



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xc.

An Act for incorporating the *European and Indian Junction* Telegraph Company, and for other Purposes connected therewith. [27th July 1857.]

WHEREAS the Persons herein-after named, together with others, have been registered as a Company under the Provisions of "The Joint Stock Companies Act, 1856," by the Name of "The *European and Indian Junction* Telegraph Company, Limited," for the Purpose of laying down Electric Wires between such Places as the Company might from Time to Time determine, and of doing all such other Things as were incidental or conducive to the Attainment of the above Object, and for the using such Wires as a Means of Telegraphic Communication between any such Places, the Object of the said Company being to connect the Continent of *Europe* with *British India* by a Line of Telegraph commencing at or near the Port of *Seleucia* on the Coast of *Syria*, and terminating at *Bus-sorah*, or some other Point at the Head of the *Persian Gulf*, and such Company has a nominal Capital of Two hundred thousand Pounds, divided into Twenty thousand Shares of Ten Pounds each: And whereas the said Undertaking is one of great public and national Importance, and it is desirable, in order to the better and more speedy Execution of the same, that the Company as originally constituted should cease to exist, and that the present Shareholders therein should be incorporated by Special Act of Parliament, and that

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the Company so incorporated should be substituted for the original Company, and that Powers should be conferred upon the Company so incorporated to execute all Works necessary and convenient for the Purposes of their Undertaking; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *European and Indian Junction Telegraph Act, 1857.*"

"The Company."

II. The Expression "the Company" in this Act shall mean the Company hereby incorporated.

Original Company to cease to exist, and Provisions of 19 & 20 Vict. c. 47. not to apply to Company hereby incorporated. Incorporation and Purposes of the Company.

III. From and after the passing of this Act "The *European and Indian Junction Telegraph Company, Limited,*" as registered under "The Joint Stock Companies Act, 1856," herein called "the original Company," shall cease to exist, and the Provisions of "The Joint Stock Companies Act, 1856," and the Regulations contained in the Table B. in the Schedule thereto, shall not apply to the Company hereby incorporated.

IV. *William Patrick Andrew Esquire, William Ainsworth Esquire, Philip Anstruther Esquire, Sir Frederick Leopold Arthur Baronet, Harry Borradaile Esquire, Colonel Arthur Cotton, George Bowness Carr Esquire, the Honourable John Cadwallader Erskine, Captain Henry Blosse Lynch, C.B., Sir John Macneill, F.R.S., Sir Thomas Herbert Maddock, Major John Arthur Moore, F.R.S., Thomas Williams Esquire,* and the several other Persons who immediately before the passing of this Act were the Holders of or entitled to Shares in the original Company, or shall hereafter become Shareholders in the Company hereby incorporated, and their respective Executors, Administrators, Successors, and Assigns, shall be and are hereby united into One Body Corporate, under the Name of "The *European and Indian Junction Telegraph Company,*" for the Purpose of laying down, maintaining, working, and using Electric Wires or Telegraphs between any Point or Points at or near the Port of *Seleucia* on the Coast of *Syria*, and any Point or Points upon or near the *Persian Gulf*, and between such other Places as may from Time to Time be deemed expedient, and also of doing and performing all such Matters and Things as are necessary or convenient for carrying into effect the Objects and Purposes of the Company; and the Company hereby incorporated by the Name aforesaid shall have perpetual Succession and a Common Seal, and by such Name shall and may sue and be sued either in *Great Britain* or elsewhere, and shall have such other Powers as are herein-after mentioned.

V. The

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V. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act with respect to the Matters following; that is to say, the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, the Appointment and Rotation of Directors, the Powers of Directors and the Powers of the Company to be exercised only in General Meetings, the Proceedings and Liabilities of the Directors, the Appointment and Duties of the Auditors, the Accountability of the Officers of the Company, the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, the making of Dividends, the making of Byelaws, the giving of Notices, the Tender of Amends, and the Provision to be made for affording Access to this Act by all Parties interested, save so far as the same Clauses and Provisions are expressly varied by the Provisions herein contained.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

VI. All Property, Real and Personal, and all Deeds, Books, and Writings belonging to the original Company, or which have been conveyed to or are held by any Person in trust for such Company, and all Rights and Powers of such Company, subject to any Engagements affecting the same, shall be vested in the Company hereby incorporated, without the Necessity of any Transfer or connecting Title other than this Act; and all Contracts, Covenants, Engagements, and Liabilities now existing with or by the original Company, or any Director, Trustee, or Person on behalf of such Company, shall and may be binding, fulfilled, and enforced by, with, and against the Company hereby incorporated, and the Company shall and may sue and be sued in respect thereof in the same Manner as if the Company hereby incorporated had been Party thereto instead of the original Company.

For vesting Property in the Company.

VII. This Act shall not release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending against the original Company, or to which the original Company shall have been a Party at the Time of the passing of this Act, but such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued, and Execution had thereon, by or in favour of or against the Company hereby incorporated, in the same Manner as if the Company were the original Company.

Actions, &c. not to abate.

VIII. This Act shall not prejudice or affect any Right of Action or Suit which the original Company may now have, or but for the passing

Rights of Action saved.

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passing of this Act might afterwards have had against any Person, or which any Person may now have, or but for the passing of this Act might afterwards have had against the original Company, but such Rights and Remedies may be enforced or prosecuted by or against the Company hereby incorporated in like Manner and with the same Effect as if the Company were the original Company; and all Debts owing to or by the original Company immediately before the passing of this Act may be sued for and recovered by or against the Company hereby incorporated in the same Manner as, but for this Act, they might have been by or against the original Company.

Resolutions,
&c. con-
tinued.

IX. All Resolutions, Orders, and Proceedings of General Meetings and Boards of Directors which immediately before the passing of this Act were binding on the original Company, or their Directors, Officers, or Servants, or any of them, shall continue in full Force with respect to the Company hereby incorporated, or their Directors, Officers, or Servants, as if the Company were the original Company.

Officers
under exist-
ing Com-
pany to
account.

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

Present Offi-
cers con-
tinued.

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

Capital.

XII. The Capital of the Company shall be in the first instance Two hundred thousand Pounds Sterling in Twenty thousand Shares of Ten Pounds each.

Share-
holders in
original
Company to
be registered

XIII. Every Person who immediately before the passing of this Act was entitled to One or more Shares in the original Company shall, immediately after the passing of this Act, become entitled to the same Number of Shares in the Company hereby incorporated as he

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he was previously entitled to in the original Company, and shall be registered as the Holder of such Shares, which Shares shall be designated by the same Numbers, and correspond in all respects as nearly as may be with the Shares of the original Company, and as having paid thereon respectively the same Amount as paid in respect of the corresponding Shares in the original Company.

as and be Shareholders in the new Company.

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

Power to increase the Capital.

XV. Any Capital to be raised by the Creation of new Shares shall be Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares for Nonpayment of Calls, or otherwise, as the original Capital.

New or additional Capital to be Part of general Capital.

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

Power to borrow on Bond.

XVII. The General Meetings of the Shareholders shall be held in *London*, and the Ordinary Meetings of the Shareholders shall be held in the Months of *February* or *March* and *August* or *September* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting of the Shareholders, and the First Ordinary Meeting shall be held in the Month of *August* or *September* 1857.

Ordinary Meetings to be held half-yearly.

XVIII. The Quorum present, either personally or by Proxy, in order to constitute a Meeting of the Shareholders, shall be Shareholders holding in the aggregate not less than Five hundred Shares of the Capital of the Company, and being in Number not less than Twelve.

Quorum for a General Meeting.

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XIX. Not-

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Proxies of Shareholders out of the United Kingdom.

XIX. Notwithstanding anything in the "Companies Clauses Consolidation Act, 1845," contained to the contrary, the Power of authorizing Proxies contained in the said Consolidation Act shall, as to Proxies authorized by Shareholders resident out of the United Kingdom, extend to the authorizing of Proxies to vote at all or any Meetings in the United Kingdom to be held thereafter of the Shareholders, or at all or any Meetings to be held within such Period from the Date of the Instrument of Proxy as shall be mentioned therein, and such Instrument of Proxy shall be in such Form as the Directors may from Time to Time prescribe: Provided always, that no Person shall be Proxy for more than Ten Shareholders; provided also, that no Person shall be entitled to vote by way of Proxy unless the Instrument of Proxy shall have been transmitted to or lodged with the Managing Director, Secretary, or Clerk of the Company not less than Forty-eight Hours before the Time appointed for holding every Meeting at which the same is to be used.

Principal Office.

XX. The principal Office of the Company and its corporate Domicile shall be in *London*.

Number of and First Directors.

XXI. The Number of Directors shall be Thirteen, and the said Persons herein-before named, being the Directors of the original Company, shall be the First Directors of the Company.

Power to vary the Number of Directors.

XXII. It shall be lawful for the Company from Time to Time to reduce the Number of Directors to any Number not less than Six.

Quorum of Directors.

XXIII. The Quorum of a Meeting of Directors shall be Four when the Number of Directors shall be Thirteen, or any Number exceeding Eight, and when the Number shall not exceed Eight the Quorum shall be Three.

Qualification of Directors.

XXIV. The Qualification of a Director appointed by the Shareholders shall be the Possession in his own Right of Fifty Shares.

Committees of Directors.

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

Remuneration of Directors and Auditors.

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

Ex officio Director on behalf of

XXVII. In addition to the ordinary Directors of the Company, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury

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Treasury to appoint an *ex officio* Director on behalf of Her Majesty's Government and the *East India* Company for the Purpose of seeing to and securing as well the due Fulfilment by the Company of their Contracts for the Time being in force with the Government and the *East India* Company for the Transmission of Messages and Signals for Her Majesty, or the *East India* Company, or on Her Majesty's or the *East India* Company's Service, as the working of the Company's Electric Telegraphs with due Attention to the Wants and Interests of the Public.

Government and the East India Company.

XXVIII. Such *ex officio* Director shall not go out of Office by Rotation as an ordinary Director of the Company, but the Lords Commissioners of Her Majesty's Treasury may at any Time remove from his Office any such *ex officio* Director, and may appoint a new *ex officio* Director in the Place of any one dying, retiring, or being removed.

Ex officio Director not to go out by Rotation.

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

Powers of ex officio Director.

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

Special Power of ex officio Director to veto Proceedings in certain Cases, and Reference thereon.

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Objection was well founded, and whether or not such Course is to be taken or Act to be done by the Company, shall be final and conclusive on all Parties.

Rights and Powers of *ex officio* Director.

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

Every new Director to be subject to Approval of Treasury.

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

Board of Directors may make and enter into Contracts, &c. on behalf of Company.

XXXIII. The Board of Directors of the Company may, for and on behalf of the Company, from Time to Time enter into and conclude with the Government of any Foreign Country, or with the *East India* Company on account of the Government of *India*, or with any Persons, such Contracts, Agreements, and Arrangements as the respective Parties may think fit and agree upon for laying down or making preliminary Surveys with a view to laying down Electric Wires or Telegraphs through or in such Country, or the Territories under the Government of the *East India* Company, or the Lands in the Possession of such Persons, as the Case may be, and for the due Maintenance and working of such Telegraphs, and also such Contracts and Arrangements as the said Directors may deem expedient with Her Majesty's Government or the *East India* Company, or the Government of any Foreign Country, or any Persons, with respect to the using of such Telegraphs by such Governments or Persons, and the Payment for such using, either at an Amount to be paid in gross periodically, or according to the Tariff of Charges for the Transmission of Messages to be from Time to Time prepared and fixed by the said Board of Directors, and with respect to any other Matters in connexion with the Undertakings of the Company, and may from Time to Time vary and alter any such Contracts, Agreements, and Arrangements, and enter into new or other Contracts, Agreements, and

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and Arrangements in relation to the Premises ; all which Contracts, Agreements, and Arrangements shall, subject to the Provisions of this Act, be valid and effectual and binding to all Intents and Purposes whatsoever, and full Effect shall be given to the same accordingly.

XXXIV. The Company shall be authorized and empowered to enter into and make with the *East India* Company, the Electric Telegraph Company, and all other Companies and Persons now or at any Time hereafter owning or working any Electric Telegraphs or other telegraphic Communication, whether within the United Kingdom or not, and with any One or more of them, such Agreements or Arrangements for the working or using of any Line of Electric or other Telegraphs in the United Kingdom or elsewhere, and whether submarine or not, or for the through or onward Transmission of Messages and Intelligence requiring to be transmitted by or along any Line of Telegraph of any such other Company or Person as well as those of this Company, and for the Payment or Apportionment of the Rates or Charges to be made for such Use, or for such through or onward Transmission, or any other Services connected therewith, and generally as to the Terms on which the Lines of Telegraph of this Company, and of the other Companies and Persons respectively, are to be worked in connexion, as the Parties to any such Agreement or Arrangement may from Time to Time agree on and determine.

Power to agree with other Electric Telegraph Companies for facilitating telegraphic Communication.

XXXV. The Company may agree with the original Grantee of any Letters Patent granted to any Person for any Inventions or Improvements, or Additions to Inventions of Electric Telegraphs, or of the Apparatus thereof, or of the giving or transmitting of Signals, or of the regulating the transmitting or applying of Electric Currents or other Processes for the Purposes of telegraphic Communication, or which may be available for the Purposes of the Company, or with any Person in whom for the Time being any such Patent and Privileges, or any Part thereof, may be vested, for the granting to them of the Licence or Permission to use the Privileges or any of them granted by the said Letters Patent, and may accordingly purchase and become entitled to the same, and accept such Grant upon such Terms and Conditions as they may in any such Case agree on.

Company may become interested in certain Patents.

XXXVI. The Company shall be entitled to demand, receive, and recover from all Persons from whom any Messages or Signals shall be transmitted by the Company by means of any Telegraph belonging to them or under their Control such reasonable Charges as they shall think fit, and such Charges may be demanded and taken either by them or on their Behalf by any other Company or Person by or along whose Line of Telegraph such Messages or Signals shall be transmitted, before passing to and being transmitted by and along any Line of Telegraph of the Company, and Payment of any such Charges

Company may take Charges for Use of Telegraph

[*Local.*]

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may

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may be required to be made before the Transmission of such Messages and Signals respectively: Provided always, that if by and under any Agreement or Arrangement for the Time being in force, made under the Powers herein-after contained with the Lords Commissioners of Her Majesty's Treasury, the Company shall have bound themselves to demand and receive from the Persons transmitting Messages and Signals by their Lines of Telegraph certain Charges for such Transmission, they shall demand, receive, and recover those Charges only, and no others, and if they shall have so bound themselves to demand and receive from such Persons Charges not exceeding certain maximum Charges, they shall not be entitled to demand, receive, or recover for the Transmission of such Messages and Signals by their Lines of Telegraph Charges greater than such maximum Charges.

and also
Charges for
through
Trans-
mission by
Telegraphs
of other
Companies.

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

Lines of
Telegraph to
be open to
all Persons.

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

Electric
Telegraphs
to be open
to the Use
of Her

XXXIX. All Lines of Telegraph constructed or worked by the Company shall at all reasonable Times be open for the Transmission of Intelligence for Her Majesty, or His Imperial Majesty the Sultan, or the *East India* Company, or on Her Majesty's or the Sultan's or
the

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the *East India* Company's Service; and the Company shall receive, transmit, and deliver all such Messages and Signals as shall from Time to Time be tendered for Transmission for Her Majesty, or the Sultan, or the *East India* Company, or on Her Majesty's or the Sultan's or the *East India* Company's Service.

Majesty's Government or the Sultan, or the *East India* Company, at all reasonable Times.

XL. All Messages and Signals sent or forwarded for Transmission and Delivery for Her Majesty, or the Sultan, or the *East India* Company, or on Her Majesty's or the Sultan's or the *East India* Company's Service, shall have Priority over all other Messages whatsoever, and it shall be imperative on the Company, their Officers and Servants, to transmit and deliver such Messages and Signals accordingly, and to suspend the Transmission of all or any other Messages until the said Messages and Signals shall first have been transmitted; and as between themselves such Messages and Signals shall have no Right of Priority, but shall be transmitted and delivered in the Order in which they may be respectively tendered for Transmission or respectively arrive for Delivery.

Preference of such Messages.

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

Power to Treasury to make Agreements with Company for Use of Telegraph on Her Majesty's and the *East India* Company's Service.

XLII. When

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Remunera-
tion where
no Agree-
ment made.

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

Arbitration.

XLIII. Every such Matter to be determined by Arbitration, as in the last Section mentioned, shall be referred to the Award of Two Persons, one to be named by the Lords Commissioners, and the other by the Company, and if such Two Arbitrators cannot agree as to the Amount of such Remuneration, then to the Umpirage of some Third Person, to be appointed by such Two first-named Persons previously to their entering on the Inquiry, and the said Award or Umpirage shall be binding and conclusive on all Parties thereto.

Penalty on
Officers of
Company for
Neglect.

XLIV. If any Person in the Employment of the Company shall wilfully or negligently omit or delay to transmit or deliver any Message or Signal, or shall wilfully or negligently do any Matter or Thing whereby the Transmission or Delivery of any Message or Signal shall not take place, or shall be delayed or prevented, or shall wilfully or negligently omit to perform any Act, Matter, or Thing by reason whereof any Message or Signal shall not be transmitted or delivered, or shall be delayed in its Transmission or Delivery, every such Person shall for every such Offence forfeit a Sum of Money not exceeding Twenty Pounds.

Newspaper
for the
Advertise-
ments.

XLV. The Newspaper in which Notices shall be advertised shall be some Newspaper published at least Six Days in the Week in *London* or *Middlesex*.

Expenses of
Act.

XLVI. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or in any way incidental thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.