

Postage.

No. XII.

POSTAGE.

An Act to consolidate and amend the Law for Conveyance and Postage of Letters. [22nd December, 1851.]

13 Vic. No. 38 re-
pealed.

BE it enacted by His Excellency the Governor of the Colony of New South Wales by and with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the Act of the said Governor and Council made and passed in the thirteenth year of the reign of Her present Majesty intituled "*An Act to establish an uniform rate of Postage and to consolidate and amend the Law for the conveyance and Postage of Letters*" shall be repealed except in so far as the same operates to repeal certain preceding Acts therein mentioned and the same shall thenceforth cease to have any operation except as aforesaid and except as to anything done or commenced to be done before the taking effect of this Act.

Governor and Executive Council to make rules for establishing Post Offices receipt and delivery of letters &c.

2. And be it enacted That it shall be lawful for the said Governor with the advice of the Executive Council to make rules and regulations for the establishing and managing of the several Post Offices within the said Colony and the receiving dispatching carrying and delivering of letters packets and parcels and the making custody and sale of stamps and the receipt and payment of moneys in connection with the said Post Offices and the conduct of all Postmasters and other officers of the Department and the said rules 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 and also to reduce the postage on letters packets or parcels under any such special circumstances as shall appear to the said Governor and Executive Council to render such reduction expedient.

Governor may appoint and remove Postmaster General &c.

3. And be it enacted That it shall be lawful for the said Governor from time to time to appoint and remove a Postmaster General and an Inspector or Inspectors of Stamps and to appoint and remove or depute to the said Postmaster General the power to appoint and remove such officers clerks and servants as may be required for the General Post Office at Sydney and that it shall be lawful for the said Postmaster General from time to time to appoint and to remove Postmasters for the various post towns and places out of Sydney.

Declaration to be made by Postmaster General Postmasters letter carriers &c.

4. 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 the 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 unless other-
"wise in pursuance and under the authority of any of the
"provisions in that behalf contained in any Act Law or
"duly authorized regulation of the Colony of New South

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“ Wales now or hereafter passed and made or to be passed
 “ and made for or in relation to the Postage and Convey-
 “ ance of Letters.”

5. And be it enacted That every parcel or packet whatsoever by whatever name called or however made up which shall be sent by post or put or received into any Post Office for transmission or delivery by the post shall if not a letter be deemed to be a packet within the meaning of this Act. Every parcel or packet sent by post if not a letter to be deemed a packet.

6. And be it enacted That all letters and packets transmitted or received by post except as hereinafter is excepted shall from and after the passing of this Act be charged by weight only according to the following scale that is to say for any weight not exceeding half an ounce avoirdupois one rate of postage for any weight exceeding half an ounce and not exceeding one ounce two rates of postage and for each additional ounce or fraction of an ounce beyond one ounce two additional rates of postage Provided always that the Postmaster General or other Postmaster shall be at liberty to refuse receive or to transmit by post any letter or packet exceeding sixteen ounces in weight or of inconvenient form or dimensions or containing or reasonably suspected to contain any article likely to injure the other contents of the mail bags. Letters to be charged by weight. Proviso as to when they may be refused.

7. And be it enacted That the following shall be the rates of postage payable according to the scale aforesaid upon letters and packets (except as hereinafter is excepted) transmitted or received by the post that is to say upon all letters and packets received at any Post Office for delivery at such Post Office or at any place within the limits of the city or town in which such Post Office is situated the sum of one penny upon all letters and packets to be transmitted by post between separate post towns or places within the said Colony the sum of two-pence and upon all letters and packets received from or to be transmitted by ship to places beyond the limits of the said Colony the sum of three-pence in addition to the inland postage. Rates of postage. Town letters. Inland letters. Ship letters.

8. And be it enacted That the sum of two-pence only for any weight not exceeding four ounces and the additional sum of one half-penny for an additional ounce or fraction of an ounce shall be paid on packets of the following descriptions that is to say Bankers' parcels containing notes orders specie or passbooks sent by or to any bank or banker parcels containing patterns or samples of merchandise *bonâ fide* sent as such parcels open at each end containing prices current and catalogues of merchandise parcels containing writs and proceedings of any Court of Justice deeds conveyances affidavits or letters of attorney or depositions or recognizances sent by or to any Justice of the Peace or Coroner parcels open at each end containing printed votes and proceedings of Parliament and of Colonial Legislatures or pamphlets or any magazines reviews or periodical publications (newspapers excepted) cases or covers enclosing maps or plans transmitted by or addressed to the Surveyor General or Deputy Surveyor General or returns made from or to any department of the Public Service pursuant to any law or duly authorized regulation Provided that there shall not be in or upon any such packets or parcels any letter or epistolary communication or intelligence and that on the outside thereof in addition to the name and address of the person to whom the same is to be delivered the sender thereof shall subscribe with his name and address a statement of the contents thereof in the following form that is to say “ Bankers' Parcel ” or “ Patterns of Merchandise ” (or other proper description within the terms of this enactment) “ without letter ” And provided also that the Postmaster General or other Postmaster shall be at liberty to refuse to transmit by post any such packet or parcel when of the weight of more than Postage on parcels viz.— Bankers' parcels Writs or proceedings of Courts of Justices &c. Legislative papers Periodical publications Plans sent by or to Surveyor General. Proviso as to form and as to Postmaster's liberty to refuse.

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sixteen ounces or of inconvenient form or dimensions or containing or reasonably believed to contain any article likely to injure the other contents of the mail bags.

As to postage on letters re-directed.

9. And be it enacted That on every post letter or packet re-directed and again forwarded by the post there shall be charged for the postage thereof from the place at which the same shall be re-directed to the place of ultimate delivery the same amount of postage as was chargeable on the first transmission thereof in addition to such original postage.

Colonial newspapers if transmitted within seven days from their date exempt

10. 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 unenclosed or enclosed in an envelope open at both ends be received conveyed and delivered free of all postage whatever Provided however that 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 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 the same shall be charged with postage at the rate of one penny for each newspaper.

and newspapers received from abroad if under open covers and not written upon excepting address.

Petitions to the Governor or Executive or Legislative Councils exempt if under open covers.

11. And be it enacted That Members of the Executive and Legislative Councils may receive by the post petitions and addresses to Her Majesty and to 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 both ends.

Letters of sailors and soldiers.

12. 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 on pre-payment of a postage of one penny for each letter either in this Colony or elsewhere (*as the case may be*) namely every seaman employed in Her Majesty's Navy 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 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 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 that is to say 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

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be sent from parts beyond the seas and shall appear to have had any postage whatsoever pre-paid thereon no Colonial postage shall be charged on delivery thereof within the said Colony.

13. And be it enacted That it shall be lawful for His Excellency the Governor with the advice of the Executive Council to make or cause arrangements to be made with the Postmaster General of England and with the constituted authorities in foreign ports and separate Colonies for the optional pre-payment thereof by stamps or otherwise of the postages payable under the provisions hereof or of such sum as may form a fair proportion or an equivalent for such proportion of such a rate of postage as shall be arranged to be payable in Great Britain or in any such foreign ports or separate Colonies for the entire postage between the place at which the letters or packets chargeable therewith shall be posted to the place of delivery and also to make or cause to be made arrangements for the optional pre-payment in this Colony on letters or packets to be sent from the said Colony to Great Britain or to such foreign ports or separate Colonies of the postages payable in Great Britain or in any such foreign port or separate Colony or for the payment of such entire sum as may be agreed upon as the postage between the place at which any such letter or packet shall be posted and the place of delivery thereof and as to the proportion of or equivalent for such proportion of such entire sum which shall be retained for the use of this Colony.

Governor and Executive Council may arrange as to optional pre-payment of letters to Britain or Foreign Ports.

14. And to the end that the postage on letters or packets passing by post between the respective Colonies of New South Wales and Victoria may continue the same as if such Colonies had not been separated be it also enacted That it shall be lawful for the said Governor of this Colony if he shall think fit and subject to the proviso to this enactment to make or cause arrangements to be made with the Lieutenant Governor of the Colony of Victoria for the mutual exemption from further postage of all letters and packets received in either of the said Colonies respectively upon which the established rates of postage of the other of the said Colonies shall have been pre-paid on the posting of such letters and packets Provided always that no such arrangement shall be made if the rates of postage chargeable in the Colony of Victoria upon letters and packets addressed to towns and places within this Colony shall exceed the rates of postage established for the Colony of New South Wales.

Postage between New South Wales and Victoria to be the same as before separation.

15. And be it enacted That the Postmaster General or Inspector or Inspectors of Stamps shall with the approval of His Excellency the Governor cause stamps to be made and sold indicating such amounts of postage as may be directed in that behalf by His Excellency the Governor.

As to making and sale of postage stamps.

16. 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.

Penalty for forging stamps.

17. And be it enacted That the stamps upon all letters and packets shall be affixed or impressed upon the outside thereof and above the address written thereon and that no Postmaster shall be bound to take any notice of stamps which shall be affixed elsewhere upon any such letters or packets.

How stamps shall be affixed.

18. And be it enacted That from and after the first day of May now next the postage upon all letters and packets which shall

All letters packets and parcels must be pre-paid except as hereinafter excepted.

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Postmasters to keep a sufficient supply of stamps.

be posted at any Post Office within the said Colony shall be pre-paid by the person who shall desire to have the same transmitted by post and that such pre-payment shall (except as hereinafter provided) be made by the affixing thereon of stamps issued by the Postmaster General or Inspector of Stamps and that (except as hereinafter provided) no letter or packet shall be received or if received shall be transmitted by any Postmaster unless one or more stamp or stamps shall have been affixed thereon Provided always that it shall be incumbent on every Postmaster to procure and keep on hand a sufficient supply of Post Office stamps for sale without premium and in such quantities as the Postmaster General may authorize or direct to all persons desirous of purchasing the same and that whenever it shall happen that any such Postmaster shall not have any stamps of the requisite value for sale as aforesaid then and in such case pre-payment on any such letter or packet may be made in coin and shall be acknowledged by the said Postmaster upon the face of the letter or packet so pre-paid and provided also that letters which shall be re-directed shall not be required to be pre-paid and that no pre-payment of Colonial postage shall be required on letters received from beyond sea for delivery to any part of the said Colony Provided further that until the said first day of May now next 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 a postage of double the amount to which such letters or packets would otherwise be liable under this Act.

Postmasters to see that stamps of proper amount are affixed.

As to postage when deficient stamps affixed.

Letters may be registered.

How registration fee to be paid.

How Postmaster may act in regard to letters put in as being exempt or as chargeable at a lower rate of postage.

19. And be it enacted That from and after the said first day of May now next it shall be the duty of every such Postmaster to see that every post letter or packet bears a stamp or stamps of the proper amount according to the rate for the time being established by law but nevertheless every letter or packet upon which a stamp or stamps shall have been affixed indicating an amount of postage not grossly deficient shall be transmitted through the post and shall be delivered to the party to whom it is addressed upon payment by him of double the amount of postage deficient.

20. And be it enacted That the sender of any post letter or packet shall be entitled to have the same registered by the Post Office upon payment of the sum of sixpence as a fee for such registration but such registration shall not render any Postmaster or the Post Office Revenue in any manner liable for the loss of any such post letter or packet or the contents thereof and all registered letters and packets shall be received at any Post Office and also be delivered by the Post Office at the place of delivery at or between such hours in the day and under such regulations in every respect as the Postmaster General shall from time to time appoint and such registration fee shall be pre-paid by stamps.

21. 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 letter or packet coming within any of the exemptions hereby created or belonging in respect of its contents to one of the classes in which the lower rate of postage hereinbefore mentioned is chargeable does not in fact contain solely and only that which the same shall so purport to contain as aforesaid or contains some paper note or other thing in writing which under this Act would subject such letter or packet to postage or to the higher rate of postage as the case may be 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

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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 such surcharge 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 only the postage lawfully due on every such letter or packet according to the provisions of this Act.

22. And be it enacted That if any person shall knowingly send or put or cause to be sent or put to or into any Post Office any letter or packet purporting to come within any of the exemptions aforesaid (or to belong) in respect of its contents to one of the classes in which such lower rate of postage as aforesaid is chargeable but which letter or packet shall (to the knowledge of such person) not contain solely and exclusively that which the same is by this Act authorized to contain or shall (to the knowledge of such person) contain or have written thereon or therein some letter paper note communication writing or thing which under this Act would subject the same to postage or to the higher rate of postage the person so offending shall forfeit and pay a fine of not more than twenty pounds.

Penalty on persons putting in or sending letters as exempt from postage or as liable to the lower rate only when they ought to be subject to the higher rate.

23. And be it enacted That it shall be lawful for the Postmaster General to detain or cause to be detained any letters or packets which shall be posted contrary to the regulations of this Act and every other Postmaster shall forward such irregularly posted and all refused letters or packets to the General Post Office at Sydney and all such irregularly posted and refused letters or packets shall be immediately opened at the said General Post Office at Sydney in manner hereinafter provided for the purpose of ascertaining the writer or sender thereof.

Letters posted contrary to this Act may be detained.

24. And be it enacted That except in the case of unclaimed refused undelivered and irregularly posted 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 to any other than the person to whom it is addressed or his agent or in case of such person's death or absence to his personal or other lawful representative or assignee.

No letter may be returned to the writer or sender thereof otherwise than as herein mentioned.

25. And be it enacted That all unclaimed and undelivered letters and packets which shall have been received at any Post Office shall be kept thereat for a period of thirty days during which a list thereof shall be exposed in a conspicuous place in such Post Office and at the expiration of such period of thirty days the same shall be forwarded to the General Post Office at Sydney and the Postmaster General shall forthwith cause the addresses of all such letters and packets so forwarded to him to be inserted in a list to be openly exposed in the Post Office at Sydney.

Unclaimed and undelivered letters &c. to be kept for thirty days during which list thereof to be exposed at the Post Office.

26. And be it enacted That the Postmaster General shall once in every month or oftener if he shall think fit cause a list to be published in the *New South Wales Government Gazette* of all detained unclaimed and undelivered letters and packets (newspapers excepted) which shall have been received at the General Post Office at Sydney since the last preceding publication of the like kind and after a period of one month from the date of such publication such of the letters and packets mentioned therein as shall not in the meantime

Postmaster General to publish in the *Government Gazette* a list of unclaimed letters &c.

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meantime have been claimed and delivered may be opened in manner hereinafter mentioned.

How and by whom
unclaimed letters
&c. may be opened.

27. And be it enacted That all letters and packets which shall under the provisions of this Act be required to be opened shall be opened by an officer of the Post Office at Sydney to be specially nominated for that purpose by the Postmaster General and that such officer shall before he shall enter upon his duties in this respect make oath before the Postmaster General (who is hereby authorized to administer such oath) that he will not intentionally read the contents or any part of the contents of any letter or packet which he shall open except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer and that he will not divulge to any person whatsoever except to the Postmaster General upon demand by him any of the contents of any such letter or packet which may have come to his knowledge in the course of opening and examining the same for the purpose aforesaid and if any such officer shall act in contravention of this enactment or of the promise contained in his oath he shall for every such offence forfeit and pay to Her Majesty for the public uses of the Colony a penalty of not less than five pounds and not exceeding one hundred pounds to be recovered in a summary way before any two Justices of the Peace upon the complaint of the Postmaster General or by information of debt in the Supreme Court by Her Majesty's Attorney General.

Penalty.

Detained or un-
claimed letters par-
cels &c. to be
returned to writers
or senders thereof on
payment of postage
thereof.

28. And be it enacted That the Postmaster General shall cause all detained unclaimed and undelivered letters and packets whatsoever which shall have been so opened as aforesaid to be returned to the writers or senders thereof if the name and address of the writer or sender can be ascertained by examination of such letters or packets and such writers or senders shall thereupon be liable to pay the original postage payable thereon if not pre-paid and if any such writer or sender shall refuse to receive any such letter or packet the same may be forthwith destroyed but he shall nevertheless be liable to pay such postage as aforesaid thereon.

Postmaster General
may destroy all
printed documents
patterns &c. remain-
ing unclaimed for
three months or
upwards

29. And be it enacted That it shall be lawful for the Postmaster General to cause to be destroyed or sold all pamphlets magazines reviews and periodical publications and all printed votes and proceedings of Parliament and of Colonial Legislatures and all prices current catalogues of merchandise and patterns and samples of merchandise which shall continue to be unclaimed or undelivered after the lapse of three months from the date of the publication of the list in which they shall have been advertised and it shall be lawful for the said Postmaster General to cause to be destroyed all newspapers which shall have remained unclaimed for the period of three months and also all unclaimed refused undelivered and irregularly posted letters and packets of which he shall have been unable to ascertain the senders so as to return them and which shall have continued to be so unclaimed and undelivered for the period of one year after the advertisement thereof as aforesaid Provided that in such last-mentioned case a list shall be preserved shewing the date of every such letter or packet the address thereof and the name of the writer and of the place at which the same purports to have been written.

and letters remain-
ing unclaimed for
one year.

Contracts for con-
veyance of mails.

30. 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 Her Majesty 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

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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.

Penalty on contractors for default.

31. 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 or packet 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 or packet did not come from and was not sent by him.

In suits for recovery of postage onus probandi to lie on party proceeded against.

32. And be it enacted That in all proceedings whatsoever for the recovery of any postage the Post Office tax upon any letter or packet shall in all cases be evidence of the liability of such letter or packet to be so taxed and that the sum so taxed thereupon is payable as and for the postage thereof.

Post Office tax on any letter to be evidence.

33. 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 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 immediately on demand to the Postmaster General or any Postmaster or Port Officer of such port or harbour or to any person duly acting for such Postmaster General 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 delay the delivery of or 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 delayed detained or kept a penalty or sum not exceeding five pounds.

Ship letters inwards to be delivered on arrival and demand under a penalty.

Exceptions.

34. And be it enacted That the master or commander of any ship or vessel arriving at any port or harbour in the said Colony shall repair to the Post Office as soon after his arrival as shall be practicable and shall then subscribe a declaration in the presence of the Postmaster General or of some person authorized by the Postmaster General to take such declaration which declaration shall be in the form or to the effect following that is to say—

Declaration to be made by masters of vessels on arrival as to letters.

“ I A. B. commander of the (*state the name of the ship or vessel*) arrived from (*state the place*) do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorized to receive delivery thereof every letter bag package or parcel of letters or packets that were on board the (*state the name of the ship or vessel*) except such letters as are exempted by law from postage ”

Form of declaration.

And that until such declaration shall have been made and a certificate of the making thereof under the hand of the officer taking the same shall have been produced to the Collector Comptroller or Principal Officer of Customs he shall not permit such ship or vessel to report and any master or commander failing or neglecting to make such declaration

Penalty if no declaration made or if false.

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declaration or making a false declaration shall forfeit and pay a penalty or sum not exceeding fifty pounds.

Mails conveyed coastwise by steamers or other vessels to be delivered on arrival and demand

35. 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.

Under a penalty.

Remuneration to masters of ships &c.

36. 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.

Masters of vessels departing from the Colony compelled to take mails under a penalty.

37. 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 the Postmaster General or by any such Postmaster or Port Officer or by any person duly authorized to act for them or either of them) refuse or wilfully neglect to receive on board such ship or vessel any mail or bag or box of letters or to give a receipt for the same 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 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 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.

Allowances to masters of vessels for ship letters outwards.

Masters of steamers or other vessels coastwise compelled to take mails under a penalty.

38. 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.

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39. 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.

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

40. 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 steamers &c. for letters conveyed coastwise.

Exemption as to newspapers.

41. 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 on Postmasters &c. retarding delivery of mails &c.

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

Letters not to be conveyed otherwise than by post under a penalty.

43. 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.

Proviso as to letters exceeding sixteen ounces in weight or sent with goods or writs &c.

Postage.

Penalty on Postmaster &c. offending against provisions of this Act.

44. 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.

Penalties on mail-coach drivers guards &c.

45. 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 mis-spend 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 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.

Penalties on persons fraudulently retaining or secreting letters.

46. 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.

Prevention of obstructions opposite the General Post Office.

47. 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 and that every driver or 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 a sum not exceeding five pounds and every hawker newsvender or idle or disorderly person who shall stop or loiter on the flagway or pavement opposite the General Post Office shall forfeit for every such offence a sum not exceeding two pounds.

Penalty.

Penalties on Postmasters &c. stealing or secreting letters &c.

48. 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 or shall steal or shall for any purpose embezzle take secrete or destroy any letter or packet or mail of letters or newspaper or other printed paper or any matter or thing enclosed in any such letter packet or mail (sent or to be sent by such post) 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 for any term not exceeding three years or if a male to be worked on the roads or other public works of the Colony for such term not exceeding seven years as the Court shall award.

Postage.

49. 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.

50. And be it enacted That all offences against this Act or against any rule or regulation 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*" 5 Wm. IV. No. 22. 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.

51. 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 the special matter in evidence under such plea and if it shall appear that the act was done under this Act or that the action was 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 double costs and have the like remedy for the same as any defendant or defendants hath or have by law in any other cases.

52. 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.