

New Parliament.]

[STATUTES REVISION COMMISSION.]

[AS REPORTED FROM THE JOINT STATUTES REVISION COMMITTEE.]

ELECTRIC LINES.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">CONSTRUCTION AND REGULATION OF ELECTRIC LINES.</p> <p style="text-align: center;"><i>Telegraphs.</i></p> <p>3. All electric lines to be subject to Act.</p> <p>4. Governor may appoint Commissioner, Superintendent, and other officers. Saving of existing appointments.</p> <p>5. Lines to be constructed under Public Works Act.</p> <p>6. Governor may establish electric lines of telegraph, enter into contracts for keeping in repair line across Cook Strait, or for other submarine lines, and may purchase lines and plant.</p> <p>7. Lands and easements may be taken or purchased.</p> <p>8. Entry upon lands for construction of electric lines.</p> <p>9. Lines to be constructed so as not to interrupt public traffic.</p> <p>10. Entry not to be made on land without notice.</p> <p>11. Service of notice on owners of land.</p> <p>12. For repairs, entry without notice.</p> <p>13. Compensation.</p> <p>14. Private lines.</p> <p style="text-align: center;"><i>Messages by Telegraph.</i></p> <p>15. Governor may make regulations as to management of telegraphs.</p> <p>16. Regulations on gazetting to have force of law.</p> <p>17. Precedence of telegrams.</p> <p>18. Telegrams to be sent in order as received.</p> <p>19. Exception as to Press telegrams.</p> <p>20. Fees to be paid before sending of telegrams.</p> <p>21. Recovery of fees, &c.</p> <p>22. Indemnity to Her Majesty.</p> <p style="text-align: center;"><i>Production of Telegrams in Evidence, &c.</i></p> <p>23. Telegrams not to be produced in evidence.</p> <p>24. Unless with consent, or in the case of treason, felony, or perjury.</p> <p>25. Transcript of telegrams admissible as evidence.</p> <p>26. Officer not responsible for transmitting libels.</p> <p>27. Privileged communications conveyed by telegraph not to be deemed maliciously published.</p> <p>28. Witness before Select Committee of either House or Royal Commission free from penal actions if he make full disclosures.</p> <p>29. Chairman may give him certificate of indemnity.</p> <p>30. Penalty for improperly divulging messages.</p> <p style="text-align: center;"><i>Service of Notices by Telegraph.</i></p> <p>31. Interpretation of term "notice."</p> | <p>32. Regulations as to mode of service.</p> <p>33. Notices may be served by telegraph officers.</p> <p>34. Evidence of service effected.</p> <p>35. <i>Gazette</i> notice evidence of authority to certify.</p> <p>36. Service of telegraphic copy of notice to have effect of service of original.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">TELEGRAPHIC COPYRIGHT.</p> <p>37. Telegrams, in certain cases, protected for eighteen hours after publication. Time of publication.</p> <p>38. Simultaneous publication in two or more papers not to give right to copy without permission.</p> <p>39. Protected telegrams to be distinguished.</p> <p>40. Penalty for printing or publishing telegrams contrary to Act. Limitation.</p> <p>41. Proof of receipt of a telegraph copyright, and of wrongful publication.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">TELEPHONES.</p> <p>42. Governor may establish telephone lines.</p> <p>43. Telephones to be subject to this Act.</p> <p>44. Telephone lines not to be constructed for profit without sanction of Governor.</p> <p style="text-align: center;">PART IV.</p> <p style="text-align: center;">ELECTRIC LIGHTING.</p> <p>45. Interpretation of "lighting purposes."</p> <p>46. Governor may establish electric lines for lighting purposes.</p> <p>47. Local authorities may establish electric lines as public works.</p> <p>48. Electric lights to be subject to this Act.</p> <p>49. Electric lines for lighting purposes not to be erected across other lines without license.</p> <p>50. Commissioner may license electric lines for lighting purposes. Conditions of license.</p> <p>51. Governor may make regulations to secure public safety.</p> <p>52. Regulations to operate as if expressed in license.</p> <p>53. No person to establish such lines except under a special Act.</p> <p style="text-align: center;">PART V.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p style="text-align: center;"><i>Removal of Dangerous Lines.</i></p> <p>54. Electric lines endangering life or property may be ordered to be removed or altered.</p> <p>55. Officers of companies, &c., to be liable to obey orders made.</p> <p>56. Persons to obey orders of Court under penalty.</p> <p>57. Certificate of electric line being constructed contrary to Act to be evidence.</p> |
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<i>Injuries to Lines.</i>	<i>Procedure, &c. Repeal.</i>
58. Power to have trees removed in certain cases.	63. Offences may be prosecuted and penalties recovered summarily.
59. Accidental injuries to lines.	64. Fees and fines, how disposed of.
60. Injuries by careless driving, how punishable.	65. Act not to affect other Acts.
61. Offender may be apprehended without warrant. Penalty.	66. References to repealed Acts to apply to this Act.
62. Damage to line to be made good in addition to penalty.	67. Repeal. Saving of existing contracts, &c. Schedule.

A BILL INTITULED

Title.	AN ACT to consolidate and amend the Laws relating to the Construction, Maintenance, and Protection of Electric Lines for Purposes of Communication or for other Purposes, and to provide for the Regulation thereof.	5
Short Title.	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 1. The Short Title of this Act is “The Electric Lines Act, 1884.”	
Interpretation. 1875, No. 44, s. 32. 1883, No. 13, s. 2. 26 & 27 Vict., c. 112, s. 3.	2. In this Act, if not inconsistent with the context,— “Commissioner” means the Electric Telegraph Commissioner appointed under this Act, and includes any officer or other person acting under his authority or by his direction: “Electricity” includes electric current or any like agency: “Electric line,” or “line,” means a wire or wires, conductor, or other means used for conveying, transmitting, or distributing electricity for the purpose of communication by telegraph or telephone, or for any other purpose authorized under this Act; together with any casing, coating, tubing, pipe-covering, insulator, or post, enclosing, surrounding, or supporting the same, and any works as herein defined; and includes any portion of an electric line as herein defined: “Local authority” has the same meaning as is given thereto in “The Public Works Act, 1882 :” “Minister” means the Minister for Public Works: “Post” means and includes a post, pole, standard, stay, strut, pier, abutment, or other above-ground contrivance for carrying, suspending, or supporting an electric line: “Road” means and includes any highway or any public or private road, street, square, court, alley, thoroughfare, or passage, or place, and any railway or tramway: “Superintendent” means the Superintendent of Electric Lines appointed under this Act: “Telegram” means any despatch, message, or other communication conveyed or transmitted, or presented at a telegraph office for transmission, by an electric line: “Telegraph” means an electric line used for the purpose of telegraphic communication, and includes any apparatus for transmitting telegrams: “This Act” includes any regulations for the time being in force under the provisions hereof: “Works” means and includes any wire, insulator, or post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, work, matter, or thing of	10 15 20 25 30 35 40 45

whatever description, or in any way connected with any electric line.

PART I.

CONSTRUCTION AND REGULATION OF ELECTRIC LINES.

Telegraphs.

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3. Every electric line constructed under any Act hereby repealed, or constructed prior to the passing of this Act, and now in operation, for the purposes of communication by telegraph or telephone, shall be subject to the provisions of this Act and of any regulations in force hereunder.

All electric lines to be subject to Act.

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4. The Governor may from time to time appoint a proper person to be the Electric Telegraph Commissioner, who shall have charge of the administration of this Act, and a Superintendent of Electric Lines, who shall act under the directions and instructions of the Commissioner; and the Governor may from time to time remove any person so appointed.

Governor may appoint Commissioner, Superintendent, and other officers. 1875, No. 44, ss. 3, 6.

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The Governor may also from time to time appoint all such other officers, clerks, and other persons as shall be requisite for the purposes of this Act, and may remove any of them, and appoint others in their place.

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All persons holding offices of any kind under the Acts repealed hereby, or any of them, shall, without any further appointment, be deemed to hold like offices under this Act, and all regulations in force under the said repealed Acts, or any of them, shall continue in force until other regulations are made under this Act.

Saving of existing appointments.

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5. All works authorized by or under this Act to be constructed by the Governor, and for which appropriation is made by the General Assembly, shall be constructed under the provisions of "The Public Works Act, 1882," subject, however, to any particular provisions contained in this Act.

Lines to be constructed under Public Works Act.

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"The Public Works Act, 1882," is hereby incorporated with this Act, and shall apply accordingly, subject as aforesaid.

6. The Governor may from time to time establish and maintain electric lines throughout the colony for the purpose of communication by telegraph or telephone, or for any other purpose authorized by or under this Act; and

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Governor may establish electric lines of telegraph, enter into contracts for keeping in repair line across Cook Strait, or for other submarine lines, and may purchase lines and plant. Ib., s. 3. Ib., s. 5.

May enter into any contract or contracts for the purposes aforesaid, or for constructing, placing, laying down, fixing, and keeping or maintaining in efficient repair any electric line or lines of communication across or under Cook Strait, or across or under any other waters within the limits of the colony, to connect with other electric lines therein; or for the purchase of electric lines, and such works as shall be necessary for the operation of such electric lines.

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Every such contract shall be entered into in the name of Her Majesty the Queen, and may be executed by the Governor on her behalf; and may be varied and discharged in the same manner.

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7. For any of the purposes of this Act the Minister—

(1.) May appropriate and set apart any lands of the Crown, and thereon, or on any such lands reserved for that

Lands and easements may be taken or purchased. Ib., s. 12.

- purpose, or on any lands taken, purchased, or acquired under this Act, may erect or construct any works required for any electric line, or for the alteration and maintenance thereof:
- 1875, No. 44, s. 12. (2.) May, in the name and on behalf of Her Majesty, *take*, 5
purchase, acquire, and hold such other lands, or any estate, right, interest, or easement therein, as shall be found requisite for all or any of the purposes aforesaid:
- (3.) May agree with the owner of any land for the purchase of any right, *interest*, or easement in or upon any land, and the terms upon which such right or *interest* may be used or exercised, or such easement enjoyed: 10
- (4.) May accept any such right, interest, or easement as aforesaid without payment of compensation, or may acquire the same for any nominal sum. 15
- Entry upon lands for construction of electric lines. 8. The *Minister* may from time to time, by himself or his agents, enter upon any Crown lands or private land for the purpose of constructing, placing, or maintaining any electric line, or of examining, repairing, altering, or removing any line so placed, and may there remain for such reasonable time, and execute and do all such works and things, as may be necessary or convenient for the purposes of this Act; and— 20
- Ib., s. 7. (1.) May survey and take levels of any such land or any part thereof, and also dig, cut, remove, and carry away any earth, stone, soil, sand, and gravel whatsoever, and any trees or timber suitable for the construction, maintenance, or alteration of any such line or any part thereof, or any other works belonging to or appertaining to any such line or connected therewith: 25
- Ib., s. 8. (2.) May cut and remove, for any space not exceeding in any case the space of sixty-six feet on each side of any proposed line, and any existing line constructed under any Act heretofore in force, all such trees and underwood as may interfere or be likely to interfere with the construction or with the proper working of any line: 30
- Ib. (3.) When any such line shall be constructed in any place where, from the mountainous or hilly nature of the country, it shall appear desirable, may extend such clearing for a further space, but so that the same shall not extend more than three chains from the line or proposed line: 35
- Ib. (4.) For the purpose of obtaining access to any line, may, in manner hereinafter provided, enter into an agreement with the owner or occupier of any land for the erection of any gate or gates on land adjoining such line, and, when any agreement shall be so made, may erect and maintain such gates for the use of himself and of his officers, and all others by his permission, for the purpose of obtaining access to such line: 40
- Ib. (5.) May construct, place, and maintain lines— 45
Under, in, upon, over, along, or across any land or building, or any railway, tramway, river, or canal, or any bridge, railway, or river embankment, dock, harbour, or 50

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pier, or any estuary or branch of the sea, or the shore or bed of any tidal or other water ; or

In or upon, along, over or across, or under any road, street, or other highway; and for any of such purposes may open or break up any road, and alter the position thereunder of any pipe (not being a main) for the supply of water or gas;

and may alter or remove the same, or any part thereof.

9. Where the Minister places any electric line—

(1.) Across or over any road, he shall not place it so low as to stop, hinder, or interfere with the passage for any purpose whatsoever along the road :

(2.) Over or under any navigable waters, he shall place such line in such manner as not to hinder or obstruct the navigation of such waters; and

In maintaining, repairing, altering, or removing any such line no obstruction shall be caused to the traffic along or the use of any road or navigable waters.

10. Except as hereinafter provided, the Minister or his agents shall not enter upon any land, not being Crown lands, for the purpose of constructing any line, except by day, nor, unless with the consent in writing of the owner or occupier of such land or his authorized agent, until after one week's notice to such owner or occupier or agent of the intention to construct such line upon such land.

11. If the owner or occupier of any land cannot, after reasonable inquiry, be found, then it shall be sufficient if the Minister cause one week's notice in writing of his intention to enter upon such land, or any part thereof, for the purposes of this Act, to be published in some newspaper circulating in the district where such land shall be situated, and to be posted in some conspicuous place on the ground so proposed to be taken as aforesaid; and after the expiration of the time mentioned in such notice the Minister or his agents may exercise all the powers hereby vested in him as effectually as if notice had been served on the owner or occupier of such land, or his or their authorized agent.

12. The Minister, or any officer or other person employed under this Act, may, at all reasonable times, enter upon any land whatsoever, without giving any notice, for the purpose of inspecting, repairing, or altering any line wholly or in part constructed, or any part of such line.

13. In the exercise of the foregoing powers the Minister or his agents shall do as little damage as may be; and every person having any estate or interest in lands taken for the purposes of this Act, or injuriously affected thereby, or suffering any damage from the exercise of the said powers, shall be entitled to full compensation for the same, to be ascertained in manner provided by Part III. of "The Public Works Act, 1882," unless such act or thing is done with the consent of such bodies or persons, in which case no compensation shall be made.

New clause.

14. A contract or contracts may, from time to time, be made under this Act for establishing and maintaining an electric line for the use or convenience of any private person or persons, and for such payment or other remuneration to the Commissioner on behalf of Her Majesty, and upon such terms and conditions as to the management, control, and working of such line, and generally for giving effect to such contract as may be deemed expedient having regard to the provisions of this Act. All the provisions of this Act shall apply to any such contract accordingly.

26 and 27 Vict., c. 112, ss. 6, 7. 1875, No. 44, s. 11.

Lines to be constructed so as not to interrupt public traffic.

Entry not made on land without notice. Ib., s. 9.

Service of notice on owners of land. Ib.

For repairs, entry without notice.

Compensation.

Private lines.

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Messages by Telegraph.

Governor may make regulations as to management of telegraphs.
1875, No. 44, s. 13.

14. 15. The Governor, by Order in Council, from time to time may make, alter, amend, and revoke regulations *in respect of any telegraph*, for the following purposes:—

- (1.) The management, working, and maintenance of any telegraph, and the conduct *and employment* of any officers or persons engaged *in connection therewith*: 5
- (2.) The transmission of all *telegrams* by means of any *electric line*, and for the *delivery thereof*, and for the *disposal of all unclaimed or undelivered telegrams*: 10
- (3.) Fixing and determining the fees and rates to be demanded and received for the transmission of any such *telegram*, and for the *forwarding thereof* for delivery respectively, and the modes and times of payment, and by and from whom such fees may be legally recovered: 15
- (4.) For the destruction of all original and office copies of telegrams received or kept in any office under the charge or control of the Commissioner, after the expiration of such period of time as may be deemed expedient: 15
- (5.) Imposing penalties on any officer or person employed in any such office as last aforesaid for any breach or neglect of duty, but so that no such penalty shall exceed *five pounds* in respect of any offence. 20

Regulations on gazetting to have force of law.

15. 16. Such regulations shall, when gazetted, have the force of law. A copy of every such regulation shall, within fourteen days after being so gazetted, be laid before *each House of the General Assembly* if then sitting, or, if not then sitting, within fourteen days after the commencement of the session next following such gazetting. 25

Precedence of telegrams.
Ib., s. 15.

16. 17. All telegrams *relating to matters affecting the government or the public service of the colony presented for transmission by or on behalf of the Governor, or any member of the Executive Council of the colony, or the Speaker or Chairman of Committees of either House of the General Assembly, or any Judge of the Supreme Court, or by any officer in the public service duly authorized to transmit such telegrams*, and all telegrams relative to the arrest of criminals or accused persons, the discovery or prevention of crime, or matters connected with the administration of justice, may be transmitted in priority to any other telegram. 30

Telegrams to be sent in order as received.
Ib., s. 15.

17. 18. *Subject as last aforesaid*, it shall be the duty of the Commissioner, and of all officers or other persons employed in the working of any electric line, to transmit all telegrams which may be lawfully transmitted under this Act or any regulations for the time being in force hereunder in the order in which they may be received, and every officer or person offending against this provision shall be liable to a penalty of not less than *one pound* nor exceeding *twenty pounds*. 40

Exception as to Press telegrams.
1880, No. 47, s. 2.

18. 19. In case of interruption or partial interruption to the electric lines, all telegrams received for transmission for or on account of the public Press may, between such hours as shall be fixed by the Commissioner, be transmitted in precedence of all private telegrams, without reference to the order in which they were 50

originally received for transmission at the office of origin ; but such precedence shall not be permitted except by the authority of the Superintendent, or some other officer duly authorized in that behalf, and unless, in his opinion, the actual delivery of such private telegrams would not thereby be delayed.

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19. 20. Except for the purposes mentioned in section sixteen, or unless otherwise directed by any regulation, no person shall be bound to transmit any telegram unless the fee or rate for transmission and delivery of such telegram shall, if demanded, have been previously paid.

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20. 21. In case of refusal or neglect of payment of any fee or rate authorized to be charged or received by or under this Act, or any part of any such fee or rate, on demand, to the person appointed or authorized to receive the same, such person may sue for and recover the same in any Court of competent jurisdiction in his own name.

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Struck out.

21. No claim or demand against Her Majesty shall arise by reason of any default, delay, omission, or loss, in relation to any telegram sent or received, or omitted to be sent or received, under this Act.

New clause.

22. No claim or demand against Her Majesty shall arise by reason of errors, omissions, or delays in the transmission of telegrams, nor for delays in the delivery, nor for the non-delivery of any telegram, nor for omitting to send or receive any telegram from whatever cause the errors, omissions, delays, or non-delivery shall arise.

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Production of Telegrams in Evidence, &c.

22. 23. Except as hereinafter provided, no officer, or other person employed in or about the working of any telegraph shall, on the trial of any issue, whether civil or criminal, or of any matter or question, or on any inquiry in any Court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, be competent or compellable to give evidence of the contents of any telegram transmitted or conveyed or presented to be transmitted or conveyed by any such telegraph, nor to produce under any writ of subpœna, summons, or order the original of any such telegram signed by or on behalf of the sender.

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23. 24. The provisions of the last-preceding section shall not apply—

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(1.) If the person by or to whom any such telegram as aforesaid shall have been sent or addressed notifies to the Commissioner or the Superintendent, in writing, that he desires that any such officer or other person aforesaid may give such evidence or make such production as aforesaid : or,

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(2.) To the case of any indictment, information for treason, felony, or perjury, or of any preliminary magisterial inquiry into a charge of treason, felony, or perjury, if the consent in writing of the Commissioner be first obtained to such evidence as aforesaid being given, or to such production as aforesaid.

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Fees to be paid before sending of telegrams. 1875, No. 44, s. 15.

Recovery of fees, &c. Ib., s. 4.

Indemnity to Her Majesty.

Telegrams not to be produced in evidence. 1875, No. 44, s. 20.

Unless with consent, or in the case of treason, felony, or perjury. Ib., s. 21.

New clause.

Transcript of telegram admissible as evidence.

25. The transcript of every telegram after transmission shall, before the delivery thereof to the person to whom the same is addressed, be stamped or initialled by the officer receiving the same for delivery, and such transcript telegram purporting to have been so stamped or initialled shall be admissible in every Court of justice, and in every judicial or ministerial examination or proceeding as *prima facie* evidence of the matter therein contained being the same as that stated in the original telegram left for transmission, and of such original telegram having been duly signed and delivered for transmission by the person by whom the same purports to be signed, and it shall not be necessary to prove the signature of the person purporting to have signed such original telegram, or that the same was left at any telegraph office for transmission, nor to prove the stamp or initials of the officer receiving such transcript for delivery.

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Officer not responsible for transmitting libels.
1875, No. 44, s. 23.

24. 26. No officer or other person employed in or about the working of any telegraph shall be liable to any indictment, information, or other criminal proceedings, or to any action or suit for damages, by reason of his having, as such officer or other person, transmitted or conveyed, or taken part in transmitting or conveying, by any such telegraph any defamatory libel.

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Privileged communications conveyed by telegraph not to be deemed maliciously published.
Ib., s. 24.

25. 27. Any communication transmitted by any telegraph, which would be deemed a privileged communication if published only to the person to whom it is addressed, shall not, by reason of its having been published to any officer or other person employed as aforesaid for the purpose of being transmitted by such telegraph to the person to whom it is addressed, be deemed to have been maliciously published.

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Witness before Select Committee of either House or Royal Commission free from penal actions if he make full disclosures.
Ib., s. 25.

26. 28. On any inquiry before any Committee either of the Legislative Council or of the House of Representatives, or any Joint Committees of such Council and House, or before any Commission duly appointed by the Governor, touching the divulging of the contents of any telegram, or the publication of any telegram improperly divulged, every person who is examined as a witness and gives evidence on such inquiry, and who thereon makes a true discovery to the best of his knowledge touching all things on which he is so examined, shall be free from all penal actions, forfeitures, punishments, disabilities, and criminal prosecutions to which he may have been or become liable at the suit of Her Majesty or any other person, for anything done by such person in or about the divulging of any telegram which is the subject of such inquiry or connected therewith.

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No person shall be excused from answering any question put to him by such Committee, Joint Committee, or Commission on the ground of privilege, or on the ground that the answer to such question may criminate or tend to criminate the witness.

Chairman may give him certificate of indemnity.
Ib.

27. 29. When any such witness is so examined, such witness shall not be indemnified under this Act unless he receive from the Chairman of such Committee, Joint Committee, or Commission a certificate in writing stating that such witness appears to have made full disclosure touching all things whereon he has been examined.

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The production in any Court of law of such certificate shall be a full bar to any action or prosecution against such witness for any act in or about the divulging of any telegram which is the subject of the inquiry revealed by the evidence of such witness; and the Court in which such action or prosecution is brought may award to such witness such costs as he may have been put to by such action or prosecution.

28. 30. Any officer, or other person employed in the working of any telegraph, who shall improperly divulge the contents of any telegram transmitted or presented for transmission by any such telegraph, or the purport of such telegram, shall, on conviction thereof, be liable to a penalty not exceeding one hundred pounds, or to be imprisoned with hard labour for any period not exceeding six months.

Penalty for im-
properly divulging
messages.
1875, No. 44, s. 26.

But nothing herein contained shall prevent the person duly authorized in that behalf from giving copies of any telegram to the person entitled thereto.

Service of Notices by Telegraph.

29. 31. The term "notice," when used in this and the five next succeeding sections, means any notice or other document which, by law or the agreement of parties, is required to be served on any person, or at his house or place of abode or business, in order that such person may be affected thereby.

Interpretation of
term "notice."
1872, No. 12, s. 2.

30. 32. The Governor in Council may from time to time make, alter, and revoke regulations—

Regulations as to
mode of service.
Ib., ss. 2, 4.

(1.) Prescribing and defining classes and kinds of notices or other documents which shall be included within the said term "Notice," and thereupon the said term shall be deemed to include all notices and documents falling within such classes and kinds so defined and prescribed, as if the same were in this section expressly mentioned as so included, and shall include none other:

(2.) Providing for the service of such notices so deposited by the service of telegraph copies of such notices, and prescribing the manner in which the service of such copies shall be made, and for certifying by telegraph officers that such service has been effected, and the manner of such service and the time thereof:

(3.) Prescribing the fees to be paid, in addition to the ordinary telegraph fees or rates for the service of such notices, and for certificates and other matters to be done in relation thereto.

A copy of the Gazette containing any regulation purporting to be made hereunder shall be proof of such regulation.

31. 33. Any person who desires to serve within the colony any notice upon another, or at the place of abode or business of another, may do so by delivering such notice to any telegraph officer at any of the telegraph offices in the colony, in the manner prescribed by or under this Act, and requesting that the same may be served by a telegraph officer under this Act.

Notices may be
served by telegraph
officers.
Ib., s. 3.

Evidence of service effected.
1872, No. 12, s. 4.

32- 34. A certificate purporting to be signed by any such officer in the manner prescribed by or under this Act, and indorsed on the original notice deposited as aforesaid, shall be received in and before all Courts and other tribunals, and on all occasions and for all purposes, as evidence that such service of a telegraphic copy of such original notice has been effected, and of the time and manner thereof. 5

Gazette notice evidence of authority to certify.
Ib., s. 6.

33- 35. If the name and address of the officer purporting to sign any such certificate correspond with the name and address of a person specified in any notice published in the *Gazette*, purporting to be signed by the Commissioner, and declaring that the persons named therein are authorized to sign such certificate as aforesaid, the production of a copy of such *Gazette* with such notice therein shall be evidence that the person purporting to sign such certificate is authorized to do so. 10

Service of telegraphic copy of notice to have effect of service of original.
Ib., s. 5.

34- 36. A telegraphic copy of a notice served, in the manner prescribed by or under this Act, upon a person, or at his place of abode, or at his place of business, shall have the same force and effect as if the original notice were served upon such person personally, or at his place of abode or place of business, as the case may be. 15

PART II.

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TELEGRAPH COPYRIGHT.

Telegrams, in certain cases, protected for eighteen hours after publication.
882, No. 19, s. 2.

35- 37. When any person, in the manner hereinafter mentioned, publishes in any newspaper or other printed paper published in New Zealand any telegram lawfully received by such person from any place outside the colony for publication, no other person shall, without the consent in writing of such first-mentioned person or his agent thereto lawfully authorized, print or publish, or cause to be printed or published, such telegram or the substance thereof or any extract therefrom until after the period of eighteen hours from such first-mentioned publication. 25

Such period shall not extend beyond twenty-four hours, or, if Sunday intervenes, beyond forty-eight hours, from the time of receipt of such telegram; and the publication of the whole or any part of such telegram, or of the substance thereof, or (excepting the publication of any similar telegram in like manner sent from the same place) of the intelligence therein contained, shall be deemed to be a publication of the same. 30

Time of publication.
Ib., s. 6.

For the purposes of this section the time of publication of morning newspapers shall be deemed to be eight o'clock in the forenoon, and the time of publication of evening newspapers shall be deemed to be five o'clock in the afternoon. 40

Simultaneous publication in two or more papers not to give right to copy without permission.
Ib., s. 5.

36- 38. The simultaneous publication of the same telegram in two or more newspapers shall not be deemed to authorize the republication of the same in any other newspaper, without the consent in writing of one of the original receivers, as hereinbefore provided, or in case such telegram shall have been furnished to such papers by any company or association, and shall have printed above it words showing that it has been so supplied, then the written consent of such company or association. 45

37. 39. Every telegram published under the protection of this Part of this Act shall be printed with the heading "By Electric Telegraph.— Copyright," and shall bear the date and hour of its receipt, and such statement shall be *prima facie* evidence of the time of receipt of such message.

Protected telegrams to be distinguished. 1882, No. 19, s. 4.

38. 40. If any person wilfully print and publish any matter contrary to the provisions of this Part of this Act, he shall, on conviction thereof, be liable to a penalty of not less than *one* pound and not exceeding five pounds, and every such person who is convicted of any subsequent offence against the aforesaid section shall, on conviction thereof, be liable to a penalty of not less than *five* pounds and not exceeding twenty pounds.

Penalty for printing or publishing telegrams contrary to Act. *Ib.*, s. 3.

But any proceedings under this Part of this Act must be commenced within one month after the date of the commission of the alleged offence.

Limitation. *Ib.*, s. 8.

39. 41. In any prosecution under this Part of this Act, the production of any document which purports to be a telegram, and which contains the intelligence published in the newspapers as aforesaid, and which has been delivered to some person entitled to receive the same by the proper officer of the Telegraph Department, shall be *prima facie* evidence that the telegram published as hereinbefore described in any newspaper is a telegram within the meaning of this Part of this Act; and proof that any person is, or is acting or appears to be acting as, editor, sub-editor, or manager of any newspaper in which there has been any publication contrary to the provisions of this Part of this Act shall be *prima facie* evidence that such person has wilfully caused such wrongful publication.

Proof of receipt of a telegram copyright, and of wrongful publication. *Ib.*, s. 7.

PART III.

TELEPHONES.

40. 42. The Governor may from time to time establish electric lines of communication by telephone in any part of the colony.

Governor may establish telephonenumber 1880, No. 47, s. 3.

41. 43. All powers, duties, and authorities contained in or exercisable under Part I. of this Act in relation to the construction and maintenance of electric lines of communication by telegraph and the regulation thereof, and all other powers and authorities therein contained, may, *mutatis mutandis*, be applied and exercised in relation to electric lines of communication by telephone; and all other provisions of this Act, so far as applicable, shall apply to such last-mentioned lines when constructed or being constructed.

Telephones to be subject to this Act.

42. 44. It shall not be lawful for any person to erect, construct, establish, or maintain, for hire or profit, any electric line of communication by telephone, except the sanction of the Governor in Council be first obtained for that purpose.

Telephone lines not to be constructed for profit without sanction of Governor. *Ib.*, s. 4.

Every person offending against the provisions of this section shall be liable to a penalty not exceeding twenty pounds for every day whereon he shall so offend.

PART IV.

ELECTRIC LIGHTING.

43. 45. The term "lighting purposes" means the lighting with electricity of any public street or place, or any yard, alley, or court, or any building, premises, or works of any kind, whether of a public or

Interpretation of "lighting purposes." 1883, No. 13, s. 2.

- private nature, and whether the same are or are not occupied or used for any purpose, or are only in course of erection or construction.
- Governor may establish electric lines for lighting purposes. 44. 46. The Governor may from time to time construct and maintain electric lines for lighting purposes in or connected with public offices or buildings under the control of the Governor in any part of the colony. 5
- Local authorities may establish electric lines as public works. 45. 47. Any local authority having power by law to construct public works within the district under its jurisdiction may construct and maintain electric lines for lighting purposes within such district as a public work, in like manner, and with the like powers, authorities, and liabilities as may by law be exercised in respect of, or as are attached to, the construction of such public works, but subject to the provisions of this Part of this Act. 10
- Electric lights to be subject to this Act. 46. 48. All the provisions of Part I. of this Act in relation to the construction and maintenance of electric lines of communication by telegraph shall, so far as applicable, extend to and be applicable to the construction and maintenance of electric lines for lighting purposes under this section; and all other provisions of this Act, so far as applicable, shall apply to such last-mentioned lines when constructed or being constructed. 15
- Electric lines for lighting purposes not to be erected across other lines without license. 1883, No. 13, s. 5. 47. 49. No local authority, company, or person shall, whether with or without the consent of the owner or occupier of any building or erection of any kind, lay, put up, or in any way erect or place any electric line for lighting purposes which shall pass over, along, or across any other electric line, whether used for purposes of communication or for lighting purposes, or for any other purpose connected with electricity, without the license of the Commissioner, to be obtained as hereinafter provided. 20
- Ib., ss. 3, 4. If any person shall offend against this section he shall be liable to a penalty not exceeding fifty pounds for every such offence. 25
- Commissioner may license electric lines for lighting purposes. 48. 50. The Commissioner, or any officer of his department appointed by him from time to time for that purpose by a notification in the *Gazette*, may grant and issue licenses under this Part of this Act in any case where the applicant desires to lay, or put up, or erect, and maintain an electric line for lighting purposes; or where an electric line for lighting purposes has already been erected, and the applicant desires to continue and maintain the same: subject as follows:— 30
- Conditions of license. Ibid. (1.) All licenses shall be in writing, in such form as the Commissioner may from time to time prescribe, and shall state the course and direction of the electric line mentioned therein; and the production of any such license shall, during the continuance thereof, be evidence that this Part of this Act has been complied with. 35
- (2.) Any such license may be extended to any other locality than that mentioned therein by the Commissioner on the request of the applicant, and any such license may be transferred by the holder to any other person by an indorsement in writing thereon signed by the licensee or his duly-authorized agent. 45
- (3.) Licenses may be revoked by the Commissioner if the holder 50

shall be convicted of any offence against this Part of this Act, or, at the discretion of the Commissioner, may be suspended until the licensee has complied with any order made under this Part of this Act; and a notice in the Gazette that a license has been revoked or suspended shall be conclusive evidence of the fact.

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49. 51. The Governor in Council may from time to time make, alter, and revoke regulations for the use, management, and control of any works used for electric-lighting purposes, and the conduct of persons employed in such works, and for securing the safety of the public from personal injury, or from fire or otherwise by reason of the exercise of any of the powers contained in this Part of this Act, and in and by any such regulations may impose any penalty not exceeding twenty pounds for the breach of any such regulations.

Governor may make regulations to secure public safety. 45 and 46 Vict., c. 56, s. 6.

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50. 52. Any such regulations shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in every license granted under this Part of this Act.

Regulations to operate as if expressed in license.

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51. 53. Except in respect of lines constructed by the Governor, or a local authority as aforesaid, no person shall lay, construct, put up, or place any electric line for lighting purposes as an undertaking of a public nature, except under the authority of a special Act of the General Assembly.

No person to establish such lines except under a special Act.

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But this provision shall not extend to any case where the electric line used or intended to be used is not laid, conveyed, or placed, or intended to be laid, conveyed, or placed, beyond the limits of the building or premises in which the electricity is generated for such lighting purposes.

1883, No. 13, s. 3.

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PART V.

MISCELLANEOUS.

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Removal of Dangerous Lines.

52 54. If any electric line whatever, which passes over, or across, or along any other electric line, shall, in the opinion of the Commissioner, at any time endanger or be likely to endanger human life, or any telegraph or works erected by or under the control or management of the Commissioner, or any building or erection of any kind, any Resident Magistrate may, upon complaint made to him by or on behalf of the Commissioner, in a summary way, under "The Justices of the Peace Act, 1882," order the owner of such first-mentioned electric line, or any person having or appearing to have the control thereof, or any such person or persons as hereinafter mentioned, within a time to be specified in the order, to remove such line or any part thereof, or so to arrange the same or any part thereof that it shall not pass over, along, or across such other electric line or works as aforesaid.

Electric lines endangering life or property may be ordered to be removed or altered. 1883, No. 13, s. 6.

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53 55. Every person being a director, or the secretary, manager, agent, or other officer of any company, association, or body corporate owning, possessing, or using any electric line, shall be deemed to be the owner of such electric line for the purposes of the last-preceding section, and liable to its provisions accordingly; and any order made under the aforesaid section against or in respect of any such com-

Officers of companies, &c., to be liable to obey orders made. Ib. s. 9.

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pany, association, or body corporate may be served upon any one of such persons as the Court making the order directs.

The person so served shall be bound to obey the order made, and shall be liable for any neglect in that behalf as if he were personally the owner of the electric line affected thereby, and had been a party to any proceedings before the Court. 5

Persons to obey orders of Court under penalty. *Ib.*, s. 8.

54 56. Every person in respect of whom any order shall be made under section *fifty-two five* shall forthwith take all necessary steps to obey and comply therewith, and, in case default shall be made therein, such person shall be liable to a penalty not exceeding *ten* pounds for every day during which such contravention or non-compliance continues. 10

Certificate of electric line being constructed contrary to Act to be evidence. *Ib.*, s. 7.

55 57. In any proceeding under either of the *three last-preceding* sections the production by any officer or person on behalf of the Commissioner of a certificate in writing, purporting to be signed by the Commissioner or the Superintendent, to the effect that any electric line is so laid, placed, or constructed as to contravene this Act or any provision thereof, *or as to be dangerous*, or, in cases where a license is necessary, that no license under Part IV. of this Act has been issued or is in force, shall be *prima facie* evidence of the matter therein stated, and without any proof of the signature of such certificate as aforesaid. 15 20

Injuries to Lines.

Power to have trees removed in certain cases. 1875, No. 44, s. 10.

56 58. If, upon the report of the Superintendent, the Commissioner is of opinion that any electric line is in any manner injured or prejudiced, or that any obstruction is caused or likely to be caused to such line, by any tree or shrub, whether ornamental or otherwise, growing or being on any land adjoining such line, or through which any such line may pass or be carried, *he may cause notice to be given to the owner or occupier of such land to remove such tree or any part thereof.* 25 30

In default of such removal, he within three days after the service of such notice, the Commissioner may apply to any Resident Magistrate or two Justices of the Peace, who, after summons duly served on the owner and occupier, or upon the occupier only, if the owner cannot be found, of the land on which such tree or shrub may be, may make an order for the removal of such tree or shrub, or any part thereof, by such owner or occupier, or order the same to be dealt with in such manner as such Magistrate or Justices may see fit. 35 40

Such owner or occupier, as the case may be, shall, in default of compliance with such order within eight days after a copy thereof shall have been served personally on him personally, or by leaving the same at his last known place of abode, be liable for such default to a penalty not exceeding five pounds; and the Commissioner, if within the time aforesaid the order of the said Resident Magistrate or Justices is not complied with, may remove such tree or shrub, or such part thereof, so ordered to be removed, but so that no unnecessary damage be done or incurred. 45

Accidental injuries to lines. 1875, No. 44, s. 16.

57 59. Any person who shall by negligence, carelessness, or other misconduct cause any injury to or destroy any electric line or works, 50

or any part thereof, or of the material or property relating thereto, shall, on conviction thereof, for every such offence be liable to a penalty not exceeding ten pounds.

5 58 60. If any damage shall be caused to any electric line by any vehicle drawn by horses or other animals, or anything loaded on any such vehicle, coming in contact with any such line, or any part thereof, the driver or person in charge of such vehicle shall *prima facie* be deemed to have been guilty of an offence under the *last-preceding* section, without any proof of carelessness or misconduct; but
10 such person shall be entitled to rebut such presumption.

Injuries by careless driving, how punishable. 1875, No. 44, s. 17.

15 59 61. Any person whosoever may, with or without warrant, apprehend any person who shall be found offending against the provisions of the *last two preceding* sections, and deliver him to some constable, or convey him before some Justice of the Peace to be dealt with according to law; and any person resisting any other person acting in execution of this provision shall, on conviction, be liable to a penalty not exceeding twenty pounds, or be imprisoned with or without hard labour for any period not exceeding two months.

Offender may be apprehended without warrant. Ib., s. 18.

20 60 62. Every person causing damage to any electric line or any works connected therewith, although he may have been fined or imprisoned under this Act, shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the Justices or the Resident Magistrate adjudicating, and
25 such amount when determined may be levied by distress of the goods and chattels of such person in the manner provided by law for the levying of a pecuniary penalty.

Penalty.

Damage to line to be made good in addition to penalty. Ib., s. 19.

Procedure, &c. Repeal.

30 61 63. All offences under this Act may be prosecuted and all penalties and other moneys payable under this Act may be recovered in a summary way, as provided by "The Justices of the Peace Act, 1882," before a Resident Magistrate or any two Justices of the Peace.

Offences may be prosecuted and penalties recovered summarily. Ib., s. 30.

35 62 64. All fees and other moneys recovered under or by virtue of this Act or any regulations thereunder, *for the use of or on behalf of Her Majesty*, shall be paid into the Public Account, and form part of the Consolidated Fund.

Fees and fines, how disposed of. 1875, No. 44, s. 31.

63 65. Nothing in this Act contained shall be deemed in any way to affect—

Act not to affect other Acts. Ib., s. 32.

40 "The Telegraph Cables Subsidy Agreement Ratification Act, 1873," or any contract, agreement, regulation, or other matter or thing entered into, made, or done under the said Act; or

45 Any provisions of "The Regulation of Elections Act, 1881," relating to the transmission by telegraph of the substance of any document relating to parliamentary elections, ~~or either of such Acts;~~ or

60 Any Act of the General Assembly now or hereafter in force conferring any power upon Her Majesty or the Governor, or any person on her or his behalf, to erect, construct, or maintain any line of electric telegraph or other electric line on any railway, tramway, or on any land of any kind, without payment of compensation.

References to repealed Acts to apply to this Act.

64 66. Where in any unrepealed Act or enactment reference is made to any Act or enactment repealed by this Act, such first-mentioned Act shall be construed and shall operate as if reference had been made therein to this Act or to the enactment of this Act corresponding to such repealed Act or enactment.

Repeal.

65 67. The several Acts enumerated in the Schedule hereto are hereby repealed.

Saving of existing contracts, &c.
1875, No. 44, s. 2.

But this repeal shall not affect any contract, promise, or agreement made with or by and on behalf of Her Majesty, or with or by and on behalf of the Electric Telegraph Commissioner, under the said repealed Acts previously to the passing hereof, and then incomplete or unfulfilled, or any license issued under any of the said Acts, nor render invalid or in any way affect any act, matter, or thing that may lawfully have been done under the said repealed Acts, or any of them, or any penalty or liability incurred thereunder; but all actions, suits, or proceedings heretofore commenced and in progress under the said Acts shall and may be continued and perfected, enforced, and recovered, under the said repealed Acts.

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Schedule.

SCHEDULE.

ACTS REPEALED.

- 1872, No. 12.—The Telegraph Service of Notices Act, 1872.
- 1875, No. 44.—The Electric Telegraph Act, 1875.
- 1879, No. 26.—The Electric Telegraph Act Amendment Act, 1879.
- 1880, No. 47.—The Electric Telegraph Act 1875 Amendment Act, 1880.
- 1882, No. 19.—The Protection of Telegrams Act, 1882.
- 1883, No. 13.—The Electric Telegraph Act 1875 Amendment Act, 1883.