the same, which may be affected by the Exercise of such Powers.

Works below
High-water
Mark not to
be executed
without
Consent of
the Ad-
miralty.

50. The Company shall not lay or place below High-water Mark at ordinary Spring Tides, or on the Sea Shore, or Bank of any such tidal Water as aforesaid, or in any navigable Water subject to the Jurisdiction 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 for the Time being, or upon the Banks of any such navigable Water, any Telegraph, or any Support or Work as aforesaid, or any Buoy or Rope Apparatus, or erect any Sea Mark, or alter the same, at any Time, without the Consent of such Lord High Admiral or such Commissioners for executing the Office of Lord High Admiral for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as such Lord High Admiral or such Commissioners for executing the Office of Lord High Admiral may approve of, such Approval being signified as last aforesaid; and if any such Telegraph, Support or Work, Buoy, Rope Apparatus, or Sea Mark, or other Thing, shall be commenced or completed, laid, placed, erected, or altered or extended, contrary to the Provisions of this Act, such Lord High Admiral, or such Commissioners for executing the Office of Lord High Admiral, may abate, alter, and remove the same, and 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 to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty
may direct
local Survey

51. 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

United Kingdom Electric Telegraph Act, 1862.

executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any Sea or tidal Water, or any such navigable Water as aforesaid, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

to be made
at Expense
of Company.

52. If any Works to be constructed by the Company in or across or under any tidal Water, or any such navigable Water as aforesaid, or if any Portion of any Work which affects any such tidal or navigable Water or Access thereto shall be abandoned or suffered to fall into Disuse or Decay, the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral may abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and 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.

If Works
across tidal
Waters are
abandoned
Admiralty
may remove
same at the
Expense of
the Com-
pany.

53. Previous to commencing any Work whatever in, through, over, across, or under the River *Thames* below High-water Mark between *Teddington Lock* and *Yantlet Creek*, the Company shall deposit at the Office of the Conservators of the River *Thames* Plans, Sections, and Working Drawings of the same, and of the Works connected therewith, for the Approval of the Conservators, and such Work shall be constructed only in accordance with such Approval, signified in Writing under the Hand of their Secretary.

Company to
deposit
Plans, &c.
with Con-
servators of
the Thames.

54. The Company shall not dredge for or remove any Soil or Ballast from the Bed of the River *Thames*, except in such Manner and under such Rules and Regulations as shall be fixed on and determined by the Conservators of the River *Thames*, or their Engineer for the Time being, and so signified as aforesaid.

Company
not to
dredge in
the Thames.

55. If any Work to be constructed by the Company in, over, through, or across the River *Thames* below the present High-water Mark shall at any Time hereafter be or become injurious to the Navigation of the said River, the same shall, within Six Months after Notice in Writing to the Company, under the Hand of the Secretary of the Conservators of the River *Thames*, be abated and removed by the Company, and in default it shall be lawful for the Conservators to abate and remove the same at the Cost and Charge of the Company.

Company to
remove
Works in-
jurious to
Navigation
of the
Thames.

United Kingdom Electric Telegraph Act, 1862.

Saving
Rights of the
Conser-
vators of the
Thames.

56. Nothing in this Act contained shall extend to or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing this Act the said Conservators did or might lawfully claim or use or exercise.

Company
not to inter-
fere with
River
Mersey or
Docks and
Harbour
Board with-
out Consent.

57. Nothing in this Act contained shall enable the Company to erect or place any Wire, or to commence or execute any Work whatever, in, under, over, or upon the River *Mersey*, or any of the Sea Channels leading into the same within the Port of *Liverpool*, or any Bed, Shore, or Bank of that River, or of any such Channel, or any Shoal, Flat, or Shallow within that Port, or in, under, over, or upon any Part of the *Mersey* Dock Estate, or to enter upon or in any Manner interfere with that Estate for any Purpose whatsoever, without in each Instance the previous Consent in Writing of the *Mersey* Docks and Harbour Board under the Hand of their Secretary.

Saving
Rights of
the Mersey
and Irwell
Navigation
Company.

58. Nothing in this Act contained shall prejudice or affect any Right, Power, or Jurisdiction of the Company of Proprietors of the *Mersey and Irwell* Navigation.

Power for
Company
and other
Companies
to enter
into Agree-
ments.

59. Subject to the Provisions of this Act, it shall be lawful for the Company, and any Company or any Persons in any Part of the United Kingdom, from Time to Time to enter into Agreements with respect to the Construction, or laying, placing, Maintenance, Repair, or Use, of any Telegraphs and Supports, or other Works connected therewith, of the Company, in, upon, across, along, over, or under the Streets, Property, or Works belonging to or under the Control or within the Limits of the Jurisdiction of any such Company or Persons, Parties to the Agreement, upon such Terms and Conditions as shall be agreed upon: Provided that every Company or Person with whom any such Agreement shall be entered into shall be bound by and perform all Contracts and Agreements which shall have been entered into by the Company, and be then in force, so far as the same are affected or interfered with by any new Agreement: Provided also, that no such Agreement shall relieve the Company from any Liabilities which shall attach to them under the Provisions of this Act.

Power to
buy Tele-
graphs or let
any Wire.

60. The Company may from Time to Time purchase any Electric Telegraph and Works, or any Part of any Electric Telegraph and Works, or let any Wire, or any Right to use the same, upon such Terms and in such Manner as to the Company shall seem fit, and may maintain the Works and carry on the Business of an Electric Telegraph Company: Provided that if any Lease or Agreement for a Lease shall be made, under the Provisions herein-before contained, to or for the Benefit, either directly

United Kingdom Electric Telegraph Act, 1862.

directly or indirectly, of any other Electric Telegraph Company, such last-mentioned Company shall, during the Continuance of any such Lease or Agreement, be bound to continue and keep open for Use the Electric Telegraph, or such Part thereof as shall be comprised in such Lease or Agreement, and so far as regards the Electric Telegraph, or such Part thereof as shall be comprised in such Lease or Agreement, be subject to all and singular the Provisions of this Act in relation to the Transmission of and Charges for Messages, and in all other respects: Provided also, that no such Lease or Agreement shall relieve the Company from any Liabilities which shall attach to them under the Provisions of this Act.

61. The Use of any Telegraph and Apparatus erected or formed under the Provisions of this Act for the Purpose of receiving and sending Messages shall, subject to the prior Right of Use thereof for the Service of Her Majesty, and subject to such Charges and reasonable Regulations as may be from Time to Time made or entered into by the Company, be open for the sending and receiving of Messages by all Persons alike without Favour or Preference.

Telegraph
to be used
without
Preference.

62. Any Officer, Agent, or Servant of the Company or of any other Company, upon or near to whose Property or Undertaking any Electric Telegraph of the Company, or any of the Apparatus thereof, or any Part thereof respectively, may be erected or placed, and all Persons called by any such Officer, Agent, or Servant as aforesaid to his Assistance, 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 Wire, Tube, Pipe, Casing, Coating, Post, Pole, Standard, Stay, Strut, or Apparatus, or other Part of any Electric Telegraph belonging to the Company, or laid or placed or authorized under or by the Provisions of this Act, or any Works connected therewith respectively, 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, or Servant, and 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

63. The Company shall save harmless and indemnify the Trustees of any Turnpike Road against any Costs, Losses, Damages, or Expenses incurred by them by reason of any Injury arising by, through, or in consequence of any Act or Default of the Company.

Indemnity
to Trustees
of Turnpike
Roads.

64. The Company shall free and relieve the Persons having the Management or Control of any Street, collectively and individually, and their respective Officers and Servants, of all Claims and Damages arising in any manner of way from any Act or Default of the Company, or in consequence,

Company to
relieve Road
Trustees
and their
Officers of
Damages

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arising from
their Acts or
Default.

consequence, directly or indirectly, of the Exercise by them of any of the Powers of this Act.

Satisfaction
for acci-
dental
Damage,
how to be
recovered.

65. If any Person shall carelessly remove, throw down, injure, or destroy any Electric Telegraph of or belonging to the Company, or any Wire, Tube, Pipe, Casing, Coating, Post, Pole, Standard, Stay, Strut, or Apparatus laid or placed or authorized under or by the Provisions of this Act, 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 Non-appearance of the Person complained against, such Justice may award such Sum of Money, not exceeding Five Pounds, to be paid by the Offender or Person complained against to the Company or Person injured for such Damage 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 any Justice to cause the same to be raised and levied by Distress and Sale of the Goods and Chattels of the Offender or Persons so complained against as aforesaid.

Provisions of
8 & 9 Vict.
cc. 20. & 33.
as to Re-
covery of
Damages,
&c. extended
to this Act.

66. The Clauses and Provisions 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, and the Clauses and Provisions of the "Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, be incorporated with this Act.

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

67. And whereas it is expedient that Provision should be made 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: Therefore 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, shall at all reasonable Times be open for the Transmission of Intelligence for Her Majesty's Service, and the Company 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 Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, in this Act called the Board of Trade, or the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, in this Act called the Admiralty, 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 it shall be imperative on the Company

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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.

68. 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 Board of Trade or the Admiralty, as the Case may be, and the Company, or in case of Difference of Opinion between them, then as shall be determined 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.

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

69. In all Cases in which the Board of Trade or the Admiralty 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 Board of Trade and the other by the Company, if the Disagreement be between the Board of Trade and the Company, or if such Disagreement be between the Admiralty and the Company, then One of such Two Persons is to be named by the Admiralty and the other by the Company, and if such Two Persons cannot agree on the Amount of such Remuneration, then 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.

Mode of fixing Remuneration.

70. 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*.

Appointment of Arbitrator.

71. 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

Power to take possession of the Telegraphs

United Kingdom Electric Telegraph Act, 1862.

in case of
public
Emergency.

Government: Therefore 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 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 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
negligent
Officers of
the Com-
pany. -

72. 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, or shall improperly divulge the Purport of any such Message or Signal to any Person, 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.

73. Whenever it shall appear to the Board of Trade or Admiralty that any of the Provisions of this Act have not been complied with on the Part of the 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 Board of Trade or Admiralty 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, Complaint, 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 Non-compliance, 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

United Kingdom Electric Telegraph Act, 1862.

the Board of Trade or Admiralty until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company.

74. It shall not be lawful for the Company to sell or transfer their Undertaking to any other Company or Person without the Authority of Parliament, nor, after the passing of this Act, to lease any Wire, except with the Consent of the Board of Trade.

Company not to sell their Undertaking.

75. The Charges to be made by the Company from Time to Time for Telegraphic Messages sent from one Station of the Company to any other Station of the Company, whether in *Great Britain* or *Ireland*, shall not exceed the Rates specified in the Schedule to this Act.

Limiting Rate for Telegraphic Messages.

76. Before opening or breaking up any Street, or laying, erecting, or placing any Telegraphs or other Apparatus, in *Scotland*, the Company shall have a registered Office in *Edinburgh* or *Glasgow*, to and at which all Communications for the Company, and all Summonses, Notices, Writs, or other Proceedings requiring to be served upon the Company in relation to or arising out of any Operations or intended Operations of the Company in *Scotland*, or any Default of the Company occurring there, may be addressed and served; and all the Provisions of the Joint Stock Companies Acts, 1856 and 1857, with respect to the registered Office of the Company, shall apply to such registered Office in *Edinburgh* or *Glasgow*.

When Company's Operations extend to *Scotland*, they shall have a registered Office there.

77. If the Company shall be wound up or dissolved, or shall cease for Six Months to carry on Business, it shall be lawful for the Council of any Borough or Town within which any Works or Apparatus of the Company shall have been laid or placed, and for the Body or Persons having Control over any Streets in, upon, over, along, across, or under which any Telegraph, Apparatus, or Works of the Company may have been laid or placed, after leaving at the last known Office or Place of Business of the Company One Month's Notice of their Intention so to do, to remove and take away all such Telegraphs, Apparatus, and Works, and to dispose of and sell the same, and to reimburse themselves out of the Proceeds of such Sale all the Costs and Expenses of and incident to such Removal and Sale, and the Expenses of making good all such Streets which may have been broken up or injured in so taking up and removing the same.

Removal of Telegraphs upon Dissolution of Company.

78. Nothing in this Act or in any other Act relating to the Company contained shall exempt the Company or their Undertaking from the Provisions of any General Act relating to Telegraphs now in force, or to be in force in the present or any future Session of Parliament.

Company to be subject to Provisions of General Acts.

79. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Company to lay or construct any Telegraph or any other Work whatsoever in, upon, or over any Land, Tenements,

Saving Rights of the Crown.

United Kingdom Electric Telegraph Act, 1862.

Tenements, or Hereditaments belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Provisions
of Act to
extend to
United
Kingdom.

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

Expenses of
Act.

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

Short Title.

82. This Act may be cited for all Purposes as "*United Kingdom Electric Telegraph Act, 1862.*"

SCHEDULE before referred to.

WITHIN 100 MILES.

For any Message not exceeding Twenty Words, exclusive of the Names and Addresses of the Persons sending the Message, and of the Person to whom the Message is sent, a Sum not exceeding One Shilling.

For each additional Ten Words, or Fraction of Ten Words, Sixpence.

Porterage, the First Half Mile, free.

Beyond the First Half Mile, Sixpence per Mile by Foot Messenger.

BEYOND 100 MILES.

For any Message not exceeding Twenty Words, exclusive of the Names and Addresses of the Person sending the Message, and of the Person to whom the Message is sent, a Sum not exceeding Two Shillings.

For each additional Ten Words, or Fraction of Ten Words, One Shilling.

Porterage, the First Half Mile, free.

Beyond the First Half Mile, Sixpence per Mile by Foot Messenger.

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