



Ceylon Government Gazette

EXTRAORDINARY.

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Part II.—Legal and Judicial.

Separate paging is given to each Part in order that it may be filed separately.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to secure, in certain cases, the Right of Property in Telegraphic Press Messages.

Preamble.

WHEREAS it is expedient to secure, in certain cases, the right of property in telegraphic press messages: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Press messages by electric telegraph not to be published during forty-eight hours after receipt without consent of the receiver.

1 When any person, in the manner hereinafter mentioned, publishes in any newspaper or other printed paper published and circulated in Ceylon any message by electric telegraph from any place outside the said island, lawfully received by such person, no other person shall, without the consent in writing of such first-mentioned person, or his agent thereto lawfully authorized, print or publish, or cause to be printed or published, such telegram, or the substance thereof, or any extract therefrom, until after a period of forty-eight hours from the time of first publication; provided that such period shall not extend beyond sixty hours from the time

of the receipt of such message (Sundays and public and bank holidays excepted), and the publication of the whole or any part of such telegram, or of the substance thereof, or (excepting the publication of any similar message in like manner sent) of the intelligence therein contained, or any comment upon, or any reference to, such intelligence, shall be deemed to be a publication of the same.

Unlawful publishing an offence.

2 If any person wilfully print and publish, or cause to be printed and published, any matter contrary to the provisions of this Ordinance, he shall be liable to a fine not exceeding one hundred rupees; and every person who is convicted a second time of any offence against this Ordinance shall be liable to a fine not exceeding two hundred rupees.

How telegraphic messages protected by this Ordinance to be headed.

3 Telegraphic messages published under the protection of this Ordinance shall be printed under the heading "By Submarine Telegraph," and shall state the day and hour of their receipt, and such statement shall be *prima facie* evidence of the time of the receipt of such messages.

During forty-eight hours protected intelligence not to be transmitted to any person outside Ceylon.

4 (1) During the period of forty-eight hours hereinbefore mentioned, no intelligence protected by this Ordinance shall be transmitted by electric telegraph to any person outside Ceylon by or on behalf of any person other than the person who, under the provisions of this Ordinance, is entitled to the exclusive use of such intelligence.

Penalty.

(2) Any person acting in contravention of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees for a first offence, and to a fine not exceeding two hundred rupees for any subsequent offence.

What to be deemed *prima facie* evidence of publication of message.

5 In any prosecution under this Ordinance the production of any document which purports to be a telegraphic message from some place outside Ceylon, and which contains the intelligence published in the newspapers as aforesaid, and which has been delivered to some person entitled to receive the same by the proper officer of the Telegraph Department, shall be *prima facie* evidence that the message published as hereinbefore described in such newspaper is a message within the meaning of this Ordinance; and proof that any person is owner, or is, or is acting, or appears to be acting as editor or manager of any newspaper in which there has been any publication contrary to the provisions of this Ordinance shall be *prima facie* evidence that such person has wilfully caused such unlawful publication.

Limitation of Ordinance.

6 Nothing in this Ordinance shall extend to any document published by the Government Printer, or to the report of any proceedings in the Legislative Council.

Short title.

7 This Ordinance shall be cited as "The Telegram Copyright Ordinance, 189 ."

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary's Office, Colonial Secretary.
Colombo, November 30, 1898.