

No. XXXVIII.

An Act to establish an Uniform Rate of Postage
and to consolidate and amend the Law for
the Conveyance and Postage of Letters.
[12th October, 1849.]

POSTAGE.

WHEREAS it is deemed expedient that the postage on letters in Preamble.
New South Wales should be reduced to one uniform rate and
that the privilege of franking should be abolished the Legislative
Council of the said Colony pledging itself to make good any deficiency
of Revenue which may be occasioned by such alteration in the existing
duties And whereas it is also expedient to repeal several Acts of the
Governor and Legislative Council relating to the postage of letters in
order

Postage.

5 Wm. IV. No. 24

2 Vic. No. 17

4 Vic. No. 9

5 Vic. No. 15 and

11 Vic. No. 47

repealed.

Declaration to be
made by Postmasters
letter carriers &c.

order that the law on that subject may be consolidated and amended Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the first day of January next ensuing after the passing of this Act the following Acts shall be repealed except as to anything done or commenced to be done before the taking effect of this Act and except in so far as any of the said Acts repeals any previous Act namely an Act passed in the fifth year of the reign of His late Majesty King William the Fourth intituled “*An Act to provide for the conveyance and postage of Letters*” and an Act passed in the second year of Her present Majesty’s reign intituled “*An Act to amend an Act intituled ‘An Act to provide for the conveyance and postage of Letters’*” and an Act passed in the fourth year of Her said Majesty’s reign intituled “*An Act further to amend an Act intituled ‘An Act to provide for the conveyance and postage of Letters’*” and an Act passed in the fifth year of Her said Majesty’s reign intituled “*An Act to amend an Act intituled ‘An Act to amend an Act intituled ‘An Act to provide for the conveyance and postage of Letters’*” and an Act passed in the eleventh year of Her said Majesty’s reign intituled “*An Act to amend the Law of Postage of Letters to and from the neighbouring Colonies of Van Diemen’s Land South Australia and Western Australia*” and the same shall accordingly cease to have any operation from and after the said first day of January except as aforesaid.

2. And be it enacted That the Postmaster General of the said Colony and every other Postmaster letter carrier or other person appointed under this Act shall before the exercise by him of the duties of his office take and subscribe a declaration for the due execution of such duties before one of Her Majesty’s Justices of the Peace which declaration such Justice is hereby authorized and required to administer in the words following that is to say—

“ I A. B. do solemnly and sincerely declare 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 relating
 “ to the Post Office 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 adminis-
 “ tering 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 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 and I make this
 “ solemn declaration by virtue of the provisions of an Act
 “ passed in the thirteenth year of Her Majesty’s reign
 “ intituled ‘*An Act to establish an uniform rate of postage
 “ ‘ and to consolidate and amend the Law for the conveyance
 “ ‘ and postage of Letters.’*”

Declared before me

this

day of

&c.

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

3. And be it enacted That it shall and may be lawful for the said Governor with the advice of the Executive Council 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 and despatching

Postage.

despatching and delivering of letters and packets and to increase and reduce the same from time to time as to the said Governor and Council 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 with the advice aforesaid 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 of postage fixed by this Act.

4. And be it enacted That letters transmitted by the post shall from and after the first day of January next be charged by weight according to the following scale and that the several numbers of rates of postage hereinafter set forth shall be charged and be paid on letters transmitted by the post that is to say—On every letter not exceeding half an ounce in weight one rate of postage on every letter exceeding half an ounce and not exceeding one ounce in weight two rates of postage on every letter exceeding one ounce and not exceeding two ounces in weight four rates of postage on every letter exceeding two ounces and not exceeding three ounces in weight six rates of postage and on every letter exceeding three ounces and not exceeding four ounces in weight eight rates of postage and for every ounce in weight above the weight of four ounces there shall be charged and taken two additional rates of postage and every fraction of an ounce above the weight of four ounces shall be charged as one additional ounce.

5. And be it enacted That the following rates of postage shall be charged and paid on letters transmitted by post between places within the Colony that is to say— On all letters not exceeding half an ounce in weight transmitted by post (not being letters posted in any post town addressed to persons or places within such town) there shall be charged and paid one uniform rate of two-pence without reference to the number of sheets or pieces of paper or enclosures of which the same may be comprised or to the distance or number of miles the same shall be conveyed and that on all such letters if exceeding half an ounce in weight there shall be charged and paid progressive and additional rates of postage (each additional rate being estimated at two-pence) according to the scale of weight and number of rates hereinbefore fixed and declared.

6. And be it enacted That on all letters not exceeding half an ounce in weight when put into any Post Office for delivery at such Post Office or within the limits of the city or town in which such Post Office is situated there shall be charged and paid an uniform rate of one penny and on all such letters if exceeding half an ounce in weight there shall be charged and paid additional rates of postage according to the scale of weight and number of rates hereinbefore determined estimating and charging each additional rate at one penny.

7. And be it enacted That on all ship letters there shall be charged and paid in addition to the inland postage the rates following that is to say—On all letters not exceeding half an ounce in weight there shall be charged and paid one uniform rate of three-pence and on all such letters if exceeding half an ounce in weight there shall be charged and paid additional rates of postage according to the scale of weight and number of rates hereinbefore contained estimating and charging each additional rate at three-pence.

8. And be it enacted That the postage payable for letters transmitted by vessels beyond the sea shall be paid by the sender on delivery of such letters at the Post Office or other place appointed for the receipt of such letters.

Postage.

Postage on parcels
Legislative proceed-
ings periodical pub-
lications.

Bankers' parcels.

Patterns.

Prices current.

Writs or proceedings
of Courts of Justice.

Legislative Papers.
Periodical publica-
tions.

The Postmaster
General with Govern-
or's approval to
cause stamps to be
made and sold.

Penalty for forging
stamps.

Stamped covers.

Letters or packets
with stamps not
equal to postage.

9. And be it enacted That the following rates of postage shall be charged and paid on all bankers' parcels patterns of merchandise prices current writs or proceedings of Courts of Justice Legislative papers and periodical publications (newspapers excepted) that is to say—Packets or covers containing notes orders specie or pass books without any letter or writing other than the name of the sender his place of abode and the name and address of the person to whom the packet shall be sent patterns or covers containing samples without any letter or writing other than the name of the sender his place of abode the prices of the articles contained therein and the name and address of the person to whom the packet shall be sent prices current and catalogues without any writing other than the prices and the name and address of the person to whom the packet shall be sent packets or covers containing any writ or proceeding out of any Court of Justice or deed conveyance affidavit or letter of attorney without any letter or writing other than the name of the sender and the name and address of the person to whom the packet shall be sent and packets or covers containing printed votes and proceedings of Parliament and Colonial Legislatures or pamphlets magazines reviews and other periodical publications (newspapers excepted) without any other letter or writing other than the name and address of the person to whom the packet shall be sent for every such packet not exceeding four ounces in weight two-pence and for every additional ounce or fraction of an ounce one halfpenny.

10. And whereas it is desirable to facilitate the pre-payment of letters and packets sent by post Be it enacted That it shall be lawful for the Postmaster General with the approval of His Excellency the Governor to cause stamps to be made and sold indicating the receipt of such sum or sums of money as may be directed in that behalf by His Excellency the Governor.

11. And be it enacted That if any person shall fraudulently forge or imitate or assist in forging or imitating any stamp made under the authority of this Act or shall offer utter or dispose of any forgery or imitation of any such stamp with intent to defraud the Revenue or any person or body corporate or politic he or she shall be guilty of felony and on conviction shall be liable to imprisonment with or without hard labor or to hard labor on the roads or other public works of the said Colony for such term not exceeding seven years as the Court shall award.

12. And be it enacted That all letters or packets if enclosed in stamped covers or having a stamp or stamps affixed thereto or impressed thereon and all bankers' parcels patterns prices current writs or proceedings of Courts of Justice periodical publications and Legislative papers if enclosed in stamped covers or having a stamp or stamps affixed thereto or impressed thereon shall pass by the post free of postage the stamp or stamps in every such case being affixed or appearing on the outside and being of the value or amount of the rates of postage to which such letter or other packet or packets would be liable under this Act and provided that the stamp shall not have been used before.

13. And be it enacted That in all cases in which any letter parcel or packet shall be posted in and addressed to places within the said Colony having thereon or affixed thereto any Post Office stamp or stamps the value or amount of which shall be less than the rate of postage to which such letter parcel or packet would be liable under this Act if pre-paid there shall be charged on such letter parcel or packet (newspapers excepted) a postage of double the amount of the difference between the value of such stamp or stamps and the postage to which such letter parcel or packet would be liable as aforesaid if pre-paid.

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14. And be it enacted That in all cases in which letters and packets posted in and addressed to places within the Colony shall be posted without the postage being pre-paid either by stamp or otherwise there shall be charged on such letters or packets newspapers excepted a postage of double the amount to which such letters or packets would otherwise be liable under this Act.

Additional postage
on letters not pre-
paid.

15. And whereas letters and packets sent by the post are chargeable by law on being re-directed and again forwarded by the post with a new and distinct rate of postage Be it enacted That on every post letter re-directed there shall be charged for the postage of such letter from the place at which the same shall be re-directed to the place of ultimate delivery (in addition to all other rates of postage payable thereon) such a rate of postage only as the same would be liable to if pre-paid.

Letters re-directed.

16. And be it enacted That Petitions and Addresses forwarded to Her Majesty by the post shall be exempt from postage.

Petitions to Her
Majesty exempt.

17. And be it enacted That Members of the Executive and Legislative Councils may receive by the post Petitions and Addresses to Her Majesty and His Excellency the Governor and Petitions addressed to either the Executive or Legislative Council not exceeding thirty-two ounces in weight exempt from postage Provided such Petitions and Addresses be sent without covers or in covers open at the sides.

Petitions to the
Governor or Execu-
tive or Legislative
Councils exempt.

18. And be it enacted That the following classes of persons may both send and receive letters not exceeding half an ounce in weight by the post on their own private concerns at a postage of one penny for each letter namely—Every seaman employed in Her Majesty's Navy whether at Home or abroad whilst such seaman shall be actually employed in Her Majesty's Service every serjeant corporal drummer trumpeter fifer and private soldier in Her Majesty's Regular Forces Militia Fencible Regiments Artillery or Royal Marines whether at Home or abroad whilst actually employed in Her Majesty's Service every serjeant corporal drummer trumpeter fifer and private soldier in the service of the East India Company whilst actually employed in the service of the Company but the letters of commissioned officers or warrant officers whether in the Army or Navy or midshipmen or masters' mates of the Navy are not included in this provision and with respect to letters sent by any such privileged persons the following conditions shall be observed that is to say the postage of each letter unless sent from parts beyond the seas as hereinafter mentioned shall be paid on being put into a Post Office and upon such letter shall be superscribed the name of the writer and his class or description in the vessel regiment corps or detachment to which he shall belong and upon every such letter there shall be written in the handwriting of and signed by the officer having at the time the command of the vessel or of the regiment corps or detachment to which the privileged person belongs the name of such officer and the name of such vessel or of such regiment corps or detachment and with respect to letters received by the post by any of the said privileged persons the following conditions shall be observed the postage of each letter unless sent from parts beyond the seas as hereinafter mentioned shall be paid upon its being put into a Post Office and it shall be directed to the privileged person specifying on the superscription thereof the vessel or the regiment corps or detachment to which he shall belong and whenever the letters sent or received by any such privileged persons shall be sent from parts beyond the seas without the said postage of one penny being pre-paid every such letter shall be charged to the party receiving the same with a rate of two-pence and any letters received by the post under this enactment by any such privileged persons which may have been re-directed

Letters of sailors and
soldiers.

Postage.

re-directed shall not be charged any postage on or in respect of such re-direction.

Newspapers.

19. And be it enacted That printed newspapers forwarded by post shall be liable to a postage of one penny for each newspaper whether such postage be pre-paid or otherwise Provided always that although newspapers may be sent by the post and thereupon are subject to the rate of postage hereinbefore set forth it shall not be compulsory to send them by post but the same may be sent in the way most convenient to the parties concerned.

Conditions to be observed in posting newspapers.

20. And be it enacted That with respect to every newspaper so forwarded by the post the following conditions shall be observed— First it shall be sent without cover or in a cover open at each end second there shall be no word or communication written or printed on the paper after its publication or upon the cover thereof nor any writing upon the paper or cover of it except the name and address of the person to whom sent third there shall be no paper or thing enclosed in or with any such paper (other than an open cover as aforesaid) fourth the said newspaper shall be put into the Post Office at such hours of the day and under all such regulations as the Postmaster General shall appoint fifth the postage on all newspapers intended for parts beyond the Colony shall be pre-paid and every newspaper placed in any Post Office contrary to the foregoing conditions or in respect of which any one of the said conditions has not been complied with shall be detained or charged the same rate of postage to which a letter of the same weight would be liable.

Postage privileges to cease.

21. And be it enacted That except in the cases herein specified all privileges whatsoever of sending letters by the post free of postage or at a reduced rate of postage shall wholly cease and determine.

Postage if not pre-paid to be paid by the receiver

22. And be it enacted That in all cases in which the postage of any letter shall not have been paid by the sender either by stamp or otherwise it shall be paid by the person to whom the letter is addressed on the delivery thereof to him but if the letter be refused or the party to whom it is addressed shall be dead or cannot be found the writer or sender shall pay the postage and this enactment shall apply to every packet newspaper and thing whatsoever chargeable with postage which shall be transmitted by the post.

or if refused &c. by the sender.

Registered letters.

23. And be it enacted That in case the Postmaster General shall at any time deem it expedient that any post letters should be registered by the Post Office the Postmaster General may charge for each letter so registered such rate of postage in addition to any other rates payable under this Act as the Governor with the advice of the Executive Council shall from time to time direct (but such registration shall not render the Postmaster or the Post Office Revenue in any manner liable for the loss of any such post letters or the contents thereof) and all registered letters shall be delivered to the Post Office and also be delivered by the Post Office at or between such hours in the day and under all such regulations in every respect as the Postmaster General shall from time to time appoint and the Postmaster General may therein require such registration rate to be paid on the letter being put into the Post Office.

Apparent writer to be deemed the sender

24. And be it enacted and declared That in any suit or other proceeding for the recovery of any postage payable under or by virtue of this Act the person from whom any letter in respect of which any postage shall be sought to be recovered shall purport to have come shall be deemed the sender thereof and the onus shall lie upon the party proceeded against to prove that such letter did not come from and was not sent by him.

Post Office tax to be evidence of postage due.

25. And be it enacted That in all proceedings whatsoever for the recovery of any postage the Post Office tax upon any letter shall in

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in all cases be evidence of the liability of such letter to be so taxed and that the sum so taxed thereupon is payable as and for the postage thereof.

26. 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 and purporting to be a "banker's parcel" "pattern" "price current" "writ or proceeding of any Court of Justice" "periodical publication" "Legislative paper" or "newspaper" 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 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 the postage lawfully due on every such letter or packet according to the provisions of this Act.

Provisions for surcharge in certain cases.

27. And be it enacted That except in the case of unclaimed and undelivered letters 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.

Return of letters.

28. And be it enacted That it shall be lawful for the Postmaster General and any officer of the Post Office to detain any letters or packets which shall be posted or sent by the post contrary to the regulations of this Act and to open such letters or packets and either to return them to the senders thereof or to forward them to the places of their destination charged in such case with the postage to which the same are liable.

Letters posted contrary to this Act may be detained.

29. And be it 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 for 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 surety or sureties may have entered for the due performance of the contract.

Contracts for conveyance of mails.

Penalty on contractors for default.

30. And be it 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 ship or vessel within the limits of any port

Letters on board ship to be delivered on arrival to Postmaster &c. under a penalty.

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port or harbour in the said Colony shall be on board of such ship or 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 ship or 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 ship or vessel who shall knowingly or negligently detain on board of such ship or vessel or keep in his or her possession any mail bag mail box packet of letters letter or 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 not exceeding five pounds.

Exceptions.

Mails to be delivered immediately on arrival of a vessel at any port or at any Post Office on the sea coast or bank of a navigable river.

31. And be it enacted That all mails bags boxes or packets or letters or newspapers which are conveyed or required by law to be conveyed by post from one part of the Colony to the other and which at the time of the arrival of any steam boat or other vessel within the limits of any such port post town or other place situated as aforesaid shall be on board such steam boat or other vessel shall be delivered on demand to any Port Officer or Postmaster of such port post town or other place situated as aforesaid or to any person duly authorized to act for them or either of them and any master commander or other person belonging to any such steam boat or other vessel having charge of such mails who shall refuse or neglect to deliver the same on demand as aforesaid or shall detain or permit the detention of the same on board such steam boat or other vessel or shall not use due diligence in the delivery thereof as well as for the secure and dry custody of the same while they shall be in his charge shall forfeit and pay for every such offence a penalty or sum not exceeding fifty pounds.

And to be kept safe and dry while on board under a penalty.

Allowances to masters of vessels for ship letters inwards.

32. And be it enacted That every master or other person in charge of any such ship or vessel arriving from parts beyond the said Colony shall be entitled at any time after the expiration of twenty-four hours next after the arrival of such ship or 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 newspapers excepted 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 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.

Vessels departing from the Colony compelled to take mails under a penalty.

33. And be it enacted That if any master or person having the command of any ship or 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 ship or vessel any mail or bag or box of letters or shall refuse or neglect carefully to deposit such mail or bag or box in some secure and dry place on board of such ship or 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 not exceeding one hundred pounds Provided always that every such master or person in command or 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 newspapers excepted such master or person giving a receipt

Allowance to masters of vessels for ship letters outwards.

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receipt for the amount so received by him which receipt shall be a sufficient voucher for such payment and the same shall be allowed such Postmaster or Port Officer in his account accordingly.

34. And be it enacted That if any master commander or other person having the charge of any steam boat or other vessel proceeding or about to proceed from any port or place within the Colony to some other port or place within the same shall refuse or neglect to receive any such Post Office mail on board such steam boat or other vessel or to give a receipt for the same being thereto required he shall forfeit and pay a penalty or sum not exceeding fifty pounds.

Masters or commanders of steam boats &c. to receive mails on board and to give receipts for same under a penalty.

35. And be it enacted That the master commander or other person having the charge of any such steam boat or other vessel shall give timely notice of the near approach thereof to any such port post town or other place situated as aforesaid either by the ringing of a bell or by such other concerted signal as may reasonably be expected to be distinctly heard or seen by such Postmaster or other person a sufficient time before the actual arrival of such steam boat or other vessel to enable him to be prepared to receive or dispatch any mail on board such steam boat or other vessel and if any such master commander or other person as aforesaid shall refuse fail or neglect to give such notice he shall for every such offence forfeit and pay a penalty or sum not exceeding fifty pounds.

Steamers &c. to give notice of their approach to any place appointed for the receipt and dispatch of letters under a penalty.

36. And be it enacted That for the conveyance of any mails from one port post town or other place to any other such port post town or other place within the said Colony the master or commander or any other person having the charge of any such steam boat or other vessel shall be entitled to demand and receive at the rate of one halfpenny for every letter or packet chargeable with postage contained in such mail and such payments shall be made at such place and time and under such regulations as the Postmaster General shall appoint and every such master commander or other person as aforesaid shall give a receipt for the amount so received by him which receipt shall be to the Postmaster General or to any Postmaster or other person as aforesaid making such payment a full and valid discharge for the same and the said Postmaster General and every such Postmaster and other person in passing his accounts shall receive credit for every such sum or sums which shall be therein mentioned accordingly Provided that such master or other person having the charge of any such steam boat or other vessel shall not be entitled to demand or receive any such payment in respect of any newspaper or newspapers placed on board such vessel by the Postmaster General or other person duly authorized in that behalf.

Allowance to masters of vessels for conveyance of mails coastwise.

37. And be it enacted That if any Port Officer Postmaster or other person duly authorized to receive or dispatch any such mails as aforesaid shall neglect or fail to deliver or shall retard the delivery of any bag box mail letter packet or newspaper he shall for every such offence forfeit and pay a penalty or sum not exceeding fifty pounds.

Penalty for delaying such mails.

38. And be it enacted That after the commencement of this Act no letter or packet chargeable with postage (except newspapers as aforesaid) 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 by any person (not being 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 for every such letter or packet forfeit and pay a penalty or sum not exceeding twenty pounds and 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

Penalty for sending or conveying letters otherwise than by post.

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offence to have been for hire or reward unless the contrary shall be shewn by the defendant.

Exceptions.

39. Provided always and be it enacted That nothing in the last preceding clause contained shall extend to any letter or packet exceeding sixteen 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 the nearest Post Office.

Penalty for offences by persons in the Post Office.

40. 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 not exceeding fifty pounds.

Penalty for delaying the arrival of mails.

41. 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 mispend 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 mail at the 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 on view of a Justice or the oath or oaths of one or more credible witness or witnesses shall forfeit and pay a sum not exceeding five pounds for every such offence.

Punishment for fraudulently retaining after delivery thereof by mistake any letter or packet and wilfully secreting or detaining any letters &c. that have been lost.

42. And whereas post letters are sometimes by mistake delivered to the wrong person and post letters and post letter bags are lost in the course of conveyance or delivery thereof and are detained by the finders in expectation of gain or reward Be it therefore enacted That every person who shall fraudulently retain or shall wilfully secrete or keep or detain or being required to deliver up by an officer of the Post Office shall neglect or refuse to deliver up a post letter which ought to have been delivered to any other person or a post letter bag or post letter which shall have been sent whether the same shall have been found by the person secreting keeping or detaining or neglecting or refusing to deliver up the same or by any other person shall be guilty of a misdemeanor and being convicted thereof shall be liable to be punished by fine and imprisonment.

No hackney carriage to ply for hire opposite the General Post Office under a penalty.

43. And to prevent obstructions opposite the General Post Office Be it enacted That no hackney carriage shall stand or ply for hire opposite the General Post Office or any part thereof respectively and that every driver or any person having the management of any hackney carriage who shall permit the same to stand or ply for hire opposite the said Post Office shall forfeit for every such offence five pounds and for the purposes of this provision every carriage with two or more wheels whatever may be the form or construction of such carriage or the number of persons which the same shall be calculated to convey or the number of horses by which the same shall be drawn shall be a hackney carriage within the meaning of this Act and in all proceedings at law or otherwise and upon all occasions whatsoever it shall

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shall be sufficient to describe it by the term hackney carriage and every hawker news-vender or idle or disorderly person who shall stop or loiter on the flagway or pavement opposite the General Post Office or any part thereof respectively shall forfeit for every such offence five pounds.

No hawker news-vender &c. to stop or loiter on pavement under a penalty.

44. And be it enacted That if any person whether employed in the Post Office or otherwise 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 or any matter or thing enclosed in any such letter packet or mail (sent or to be sent by such post) or shall fraudulently take any letter or packet or any matter or thing enclosed therein out of such bag or mail every such person so offending shall be deemed guilty of felony and on conviction thereof shall be liable to be imprisoned with or without hard labor or if a male to be worked on the roads or other public works of the Colony for such term not exceeding fourteen years as the Court shall award.

Punishment for taking letters from persons in the Post Office &c.

45. And for the more effectual prosecution of offences committed against the Post Office Be it enacted That in any indictment or information for any offence committed upon or in respect of any property which may be laid in or stated to belong to the Postmaster General it shall be sufficient to state any such property to belong to and to lay it in the Postmaster General of the said Colony and it shall not be necessary to specify the name or addition of any such Postmaster General and that whenever in any indictment or information for any offence committed against this or any other Act relating to the Post Office it shall be necessary to mention for any purpose whatever the said Postmaster General it shall be sufficient to describe such Postmaster General as the Postmaster General of the said Colony without any further or other name addition or description whatsoever.

Prosecution of offences.

46. 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 complaint in that behalf made and 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 said Governor and Council passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace*" Provided however that no formal information shall be necessary but that on due service of a summons all subsequent proceedings shall be and be held to be as valid and effectual as if a formal information were filed Provided further that in every such summons the general nature of the complaint shall be succinctly stated and that all such proceedings shall be taken in the name of Her Majesty's Attorney General or of the Postmaster General or of some other officer employed in the Post Office Department of the said Colony.

Proceedings for penalties.

5 Will. IV. No. 22.

47. And be it enacted That if any action or suit shall be commenced against any person or persons for anything 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

Limitation of actions for executing Act.

General issue.

Melbourne Building.

Treble costs.

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 the jury shall find for the defendant or defendants and upon a verdict for the defendant or if the plaintiff or plaintiffs 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 by law in any other cases.

Appropriation of postage duties &c.

48. And be it enacted That the moneys to arise by and from the several rates and duties as aforesaid and also all sums of money imposed and levied by way of penalty under the provisions of this Act (except such part thereof as may be payable to the party suing or informing in respect thereof) shall respectively be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied thereto in such manner as shall be directed by any Act to be passed by the Governor and Legislative Council of the said Colony.

Not to interfere with powers vested in Postmaster General in England and Commissioners of the Treasury.

49. Provided always and it is hereby declared and enacted That nothing in this Act contained shall be construed to abridge or interfere with the powers vested respectively in the Postmaster General in England and the Commissioners of Her Majesty's Treasury or any three of them by a certain Act of the Imperial Parliament of Great Britain and Ireland passed in the seventh and eighth years of Her Majesty's reign intituled "*An Act for the better regulation of Colonial Posts.*"

7 & 8 Vic. cap. 49.