

Postage.

No. XXIV.

POSTAGE.

An Act to provide for the Conveyance and Postage of Letters. [23rd June, 1835.]

Preamble.

Governor to establish Post Offices and to appoint a Postmaster General and so many Postmasters and other officers as he may think fit or if need be to remove the same.

WHEREAS it is expedient to provide for the conveyance and postage of letters within the Colony of New South Wales and its Dependencies in a more full and ample manner than has hitherto been effected Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That at any time after the passing of this Act it shall and may be lawful for the Governor to establish for the receiving and despatching of letters and packets from and within the said Colony and its Dependencies one General Post Office at Sydney and from time to time so many other Post Offices in the different parts of the said Colony as he may deem expedient and to appoint one Postmaster General and so many Postmasters and other requisite Officers for the conducting of the same with such reasonable salaries and allowances respectively as he shall think fit and if need be to remove the said Postmaster General Postmasters and Officers and to appoint others in their stead respectively and that on and from the day on which notice shall be given in the *New South Wales Government Gazette* of the establishment of such General Post Office under this Act the Act of the said Governor and Council passed in the sixth year of the reign of His late Majesty King George the Fourth intituled "*An Act to regulate the Postage of Letters in New South Wales*" (except as to all monies due and letters put into any Post Office or received by any Postmaster and except as to any offences committed before that day) shall be and the same is hereby repealed.

6 Geo. IV. No. 23 repealed.

Postmaster's oath.

2. And be it enacted That the Postmaster General and every other Postmaster appointed under this Act shall before the exercise by him of the duties of his office take and subscribe an oath for the due execution of such duties before one of His Majesty's Justices of the Peace which oath such Justice is hereby authorized and required to administer in the words following that is to say

" I A. B. do swear that I will not willingly or knowingly open
 " detain return or delay or cause or suffer to be opened
 " detained returned or delayed any letter or packet which
 " shall come into my hands power or custody by reason
 " of my employment as a Postmaster within this
 " Colony except by consent of the person or persons to
 " whom such letter or packet shall be directed or by
 " an express warrant in writing for that purpose
 " under the hand of the Governor or other person
 " administering the Government or except in cases where
 " the party or parties to whom such letter or packet shall
 " be directed or who shall be chargeable with the payment
 " of the postage shall refuse to receive such letter or
 " packet or shall refuse or neglect to pay the postage and
 " except such letters or packets as shall be returned for
 " want of true directions or where the party or parties to
 " whom the same shall be directed cannot be found.

" So help me God."

Governor to fix rates of postage and to establish rules for the receiving and delivering of letters.

3. And be it enacted That it shall and may be lawful for the said Governor to fix the rates and sums of money to be demanded by the said Postmaster General and Postmasters respectively and their assistants for the receiving despatching and delivering of letters and packets

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packets and to increase and reduce the same from time to time as to the said Governor shall seem meet and to make such rules and regulations for the establishing and managing of the said several Post Offices and the receiving despatching conveying and delivering of letters and packets and the collecting and receiving of the said rates and sums and the said rules and regulations from time to time to alter revoke or vary and such other rules and regulations to establish in their stead as he shall deem expedient Provided however that such rates and sums so to be fixed as aforesaid shall not in any case exceed the rates respectively inserted described and set forth in figures in the Schedule to this Act annexed marked with the letter A Provided also that for the purposes of this Act every letter or packet weighing less than half an ounce (whether containing enclosures or not) shall be deemed single and every letter or packet weighing half an ounce and less than three quarters of an ounce double and every letter or packet weighing three quarters of an ounce and less than one ounce treble and every letter or packet weighing an ounce and less than an ounce and a quarter quadruple and so on progressively according to the weight of each letter or packet in the same proportion.

Proviso. Rates not to exceed those set forth in the Schedule.

Weights according to which letters shall be charged.

4. And be it enacted That nothing herein contained shall be taken to authorize any charge for postage upon any letter or packet addressed to or franked by any person in Great Britain or Ireland being empowered by law to send or receive letters or packets beyond the sea free from postage nor upon any letter or packet addressed to or franked by the Governor or his Private Secretary.

Letters franked by authorized persons in Great Britain or Ireland and by the Governor and Private Secretary to be free.

5. And be it enacted That it shall be lawful for the Chief Justice of the Supreme Court the Senior Officer of the Forces next in command the Venerable the Archdeacon or the Principal Dignitary of the Established Church of England the Colonial Secretary the Colonial Treasurer the Puisne Judges of the Supreme Court the Attorney General the Auditor General the Sheriff the Surveyor General the Inspector of Colonial Hospitals the Clerk of the Councils the Assistant Colonial Secretary the Collector of Internal Revenue the Brigade Major the Military Secretary the Officer in charge of the Commissariat Department the Officer in charge of the Commissariat Account Department the Principal Superintendent of Convicts and the Postmaster General or such other persons as they may respectively depute to act in their lawful and necessary absence and any such other officers as the Governor shall from time to time direct to send and receive letters and packets by the post free from the charge of postage Provided that all letters so to be sent by the public officers above mentioned be *bond fide* on the public service and be franked in their own handwriting.

Certain public officers allowed to frank letters on public service.

6. And be it enacted That from and after the passing of this Act it shall and may be lawful for each and every Member of the Executive and Legislative Councils of the said Colony to send by the post to places within the said Colony free from the duty of postage any number of letters or packets not exceeding five in any one day so as none of such letters or packets shall exceed the weight of one ounce and so as each of them be superscribed or directed in manner hereinafter directed and also that it shall and may be lawful to and for each and every Member of either of the said Councils to receive by the post from places within the said Colony any number of letters or packets not exceeding seven letters or packets in any one day so as each such letter or packet do not exceed the weight of one ounce and be directed to the Member at his usual place of residence or at the Council Chamber or any public office to which such Member may be appointed or at the place where he shall actually be at the time of the delivery thereof.

Members of the Executive and Legislative Councils to frank.

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Regulations as to letters so to be franked.

7. Provided always and be it enacted That no letter or packet whatsoever directed by any Member of either of the said Councils shall be exempted from the payment of the duty of postage unless the whole superscription upon every such letter or packet so sent shall be in the handwriting of the Member directing the same and shall have endorsed thereon the name of such Member together with the name of the Post Office or town from which the same is intended to be sent and the day month and year when the same shall be to be put into the Post Office and the day of the month to be in words at length in the handwriting of the Member and also unless every such letter or packet shall be put into the Post Office to be forwarded by the post on the day of the date put upon such letter or packet Provided also that when the number of letters or packets not above one ounce each sent or received by any Member in one day shall exceed the number herein allowed and the postage on any of them shall differ then such letter or packet as shall be chargeable with the highest rate of postage shall be included in the number exempted and the remainder shall be chargeable as other letters.

Newspapers exempted.

8. Provided always and be it enacted That all newspapers printed in the Colony if transmitted within seven days from the date thereof and all printed newspapers received from abroad shall if enclosed in an envelope open at both ends be received conveyed and delivered free of all postage whatever Provided however no such newspaper shall contain any note letter memorandum or other thing or writing therein or thereon excepting only the direction on the outside thereof and that there shall be also marked on the outside of all newspapers printed in the Colony the words "*Newspaper only*" or "*Newspapers only*" as the case may be and in case any such newspaper or newspapers as last mentioned shall be put into any Post Office at any time after the expiration of seven days from the date thereof or if any such newspaper shall be transmitted in any way contrary to the provisions of this Act each and every such newspaper or packet containing newspapers shall be charged with postage as a letter or packet according to its weight.

Patterns of merchandise not weighing more than four ounces chargeable as single letters.

9. And be it enacted That patterns of merchandise not weighing more than four ounces may be transmitted in any letter which shall be charged as single only Provided that such letter shall contain nothing therein other than the particulars of such merchandise and shall be marked on the outside thereof "*Patterns*" and shall be open at both ends and in case any such letter shall be transmitted by the post in any other manner than as herein provided it shall be charged with postage as any other letter or packet according to weight.

Provision for surcharge in certain cases.

10. And be it enacted That in case any Postmaster shall suspect and believe that any letter or packet put into his office or received by him as such Postmaster marked as aforesaid "*Newspaper only*" or "*Newspapers only*" or "*Patterns*" doth not in fact contain solely and only that which the same shall so purport to contain as aforesaid or doth contain some paper note or other thing or writing which under this Act would subject such letter or packet to postage it shall be lawful for such Postmaster and he is hereby required to mark upon such letter or packet the amount of such postage and such amount shall be demanded and received accordingly Provided always that in every such case of surcharge if it shall at any time within ten days next following the delivery of the letter or packet be made to appear to the satisfaction either of the Postmaster by whom such letter or packet was so delivered or of the Postmaster General that the same was not in fact liable to postage then the amount of the surcharge or excess of postage shall be returned to the party who shall have paid the same and provided that if the person

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to whom the letter or packet is delivered shall so require the Postmaster by whom the same shall be so delivered shall at the time of such delivery thereof examine not only the outside but the contents of the said letter or packet in that person's presence and thereupon demand and take postage lawfully due on every such letter or packet according to the provisions of this Act.

11. And be it enacted That all printed newspapers and letters containing patterns of merchandise as aforesaid to be conveyed under the provisions of this Act shall be delivered to the Postmaster General or Postmasters at such hours in the day and under all such regulations as the Postmaster General for the time-being shall in his discretion from time to time appoint.

Newspapers and patterns to be conveyed under such regulations as the Postmaster General may appoint.

12. And be it enacted That no letter from any non-commissioned officer private soldier seaman or marine actually employed and on full pay in the army navy or marines shall be chargeable with a higher rate of postage than one penny to be paid at the time of putting such letter into the Post Office Provided that every such letter be written on a single sheet of paper only and that there be written on the same in the handwriting of and signed by the commanding officer for the time-being the words "*Soldier's Seaman's or Marine's Letter*" as the case may be with the name of the corps regiment detachment or ship to which such non-commissioned officer soldier seaman or marine belongs nor shall any letter written on a single sheet of paper directed to any such non-commissioned officer soldier seaman or marine if concerning his private affairs only and specifying upon the same his corps regiment detachment or ship be chargeable with more than one penny or with any postage whatever if deliverable in Sydney and if any postage whatever shall appear to have been already paid thereon in the United Kingdom.

Soldiers and sailors letters to be chargeable one penny only.

13. And be it enacted That every letter received at any Post Office in the Colony from parts beyond the sea addressed to any convict within the same not holding a ticket of leave shall be transmitted from such office to the Principal Superintendent of Convicts in Sydney to be by him subscribed with his signature and forwarded through the post free of any charge to the convict to whom such letter shall be addressed and every letter written on a single sheet of paper and transmitted open under cover to the Principal Superintendent of Convicts at Sydney by any such convict as aforesaid on his or her private affairs only and addressed to any person in parts beyond the sea shall upon receipt thereof be subscribed by the Principal Superintendent of Convicts in like manner and forwarded through the post free of any Colonial charge and every letter written on a single sheet and transmitted open under cover as aforesaid to the Principal Superintendent of Convicts or some Police Magistrate and addressed to any such convict as aforesaid upon his or her own private affairs only shall and may upon receipt thereof be marked "*Convict's Letter*" by such Superintendent or Police Magistrate respectively and superscribed as hereinbefore directed and forwarded through the post free of charge.

Foreign letters to convicts.

Letters by convicts to their friends abroad.

Inland letters to convicts.

14. And be it enacted That the Postmaster General shall without any extra charge in that respect cause at such convenient times as shall be appointed all letters and packets directed to persons at any place or places within such parts of the town of Sydney as shall be from time to time by any public notice appointed to be left at their respective offices of business or usual places of abode being within the said limits upon payment of the postage due thereon but unless with respect to letters and packets directed to places within such parts of the town of Sydney as aforesaid neither the Postmaster General nor any other Postmaster shall be compelled to deliver letters

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or packets excepting only at his Post Office within such reasonable hours as shall be appointed for that purpose.

Unclaimed letters.

15. And be it enacted That as soon as possible after the expiration of twenty-four hours next following the receipt of any mail the Postmaster by whom or into whose Post Office the same shall have been received shall cause a list of all the then remaining unclaimed and undelivered letters and packets received in or by such mail to be made out in writing and affixed in or on some conspicuous part of his Post Office and that such list or some other list or lists containing a true account or statement of all letters and packets from time to time remaining unclaimed or for delivery shall be kept so affixed fairly written and legible as aforesaid for the space of not less than thirty days next following the first receipt of such letters and packets respectively at the expiration of which said period of thirty days or as soon as possible afterwards every such unclaimed or undelivered letter and packet shall by such Postmaster be transmitted to the General Post Office in Sydney to be there dealt with as shall be in that behalf appointed.

Return of letters.

16. Provided always and be it enacted That except in the case of such unclaimed and undelivered letters as aforesaid no letter or packet whatever shall under any circumstances be returned to the writer or sender thereof without the express consent of the person to whom the same is directed nor unless by virtue of an express warrant in writing under the hand of the Governor shall any letter or packet be sent or delivered otherwise than according to the direction of the same.

Mail contractors.

17. And be it further enacted That it shall be lawful for the Postmaster General for the time-being under such instructions as shall be from time to time in that behalf given to him by the Governor to enter into any contract or contracts in writing from time to time in his own name on behalf of the Government or in respect of the carriage or conveyance of the several mails throughout this Colony or any or either of them and to sue and be sued upon such contracts accordingly and if any person having entered into any such contract shall during the continuance thereof unlawfully refuse or neglect to perform the same or shall in any manner omit to comply with any stipulation or provision therein he or she shall forfeit and pay a penalty or sum of not less than five pounds nor more than fifty pounds over and above the penalty recoverable upon such default by virtue of any bond into which such person or his or her sureties may have entered for the due performance of the contract.

Letters on board ship.

18. And whereas after the arrival of vessels in the port or harbours of this Colony from parts beyond the sea letters and newspapers directed to persons within this Colony have been in some instances a long time detained on board thereof Be it therefore enacted That all mails bags boxes or packets of letters or newspapers and also all loose letters and newspapers which at the time of the arrival of any vessel within the limits of any such port or harbour shall be on board of such vessel directed to any person or persons within this Colony or its Dependencies shall be delivered on demand to any Postmaster or Port Officer of such port or harbour or to any person duly acting for such Postmaster or Port Officer excepting always letters concerning goods on board such vessel and to be delivered with such goods and letters containing any conveyance or other deed commission writ or affidavit and letters sent by way of introduction only or concerning the bearer's private affairs and any master passenger or other person on board of such vessel who shall knowingly detain on board of such vessel or keep in his or her possession any mail mail bag mail box packet of letters letter or newspaper

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newspaper (except as aforesaid) after such demand made as aforesaid shall forfeit and pay for every letter or newspaper so detained or kept a penalty or sum of not less than one pound nor more than five pounds.

19. And in order to encourage the due and expeditious delivery of letters and packets received from abroad Be it enacted That every master or other person in charge of any such vessel arriving from parts beyond the sea shall be entitled at any time after the expiration of twenty-four hours next after the arrival of such vessel to receive from the nearest Postmaster (who is hereby required to pay such master or person) the sum of one penny for every letter or packet so delivered on demand as aforesaid or delivered voluntarily to any Postmaster or Port Officer or at any Post Office excepting only mail bags and packages received according to law from the General Post Office in England and letters or packets addressed to the Governor and every such master or person shall give a receipt for the money so received which receipt shall be to the Postmaster obtaining such letters or packets a sufficient voucher and the same shall be allowed him in his account accordingly.

Allowance to masters of vessels for ship letters inwards.

20. And be it enacted That if any such Port Officer or person in that behalf deputed by him or by any such Postmaster as aforesaid shall neglect or omit to deliver or shall retard the delivery of any bag box mail letter packet or newspaper at the place or Post Office for that purpose appointed by any regulation to be made as hereinbefore mentioned such person shall forfeit and pay a penalty or sum of not less than five pounds nor more than twenty pounds.

Penalty for delaying such mails.

21. And whereas masters or other persons having the command of vessels departing from this Colony have in some cases refused to receive on board such vessels and in other cases having received on board have refused to convey therein letters directed to persons at places beyond the sea whereby great damage and inconvenience have in some cases been sustained by merchants and other persons Be it therefore enacted That if any master or person having the command of any vessel about to depart from this Colony shall (after being thereto required by any such Postmaster or Port Officer) refuse or wilfully neglect to receive on board such vessel any mail or bag or box of letters directed to any part or place beyond the sea for which such vessel shall then be bound or shall refuse or neglect carefully to deposit such mail or bag or box in some secure or dry place on board of such vessel or to convey the same upon her then intended voyage such master or person shall for every such offence forfeit and pay a penalty or sum of not less than fifty pounds nor more than one hundred pounds Provided always That every such master or person in command who shall receive on board any such mail or bag or box (for the purpose of conveying the same according to the direction thereof) shall be entitled immediately to demand and receive from such Postmaster or Port Officer for the carriage thereof one penny for every letter or packet contained therein (excepting only for Despatches from the Governor) such master or person giving a receipt for the amount so received by him which receipt shall be a sufficient voucher for such payment and the same shall be allowed in his account at the Post Office accordingly.

Vessels departing from the Colony compelled to take mails.

Allowance to masters of vessels for ship letters outwards.

22. And be it enacted That after the commencement of this Act no letter or packet chargeable with postage under the provisions thereof shall be carried for hire or reward otherwise than by post and if any such letter or packet shall be so carried or conveyed or be sent or taken charge of for the purpose of being so carried or conveyed (not being by a person employed in the Post Office or in the conveyance of post letters) the person so sending or conveying such letter or packet or taking charge of the same for such carriage or conveyance shall

Sending or conveying letters otherwise than by post.

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shall for every such letter or packet forfeit and pay a penalty or sum of not less than two pounds nor more than twenty pounds and that every such letter and packet sent or carried or taken charge of to be carried otherwise than by post shall be deemed in any prosecution for this offence to have been for hire or reward unless the contrary shall be shewn by the defendant.

Exceptions.

23. Provided always and be it enacted That nothing herein contained shall extend to any letter exceeding four ounces in weight nor to any letter or packet concerning goods sent with such goods and to be delivered therewith or containing any writ or proceeding out of any Court of Justice or deed conveyance affidavit or letter of attorney nor to any letter or packet sent by any person concerning his or her private affairs by any special messenger nor to any letter or packet *bonâ fide* sent or carried to or from a Post Office or to or from any place distant five miles or upwards from any Post Office or place appointed for the receipt or delivery of post letters.

Penalty for offences by persons in the Post Office.

24. And be it enacted That any Postmaster or other officer belonging to the Post Office or any person employed by or under a Postmaster or in the receiving sorting carrying conveying or delivering of post letters or otherwise in the business of the Post Office who shall offend against or wilfully neglect or omit to comply with any of the rules and regulations so from time to time to be made as aforesaid or any of the provisions of this Act shall for every such offence neglect or omission forfeit and pay a penalty or sum of not less than five shillings nor more than fifty pounds.

Penalty for delaying the arrival of mails.

25. And be it enacted That if the driver of any mail coach or other carriage used for the conveyance of the mail or the guard or any person in charge of a mail whether conveyed by any such carriage or on horseback or foot shall loiter on the road or wilfully misspend or lose time so as to retard the arrival of the mail at its proper destination or shall not in all possible cases convey such mails at a speed of such a number of miles an hour as are fixed by the Postmaster General for the conveyance thereof unless the circumstances of the weather or the badness of the roads or the occurrence of any accident shall prevent the same then and in every such case the driver or guard or person in charge (as the case may be) so offending and being convicted thereof by his own confession the view of a Justice or the oath or oaths of one or more credible witness or witnesses shall forfeit and pay a sum of not less than one pound nor more than five pounds for every such offence.

Taking letters from persons in the Post Office &c. felony.

26. And be it enacted That if any person shall fraudulently take from the possession of any Postmaster or person employed to convey post letters or from out of any Post Office or place appointed for the receipt or delivery of post letters any letter or packet or mail of letters (sent or to be sent by such post) or fraudulently take any letter or packet out of such bag or mail every such person so offending being thereof convicted in due form of law shall be deemed guilty of felony and shall suffer death as a felon.

Proceedings for penalty.

27. And be it enacted That all offences against this Act or against any or either of the rules and regulations so to be made under this Act as aforesaid in respect of which said offences any pecuniary fine or penalty is by this Act imposed (where no other provision for the recovery thereof is in that behalf made) shall be heard and determined and such fines and penalties be awarded and imposed in a summary way by and before any two Justices of the Peace upon information in that behalf exhibited and that all fines and penalties so awarded and imposed shall go and be distributed and all persons aggrieved by any summary conviction under this Act shall be entitled to appeal therefrom in the manner provided respectively by the Act of the

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the said Governor and Council passed in the fifth year of the reign of His present Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace.*" 5 Gul. IV. No. 22.

28. And be it enacted That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act the same shall be commenced within twelve months after the fact committed and not afterwards and the defendant or defendants in such action shall and may plead the general issue and give this Act and the special matter in evidence and that the same was done in pursuance and by the authority of this Act and if it shall appear so to be done or that such action or suit shall be commenced after the time before limited for bringing the same that then the jury shall find for the defendant or defendants and upon a verdict for the defendant or if the plaintiff or plaintiff shall be nonsuited or discontinue his her or their action or suit after the defendant or defendants shall have appeared or if upon demurrer judgment shall be given against the plaintiff or plaintiffs the defendant or defendants shall and may recover treble costs and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law. Limitation of actions for executing Act. General issue. Treble costs.

29. And be it enacted That the monies to arise by the several rates and duties as aforesaid shall be paid into the hands of the Colonial Treasurer and shall be appropriated to the public uses of the said Colony and in support of the Government thereof. Appropriation of postage duties.

30. Provided always and be it enacted That in case His Majesty's Postmaster General in England shall at any time by virtue of the powers in him in that behalf vested erect and settle a post in this Colony then this present Act and every provision herein shall from thenceforth absolutely cease and determine. Act to cease if His Majesty's Postmaster General shall erect a post.

SCHEDULE REFERRED TO.

A.

Table of the Rates of Postage chargeable upon Letters and Packets in New South Wales.

For every letter or packet weighing less than half an ounce from one Post Office to another—		£	s.	d.
Not exceeding the distance of 15 miles	0	0	4
Above 15 miles and not exceeding 20 miles	0	0	5
Above 20 miles and not exceeding 30 miles	0	0	6
Above 30 miles and not exceeding 50 miles	0	0	7
Above 50 miles and not exceeding 80 miles	0	0	8
Above 80 miles and not exceeding 120 miles	0	0	9
Above 120 miles and not exceeding 170 miles	0	0	10
Above 170 miles and not exceeding 230 miles	0	0	11
Above 230 miles and not exceeding 300 miles	0	1	0
And for every 100 miles or part thereof above 300 miles the further sum of	0	0	1
For every such letter or packet forwarded by sea from one port of the Colony to another	0	0	4
And so in proportion for letters or packets of greater weight.				
For every newspaper printed in the Colony if not put into any Post Office in New South Wales for delivery at another within seven days from the date thereof at the rate of a single letter.				
For letters or packets not exceeding four ounces in weight when put into the General Post Office in Sydney for delivery within the prescribed limits including newspapers	0	0	2
For every letter or packet put into any Post Office for delivery at such Post Office	0	0	1
Upon every ship letter or packet in addition to the Inland Postage if	Single	0	0	3
	Double	0	0	4
	Treble	0	0	5
	Quadruple or any greater weight	0	0	6