ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## No. XVI.

## An Act for the Regulation of Electric Telegraphs within the Colony of Vancouver Island, and to secure Secrecy and Fidelity in the Transmission of Telegraphic Messages. [7th July, 1864.

WHEREAS Telegraph Lines are about to be constructed, and Telegraph Offices established within the Colony of Vancouver Island, and whereas it is expedient that the Business of sending Despatches by Telegraph should be regulated by Law: Be it therefore enacted by His Excellency the Governor by and with the Advice and Consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:

Employes not to divulge contents of Messages.

I. If any Officer, Agent, Operator, Clerk or Employe of any Telegraph Company, or any other Person shall wilfully divulge to any other Person than the Party from whom the same was received or to whom the same is addressed, or his Agent or Attorney, any Message received or sent or intended to be sent over any Telegraph Line, or the Contents, Substance, Purport, Effect or Meaning of any such Message or any Part thereof, or shall wilfully alter any such Message by adding thereto or omitting therefrom any Word or Words, Figure or Figures, so as to materially change the Sense, Purport or Meaning of such Message to the Injury of the Person sending or desiring to send the same, or to whom the same was directed, the Person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment, in the Discretion of the Court or Magistrate having Jurisdiction in the Matter; Provided that when Numerals or Words of Numbers occur in any Message the Operator or Clerk sending or receiving, may express

May not alter meaning of same.

Penalty.

express the same in Words or Figures, or in both Words and Figures, and such Fact shall not be deemed an Alteration of the Message nor in any Manner affect its Genuineness, Force or Validity,

**May not send forged Messages.**

II. If any Agent, Operator or Employe in any Telegraph Office, or any other Person shall knowingly and wilfully send by Telegraph to any Person or Persons any false or forged Message purporting to be from such Telegraph Office, or from any other Person, or shall wilfully deliver or cause to be delivered to any Person any such Message falsely purporting to have been received by Telegraph or if any Person or Persons shall furnish or conspire to furnish, or cause to be furnished, to any such Agent, Operator or Employe, to be sent by Telegraph, or to be delivered, any such Message, knowing the same to be false or forged with the intent to deceive, injure or defraud any Individual, Partnership, or Corporation, or the Public, the Person or Persons so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment in the Discretion of the Court or Magistrate having Jurisdiction in the Case.

**Penalty.**

**May not appropriate information.**

III. If any Agent, Operator or Employe in any Telegraph Office shall in any way use or appropriate any Information derived by him from any private Message or Messages passing through his Hands, and addressed to any other Person or Persons or in any other Manner acquired by him by reason of his Trust as such Agent, Operator or Employe, or shall trade or speculate upon any such Information so obtained, or in any Manner turn or attempt to turn the same to his own Account, Profit or Advantage, the Person so offending shall be deemed guilty of a Misdemeanour and shall be punished by Fine not to exceed One Thousand Dollars or by Imprisonment not to exceed One Year or by both such Fine and Imprisonment, in the Discretion of the Court or Magistrate having Jurisdiction in the case, and shall also be liable in treble Damages to the Party aggrieved for all loss or Injury sustained by reason of such wrongful Act.

**Penalty.**

**May not neglect to send Messages.**

IV. If any Agent, Operator or Employe in any Telegraph Office shall unreasonably and wilfully refuse or neglect to send any Message received at such Office for Transmission, or shall unreasonably and wilfully postpone the same out of its Order, or shall unreasonably and wilfully refuse or neglect to deliver any Message received by Telegraph, the Person so offending shall be deemed guilty of a Misdemeanour, and may be punished by Fine not to exceed Five Hundred Dollars or Imprisonment not to exceed Six Months, or by both such Fine and Imprisonment in the Discretion of the Court or Magistrate having Jurisdiction : Provided that Nothing herein contained shall be construed to require any Message to be received, transmitted or delivered, unless the Charges thereon shall have been paid or tendered, nor to require the Sending, Receiving or Delivery of any Message counselling, aiding, abetting or encouraging Treason against the Government, or other Resistance to lawful Authority, or any Message calculated to instigate or further any fraudulent Plan or Purpose, or to instigate or encourage the Perpetration of any unlawful Act, or to facilitate the escape of any Criminal or Person accused of Crime.

**Penalty.**

**Proviso.**

V.

V. If any Person not connected with any Telegraph Office shall, without the Authority or Consent of the Person or Persons to whom the same may be directed, wilfully and unlawfully open any sealed Envelope, enclosing a Telegraphic Message, and addressed to any other Person or Persons, with the Purpose of learning the contents of such Message, or shall fraudulently represent any other Person or Persons and thereby procure to be delivered to himself any Telegraphic Message addressed to such other Person or Persons, with the intent to use, destroy, or detain the same from the Person or Persons entitled to receive such Message, the Person so offending shall be deemed guilty of a Misdemeanour and shall be punished by Fine not to exceed One Thousand Dollars or Imprisonment not to exceed One Year or by both such Fine and Imprisonment, in the discretion of the Court or Magistrate having Jurisdiction.

**Unauthorized Persons may not violate Sealed Messages.**

**Penalty.**

VI. If any Person not connected with any Telegraph Company shall, by means of any Machine, Instrument or Contrivance, or in any other Manner wilfully and fraudulently read, or attempt to read any Message, or to learn the contents thereof, whilst the same is being sent over any Telegraph line or shall wilfully and fraudulently or clandestinely learn, or attempt to learn the contents or meaning of any Message while the same is in any Telegraph Office, or is being received thereat or sent therefrom, or shall use or attempt to use or communicate to others, any Information so obtained by any Person, the Person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not exceeding One Thousand Dollars or Imprisonment not to exceed One Year, or by both such Fine and Imprisonment, in the discretion of the Court or Magistrate having Jurisdiction.

**Persons not Employes may not fraudulently obtain Telegraphic Information.**

**Penalty.**

VII. If any Person shall, by the Payment or Promise of any Bribe, Inducement or Reward procure or attempt to procure any Telegraph Agent, Operator, or Employe, to disclose any private Message, or the Contents, Purport, Substance or Meaning thereof, or shall offer to any such Agent, Operator, or Employe, any Bribe, Compensation or Reward, for the disclosure of any private Information received by him by reason of his trust as such Agent, Operator, or Employe, or shall use or attempt to use any such Information so obtained, the person so offending shall be deemed guilty of a Misdemeanour, and shall be punished by Fine not to exceed One Thousand Dollars, or Imprisonment not to exceed one year, or by both such Fine and Imprisonment in the discretion of the Court or Magistrate having Jurisdiction.

**May not attempt to procure Information by Bribery.**

**Penalty.**

VIII. If any person shall wilfully or maliciously cut, break, or throw down any Telegraph Pole, or any Tree or other Material used in any Telegraph line or shall wilfully or maliciously break, displace, or injure any Insulator in use in any Telegraph line or shall wilfully or malicously cut, break or remove from its Insulators any Wire used as a Telegraph line, or shall wilfully or maliciously break, molest, or injure any Submarine Cable used or intended to be used in any Telegraph line, or shall by the attachment of a Ground Wire, or by any other contrivance, wilfully destroy the Insulation of such Telegraph line, or interrupt the transmission of the Electric Current through the same, or shall in any other Manner wilfully destroy, injure, or molest any Property or Materials appertaining to any Telegraphic line, or shall wilfully interfere with the use of any Telegraph line, or obstruct

**May not obstruct or injure Telegraph Lines.**

obstruct or postpone the transmission of any Message over the same. or procure or advise any such Injury, Interference, or, Obstruction, the Person so offending shall be deemed guilty of a Misdemeanour, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by Fine not to exceed Five Hundred Dollars, or Imprisonment not to exceed Six Months, or by both such Fine and Imprisonment, in the discretion of the said Justice or Justices; and shall moreover be liable to the Telegraphic Company whose Property is injured, in the Amount of all Loss and Damage sustained by reason of such wrongful Act.

**Penalty.**

**Civil Action for Damages provided for.**

IX. Any Person offending against the provisions of Sections 1, 2, 4, 6, or 7, of this Act shall, in addition to the Penalties therein prescribed, be liable in a civil action to the Party injured for all Damages occasioned thereby.

**Employes exempt from Military Service or Jury duty.**

X. All Operators of any Telegraph Company, whilst employed in the Offices of said company or along the route of its Telegraph lines, shall be exempt from Militia Duty and from serving on Juries, and from any Fine or Penalty for the neglect thereof.

**Contracts by telegraph deemed contracts in Writing.**

XI. Contracts made by Telegraph shall be deemed to be Contracts in Writing and all Communications sent by Telegraph and signed by the Person or Persons sending the same or by his or their Authority shall be held and deemed to be Communications in Writing.

**Notice by Telegraph Actual notice.**

XII. Whenever any Notice, Information or Intelligence Written or otherwise is required to be given, the same may be given by Telegraph provided that the Dispatch containing the same be delivered to the Person entitled thereto, or to his Agent or Attorney, such notice by Telegraph shall be deemed Actual Notice.

**Telegraphic Messages shall be sent in order as received.**

**Proviso.**

XIII. It shall be the duty of any Telegraph Company doing Buisness in this Colony to transmit all Despatches in the Order in which they are received under the Penalty of Five Hundred Dollars to be recovered with Costs of Suit by the Person or Persons whose Despatch is postponed out of its order: Provided that Communications to and from Public Offices on official Business shall have precedence over all other Communications; and provided also, that Intelligence of General and Public Interest may be transmitted for Publication out of its Order.

**Jurisdiction conferred upon Justices of the Peace, or Stipendiary Magistrate.**

XIV. Any Act declared to be a Misdemeanour under the provisions of this Act may be tried before two or more Justices of the peace or a Stipendiary Magistrate in said Colony, and said Justices or Stipendiary Magistrate are hereby authorised to deal with each Case summarily or to commit the offender for Trial.

**Short Title.**

XX. This Act may be cited as "The Telegraph Regulation Act, 1864."

Passed the Legislative Assembly 24th March, 1864.

R. W. TORRENS,
CLERK OF THE LEGISLATIVE ASSEMBLY.

Passed the Legislative Council 15th June, 1864.

E. J. NESBITT,
CLERK OF THE LEGISLATIVE COUNCIL.

Received my Assent this 7th day of July, 1864.

A. E. KENNEDY,
GOVERNOR.

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