



ANNO TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1870.

No. 11.

An Act to empower the Government of the Province of South Australia to enter into a contract with any Person or Company willing to Establish Telegraphic Communication between Port Darwin and Europe, and for other purposes.

[Assented to, 12th October, 1870.]

WHEREAS by the “Port Augusta and Port Darwin Telegraph Act, 1870,” the Treasurer of the Province of South Australia was authorized to raise, by the issue of bonds, a sum not exceeding the sum of One Hundred and Twenty Thousand Pounds, to be applied for the purpose of carrying out the construction of a line of Telegraph from Port Augusta, in the Province of South Australia, to Port Darwin, situated in the Northern Territory of the said Province: And whereas the Executive Government of the Province of South Australia have entered into negotiations with, and have contracted with, the British-Australian Telegraph Company, Limited, for the construction of a line of communication, by electric telegraph, from Port Augusta to Port Darwin, and have the same open for working by the first day of January, 1872: And whereas the said British-Australian Telegraph Company, Limited, have agreed with the said Government to land a telegraph cable at Port Darwin, aforesaid, in connexion with the electric telegraph line from Port Augusta to Port Darwin; and the said Executive Government have already commenced the construction of the said electric telegraph line pursuant to the said agreement: And whereas doubts and objections have been raised and suggested as to the validity of the said negotiations and contract, and as to the power of the said Executive

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Anglo-Australian Telegraph Act.—1870.

Executive Government to make and enter into the same respectively; and it has been deemed advisable to remove all such doubts and objections: And whereas it is also desirable to authorize and empower the Governor, with the advice of the Executive Council, to make and enter into any contract or agreement with any person, company, or body politic or corporate for the construction of such telegraph line, and for the junction thereof with any line of communication by electric telegraph, which shall connect the Port Augusta and Port Darwin line with Europe—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Ratification of contract, &c., with British-Australian Telegraph Company, Limited.

1. The Governor, with the advice and consent of the Executive Council, may ratify and confirm any negotiations or contracts entered into by the Executive Government of South Australia, or by any person acting on behalf of the said Government with the British-Australian Telegraph Company, Limited, or with any person acting on their behalf.

Governor, and person duly empowered by him, may enter into contracts.

2. The Governor with the advice of the Executive Council, may from time to time hereafter, or any person duly authorized and empowered by him, with the advice aforesaid, in that behalf, may make and enter into any contract or agreement, either in writing or by deed, with any person or persons, company or companies, body or bodies politic or corporate, for the construction and maintenance of a line of communication by electric telegraph from Port Augusta to Port Darwin, hereinafter designated "The said Land Line," and for the junction of the same with any line of communication by electric telegraph which shall connect the said land line with Europe, and after the completion of the construction of the said land line, may make and enter into any such contract or agreement as aforesaid, for the junction thereof, with any line of communication by electric telegraph which shall connect the said land line with Europe, and for the maintenance of such land line upon such terms and subject to such conditions as the Governor, with the advice of the said Executive Council, shall deem most advantageous for the said Province.

Conditions may be inserted in contract.

3. Any agreement to be made in the exercise of the powers by this Act conferred may contain such stipulations as to the penalties to be paid by either party thereto for any breach of such agreement, or as to the granting of permission for the landing of the said telegraph cable, the granting of sites for telegraph stations, the fixing of charges for messages on the said land line, and such other stipulations as to the Governor, with the advice aforesaid, shall seem most advantageous for the said Province.

Contract not to be entered into unless signed by both parties.

4. No such contract or agreement as that authorized by this Act to be made and entered into by the Governor, with the advice of the Executive Council, or by any person duly authorized and empowered
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Anglo-Australian Telegraph Act.—1870.

by him so to do, shall be made and entered into with any person or persons, company or companies, body or bodies politic or corporate, unless such person or persons, company or companies, body or bodies politic or corporate, shall also make and enter into the same, and bind themselves in writing or by deed, to observe, perform, and execute the stipulations and conditions therein contained on his or their parts and behalfs to be observed, performed, and executed.

5. The Governor shall, and he is hereby empowered, immediately on the completion of any contract, hereby authorized to be entered into, make, and execute to the person or persons, company or companies, body or bodies politic or corporate, a grant of the fee simple of the land to which such persons or persons, company or companies, body or bodies politic or corporate, shall, or may be entitled, pursuant to any such contract.

Governor to execute
grant of land.

6. The Act No. 6 of 1857-8, intituled, "An Act to regulate the construction and management of Electric Telegraphs," except in so far as the same is inconsistent with the provisions hereof, shall be incorporated herewith, and this Act and the said incorporated Act (except as aforesaid) shall be read and construed as one Act accordingly.

Incorporation of Act
No. 6 of 1857-8.

In the name and on behalf of the Queen I hereby assent to
this Act.

JAMES FERGUSSON, Governor.