

**CHAPTER 164.****TELEGRAPHS.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
  2. Interpretation.
  3. Stealing line or works.
  4. Injuring or interfering with line or works.
  5. Attempts.
  6. Arrest of offenders.
  7. Damage to be made good.
  8. Obstructing officers.
  9. Power to place sections of a telegraph in charge of Chiefs.
  10. Fining of Chief in case of malicious injury.
  11. Existing lines subject to this Ordinance.
  12. Governor may establish lines.
  13. Powers of General Manager.
  14. Navigation of rivers and use of roads not to be obstructed.
  15. Notice before entry on land.
  16. Where owner or occupier not found.
  17. Entry to inspect, repair or alter lines.
  18. Compensation.
  19. Punishment of telegraph officers for misconduct respecting telegrams.
  20. Punishment for disclosing or intercepting telegrams.
  21. Punishment for inducing misconduct.
  22. Telegrams not to be divulged.
  23. Exceptions.
  24. Order by Governor for production of Government telegrams.
  25. Transcript of Government telegrams to be evidence.
  26. Telegraph officers not liable for transmission of libel.
  27. Forgery or alteration of telegrams.
  28. Telegrams sent by or to political prisoners.
  29. Production of such telegrams.
  30. Penalty for refusing to produce telegrams.
  31. Property to be laid in the manager.
  32. Non-liability of the Government.
  33. Rules may be made.
  34. Recovery of penalties.
  35. Appointment of substitute for Postmaster General.
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## CHAPTER 164.

## TELEGRAPHS.

22 of 1900.  
2 of 1901.  
12 of 1916.  
24 of 1926.  
12 of 1928.  
2 of 1947.  
15 of 1954.

**An Ordinance to Provide for the Construction, Regulation, and Protection of Telegraphs, and to Prohibit the Divulging or Forging of Telegraphic Messages.**

[21ST AUGUST, 1900.]

Short title.

1. This Ordinance may be cited as the Telegraphs Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-  
tion

2. In this Ordinance, unless the context otherwise requires—

“ Manager ” means the Postmaster General, or the Manager of any Government Telegraph Line, or the Manager or Agent of a Telegraph Company;

“ Chief ” means the headman or Chief of any village, district, town, territory, or country;

“ telegraph line ” or “ telegraph ” or “ line ” mean a wire conductor or other means used for conveying, transmitting, or distributing electricity, or any like agent for the purpose of communication by telegraph, telephone, or other apparatus, or for the purpose of providing a re-diffusion service 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 a telegraph line as herein defined;

“ post ” includes a tree, pole, standard, stay, strut, pier, abutment, or other contrivance for carrying, suspending, or supporting a telegraph line;

“ road ” includes any highway, any public or private road, street, square, court, alley, thoroughfare, or passage, and any open space in a town, and any railway or tramway;

“ works ” include any wire, insulator, or post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, work, matter, or thing of whatever description in any way connected with a telegraph line;

15 of 1954.

“ re-diffusion service ” means a service provided by the Government whereby wireless broadcast programmes and local programmes are relayed by wire or other conductor of electricity to the premises of subscribers to such service;

“Telegraph Company” means any company, corporation, or persons carrying on the business of sending messages or telegrams for the public, under whatever authority, or in whatever manner, such company, corporation, or persons may act or be constituted;

“telegram” means any message or other communication conveyed or transmitted, or presented at a telegraph office for transmission, by a telegraph line;

“Government telegram” means any message or other communication conveyed or transmitted, or presented at a Government telegraph office for transmission, by a Government telegraph line;

3. Whoever shall steal, cut, sever, or break, with intent to steal, any telegraph line or works, whether fixed in the ground or not, and whether fixed on, or to, any building or erection or post, or not, shall be guilty of felony, and, on conviction thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding five years.

Stealing line  
or works.

2 of 1947.

4. (1) Whoever shall unlawfully and maliciously cut, break, throw down, destroy, injure or remove any telegraph line or works, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance or delivery of any telegram, or the proper working of a re-diffusion service, or who, not being authorised thereto by the manager, shall attach any apparatus by means of any wire or other conductor of electricity to any telegraph line for the purpose of receiving any telegram or of overhearing any telephone conversation or re-diffusion service, shall be guilty of a misdemeanour and shall be liable on conviction thereof on information to imprisonment with or without hard labour for a period not exceeding five years, or on summary conviction thereof to a fine not exceeding one hundred pounds or to imprisonment not exceeding one year, or to both such fine and imprisonment.

Injuring or  
interfering  
with line  
or works.  
15 of 1954.

(2) When any person is convicted of an offence under the provisions of sub-section (1), and the Court is satisfied that such person has unlawfully and maliciously attached any apparatus to a telegraph line, the Court shall declare such apparatus to be forfeited to the Crown, and thereupon such apparatus shall be forfeited accordingly.

5. Whoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding section mentioned shall, on conviction thereof, be liable to

Attempt.

2 of 1947. imprisonment, with or without hard labour, for any term not exceeding six months.

Arrest of offenders.

6. Any person may, without warrant, apprehend anyone who shall be found offending against the provisions of any of the last three preceding sections, and may deliver him to some constable, or convey him before the Magistrate, to be dealt with according to law; and whoever shall resist any person acting in the execution of this provision shall be liable to a penalty not exceeding twenty pounds.

Damage to be made good.

7. Every person causing damage to any telegraph line or works, although he shall have been fined or imprisoned or both, under the provisions of this Ordinance, shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the Court adjudicating, and such amount, when determined, may be recovered in the same way as a penalty.

Obstructing officers.

8. Whoever shall wilfully obstruct or impede any person employed in the working of any telegraph in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Power to place sections of a telegraph in charge of Chiefs.

9. The Governor may, by writing under his hand directed to any Chief in the Protectorate, place any section of a telegraph under the charge of such Chief, whose duty it shall then be to preserve such section of a telegraph, and in the event of any injury, destruction, or removal of any part of such telegraph, to give immediate notice to the District Commissioner of the district in which such Chief resides.

Fining of Chief in case of malicious injury.

10. When within the district of such Chief wrongful damage to any telegraph is maliciously committed or attempted, if such Chief, or the inhabitants of any town or village in his district, fail to render active assistance in preventing the offence, or in arresting and securing the offender, the Governor may, after such inquiry as he deems necessary, impose upon such Chief, or upon such town or village, or upon any portion thereof, a fine, to be assessed by the District Commissioner, subject to the orders of the Governor, upon the inhabitants according to the circumstances of the case.

Existing lines subject to this Ordinance.

11. Every telegraph line constructed prior to the commencement of this Ordinance shall be subject to the provisions of this Ordinance, and of any rules made hereunder.

12. The Governor may from time to time establish and maintain telegraph lines throughout the limits to which this Ordinance extends.

Governor  
may establish  
lines.

13. The Postmaster General shall superintend the construction and maintenance of all Government telegraph lines, and, by himself or his officers or agents may—

Powers of  
Postmaster  
General.

(a) enter upon any lands for the purpose of constructing, placing, or maintaining any 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 work and things as may be necessary for the purposes of this Ordinance; and

(b) survey and take levels of any such lands or any part thereof, and also dig, cut, remove, and carry away any earth, stone, soil, sand and gravel whatever, and any trees or timber suitable for the construction, maintenance, or alteration of any line, or any other works belonging or appertaining to any line, or connected therewith; and

(c) cut and remove on each side of any proposed or existing line all such trees and underwood as may interfere, or be likely to interfere, with the construction or proper working of any line; and

(d) construct, place, and maintain lines under, in, upon, over, along, or across any land or building, or any railway, tramway, river, or canal, or any bridge, embankment, dock, harbour, or pier, or any estuary or branch of the sea, or the shore or bed of any tidal or other water; or under, in, upon, over, along, or across any road, and for such purpose 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 any line so constructed or placed as aforesaid:

Provided that the Postmaster General shall, on the completion of such purpose, repair and make good the road so opened or broken up.

14. Every line placed over or under any navigable waters shall be so placed as not to hinder or obstruct the navigation of such waters, and every line placed across or over any road shall be so placed as not to stop, hinder, or interfere with the passage along such road.

Navigation of  
rivers and use  
of roads not  
to be  
obstructed.

Notice before  
entry on land.

15. Except as hereinafter provided, the Postmaster General or his officers or agents shall not enter upon any land for the purpose of constructing any line except by day, nor, unless with the consent of the owner or occupier of such land, or his authorised agent, until after one week's notice to such owner or occupier or agent of the intention to construct such line upon such land:

Provided that this section shall not apply to land which appears to the Postmaster General to be uncultivated waste land.

Where owner  
or occupier  
not found.

16. If the owner or occupier of any land, other than uncultivated waste land, cannot, after reasonable inquiry, be found, it shall be sufficient if the Postmaster General cause not less than one week's notice in writing of his intention to enter upon such land for the purposes of this Ordinance to be posted in some conspicuous place on the land so proposed to be entered, and after the expiration of the time mentioned in such notice the Postmaster General, or his officers or agents, may exercise all the powers vested in him as effectually as if notice had been served on the owner or occupier of such land.

Entry to  
inspect,  
repair or  
alter lines.

17. The Postmaster General and his officers or agents may, at all reasonable times, enter upon any land whatsoever without giving any notice for the purpose of inspecting, repairing, or altering any line, whether wholly or in part constructed.

Compensa-  
tion.

18. In the exercise of the foregoing powers, the Postmaster General and his officers and 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 Ordinance, or injuriously affected by the exercise of the said powers, or suffering any damage therefrom, shall be entitled to compensation, to be settled, awarded, and paid in accordance, as nearly as may be, with the provisions of the Public Lands Ordinance. For the purpose of this section, the expression "Director of Surveys and Lands" in the said last mentioned Ordinance shall be construed as meaning the Postmaster General.

Cap. 116.

Punishment  
of telegraph  
officers for  
misconduct  
respecting  
telegrams.

19. (1) Any person employed by the Government or by a telegraph company who wilfully or negligently omits or delays to transmit or deliver any telegram, or by any wilful or negligent act or omission prevents or delays the transmission or delivery of any telegram, shall be guilty of an offence, and, on conviction thereof, shall be liable to a penalty not exceeding fifty pounds.

(2) If any such person neglects or refuses without reasonable cause to attend at any place for the performance of his duties on any day and at any hour at which he shall be directed by the Government or telegraph company so to attend, or if such person is absent at any time without leave and without sufficient reason from his duties, he shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.

20. Any person employed by the Government or by a telegraph company who, contrary to his duty, discloses or in any way makes known or intercepts the contents, or any part of the contents, or the purport of any telegram, or any information relating to the despatch or receipt of any telegram, shall be guilty of an offence, and, on conviction thereof, shall be liable to a penalty not exceeding one hundred pounds.

Punishment for disclosing or intercepting telegrams.

21. Any person who shall procure or induce, or attempt to procure or induce, any person employed by the Government or by a telegraph company to commit any of the offences set forth in sections 19 and 20 of this Ordinance shall be guilty of an offence, and, upon conviction thereof, shall be liable to a penalty not exceeding ten pounds.

Punishment for inducing misconduct.

22. Except as hereinafter provided, no 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 enquiry, before any Court, or before any person having by law authority to take evidence, be competent or compellable to give evidence of the contents of any telegram conveyed or transmitted, or presented to be transmitted, by 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.

Telegrams not to be divulged.

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

Exceptions.

(1) if the person by, or to whom, any such telegram shall have been sent or addressed notifies in writing to the manager that he desires such evidence or production; or

(2) to the case of any information for treason, felony or perjury, or of any preliminary investigation into a charge of treason, felony, or perjury.

In either of the above cases such evidence may be given or production made by the manager or by any officer authorised by him.

Order by  
Governor for  
production of  
Government  
telegrams.

24. The Governor may at any time, if in his opinion it shall be expedient in the public interest to do so, by an order, in writing, under his hand, direct that a particular Government telegram, or Government telegrams generally, addressed to a particular person, shall be submitted to the Governor before transmission or delivery, or shall not be transmitted or delivered, or that any Government telegram which may have been sent to a particular person shall be sent to the Governor; and every person employed by the Government shall be bound to obey such order.

Transcript of  
Government  
telegrams to  
be evidence.

25. The transcript of every Government telegram, after transmission, shall, before 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, and in every judicial 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 Government telegraph office for transmission, nor to prove the stamp or initials of the officer receiving such transcript for delivery.

Telegraph  
officers not  
liable for  
transmission  
of libel.

26. No person employed by the Government, or by a telegraph company, shall be liable to any criminal proceedings, or to any suit for damages, by reason of his having, in the course of his employment, transmitted or conveyed, or taken part in transmitting or conveying by telegraph, any defamatory libel.

Forgery or  
alteration  
of telegrams.

27. Whoever shall wilfully and maliciously send or deliver, or cause to be sent or delivered, to any person employed in the working of any telegraph for the purpose of being transmitted as a telegraphic message, any telegram or writing which purports to be signed or sent by any other person, the same being so signed or sent without such person's authority, or sign any telegram with the name of any other person without such person's authority, or with the name of some fictitious person, or alter

any telegram without the authority of the sender, or transmit or cause to be transmitted any telegram which he knows to be false, shall be guilty of a misdemeanour, and, on conviction thereof, before the Supreme Court, shall be liable to a penalty not exceeding one hundred pounds, or to be imprisoned, with or without hard labour, for any term not exceeding one year.

28. Whoever shall, without the consent in writing of the Governor, knowingly transmit or cause to be transmitted any telegram sent by, or on behalf of, any person who is lawfully detained by order or warrant of the Governor as a political prisoner, or knowingly deliver, or cause to be delivered, any telegram to any such prisoner, or to any person for, or on behalf of, any such prisoner, shall be guilty of a misdemeanour, and, on conviction thereof, before the Supreme Court, shall be liable to a penalty not exceeding one hundred pounds, or to be imprisoned, with or without hard labour, for any term not exceeding one year.

Telegrams sent by or to political prisoners.

29. The Governor, may by an order, in writing, under his hand, demand generally from the manager or other person for the time being in charge of any telegraph company's station, the production of any telegram sent by, or to, any political prisoner, or by, or to any person for, or on behalf of, any political prisoner; and thereupon such manager or other person shall produce every such telegram for the inspection of the Governor, or shall forward a copy thereof to the Governor, or both, as the Governor may order, or shall forward a copy thereof to such person as the Governor may direct.

Production of such telegrams

30. Any manager or other person for the time being in charge of any telegraph company's station who shall fail, refuse, or neglect to produce any telegram or the copy thereof, as in the last preceding section provided, shall be guilty of an offence, and, on conviction thereof, shall be liable to a penalty not exceeding twenty pounds.

Penalty for refusing to produce telegrams.

31. In every case where an offence shall be committed in respect of any telegraph line or works or telegram, it shall be sufficient, in the information or summons against the offender, to lay the property in the same in the manager without specifying any further or other name or description, and it shall not be necessary to allege or prove that the said line or works or telegram were of any value.

Property to be laid in the manager.

Non-liability  
of the  
Government.

**32.** No claim or demand against the Government shall arise by reason of any error in, or omission from, any telegram, or delay in the transmission of any telegram, nor for any delay in delivery, nor for the non-delivery of any telegram, nor for omitting to send or receive any telegram, from whatever cause the error, omission, delay, or non-delivery shall arise.

Rules may  
be made.

**33.** The Governor in Council may, from time to time, make rules as to the transmission of telegrams by the Government—

(1) for the management, working, and maintenance of any telegraph line, and the conduct and employment and superintendence of any persons engaged in connection therewith;

(2) for the transmission of postal telegrams, for the precedence of such telegrams, and for the delivery thereof, and for the disposal of unclaimed and undelivered telegrams;

(3) for fixing and determining the fees and rates to be demanded and received for the transmission and forwarding of Government telegrams, and the modes and times of payment, and by and from whom such fees may be legally recovered;

(4) and generally for the better carrying into effect the provisions of this Ordinance.

And may impose for the breach of any such rules a penalty not exceeding five pounds.

Recovery of  
penalties.

**34.** All penalties imposed by this Ordinance, with the exception of those under sections 27 and 28, shall be recovered upon summary trial before the Magistrate and, if not forthwith paid, shall be levied by distress and sale of the offender's goods; and, in default of sufficient distress, or without proceeding by way of distress, if the Magistrate so order, it shall be lawful to commit the offender to prison, with or without hard labour, for any term not exceeding six months, unless such penalty be sooner paid.

Appointment  
of sub-  
stitute for  
Postmaster  
General.

**35.** The Governor may, from time to time, by Order, direct that all or any of the powers and duties vested in, or to be performed by, the Postmaster General, by virtue of this Ordinance, shall be vested in, and performed by, any person mentioned in such Order, with or without conditions.