

TITLE LXV.

TELEGRAPHS.

<p>Sec. 5263. Use of public domain, &c. 5264. Use of materials from public lands. 5265. These rights not transferable. 5266. Government to have priority in transmission of messages.</p>	<p>Sec. 5267. Government entitled to purchase lines. 5268. Acceptance of obligation to be filed. 5269. Penalty for refusal to transmit dispatches.</p>
---	--

SEC. 5263. Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

Use of public domain, &c.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

20 Feb., 1877, c. 63, r. 19, p. 232.

SEC. 5264. Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

Use of materials from public lands.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

SEC. 5265. The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person.

These rights not transferable.

Ibid., s. 3.

SEC. 5266. Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.

Government to have priority in transmission of messages.

24 July, 1866, c. 230, s. 2, v. 14, p. 221.

8 June, 1872, c. 335, s. 17, v. 17, p. 287.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Government entitled to purchase lines.

24 July, 1866, c. 230, s. 3, v. 14, p. 221.

23 June, 1874, c. 461, r. 18, p. 250.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Acceptance of obligation to be filed.

Ibid., s. 4, p. 222.

Penalty for refusal to transmit dispatches.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.

20 Feb., 1877, c. 63, v. 19, p. 232.

27 Feb., 1877, c. 69, v. 19, p. 252.

SEC. 5269. Whenever any telegraph company, after having filed its written acceptance with the Postmaster-General of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such telegraphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such telegraph company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect. [To be recovered by an action or actions at law in any district court of the United States.]