

No. XXXV.

An Act to amend in some particulars the Postage Act of the Year 1851. [27th December, 1852.]

POSTAGE.

WHEREAS there are now lying in the Post Office in Sydney a very large number of undelivered and unclaimed letters and packets amounting by estimation to seventy thousand which have accumulated therein during a long course of years And whereas it is expedient that so many of the said letters and packets as have lain in the said office for such a length of time as to render it improbable that the preserving of any record thereof will be of importance shall be destroyed without causing a list thereof to be made and kept pursuant to the provisions contained in the Postage Act passed in the last Session of this Council And whereas it is expedient to amend the said Act in other particulars as hereinafter provided Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for the Postmaster General with the assistance of such persons as the Governor may appoint in that behalf to open and examine all unclaimed refused and undelivered letters and packets which have been in the said Post Office from dates prior to the first day of January one thousand eight hundred and fifty and to cause to be forthwith destroyed without making any list thereof as by the hereinbefore mentioned Act is required all such of the said last-mentioned letters and packets as shall be found not to contain any money or other valuable contents.

All letters &c.
received before
January 1850 and
not containing
money or other
valuables to be
forthwith destroyed.

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Directions as to such of said letters as contain money or other valuables.

2. And all such of the said letters and packets as shall be found to contain money or other valuable contents shall be safely kept and a list thereof together with a note of the contents thereof shall be made and preserved and the Postmaster General shall cause information of the said letters and packets and of their said contents to be sent to the persons to whom the said letters or packets are respectively addressed if they be known or otherwise to the writers thereof if they be known and upon demand by the first-mentioned persons if known and of the last-mentioned persons if known and if the former be unknown the contents of the said letters and packets shall be delivered to the party so making such demand and if in any case neither of such parties can be found or neither of them shall make such demand within a reasonable time the said contents shall be delivered to the Colonial Treasurer to be by him held and dealt with as a part of the Casual Revenues of the Crown but subject to restoration of the value thereof to the rightful owner if he shall at any time lay claim thereto.

Altered mode of rating postage on letters &c. weighing more than four ounces.

3. The eighth section of the recited Act shall be amended as follows—In lieu of the postage of one halfpenny for every additional ounce or fraction of an ounce above four ounces required by the said section to be paid in respect of the packets and parcels therein mentioned there shall be paid a postage of one penny for every two ounces or portion of two ounces of weight above four ounces.

Postage need not be pre-paid on letters or packets containing returns of births &c. transmitted by any minister of religion to appointed officer.

4. It shall not be necessary to pre-pay by stamp or otherwise the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other parties whose duty it may be to transmit such returns to any officer appointed to receive the same but the postage thereon shall be paid by the said officer on delivery of such letters or packets respectively provided that the same shall on the outside thereof be stated to contain such returns only and be signed by the minister transmitting the same.

Letters bearing obliterated or defaced stamps to be treated as if unpaid persons fraudulently obliterating or defacing stamps subject to a penalty.

5. Letters bearing stamps which have been previously obliterated or defaced shall be treated as unpaid letters and if any person shall wilfully and fraudulently remove from any Post Office stamp which has been previously used any mark which shall have been made thereon at any Post Office by way of obliteration or defacement for the purpose of indicating that such stamp has been once used or shall knowingly and fraudulently put off or use any such stamp shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned with or without hard labor or to be worked on the roads or other public works of the Colony for any period not exceeding three years.

Definition of the term newspapers.

6. And whereas doubts have arisen as to what printed papers shall be deemed to be newspapers within the meaning of the said recited Act Be it therefore declared and enacted That all pamphlets and papers containing any public news intelligence or occurrences or any remarks or observations thereon or upon any matter in church or state or containing only or principally advertisements printed for sale and published periodically or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such pamphlets or papers parts or numbers where any of the said pamphlets or papers parts or numbers respectively shall not exceed two sheets (exclusive of any cover or blank leaf or any other leaf upon which any advertisement or other notice shall be printed) or shall be published for sale for a less sum than sixpence shall be deemed and taken to be newspapers within the true intent and meaning of the said recited Act and of this Act and of all other Acts relating to the like matters.

Books &c. may be transmitted by post.

7. Any packet containing a single printed book of what nature soever and placards and prospectuses when transmitted by post from one

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one part of the Colony to another shall be liable to the like rates of postage and no more and to the like conditions and restrictions which are fixed and imposed by the eighth clause of the said recited Act and amended by the third clause of this present Act in respect to pamphlets magazines and reviews except only that it shall not be competent to any Postmaster to refuse to transmit any such packet by reason of its weight only if it shall not exceed three pounds weight on the whole Provided always that no packet containing books shall be transmitted by post to any place to which the mail shall be conveyed on horseback unless the Governor with the advice of the Executive Council shall otherwise direct.

8. Packets containing maps charts or music when transmitted by post from one part of the Colony to another shall be liable to the like rates of postage and no more and to the like conditions and restrictions which are fixed and imposed by the eighth clause of the said recited Act as amended by this Act in respect to pamphlets magazines and reviews Provided that no such packet shall exceed three pounds weight in the whole and provided further that no such map chart or music shall be transmitted by post unless it be folded within dimensions not exceeding fifteen inches in length by six inches in breadth nor to any place to which the mail shall be conveyed on horseback unless the Governor with the advice of the Executive Council shall otherwise direct.

9. Subject to the arrangement mentioned in the fourteenth clause of the said Act to be entered into between the respective Governments of New South Wales and Victoria and subject to the proviso to the said clause annexed any package containing any printed book magazine review or pamphlet on which the regulated postage has been pre-paid in the Colony of Victoria shall be exempt from postage in New South Wales.

10. Subject to the arrangement and proviso referred to in the foregoing clause any packet containing maps charts or music within the weight and dimensions hereinbefore prescribed on which the regulated postage has been pre-paid in the Colony of Victoria shall be exempt from postage in New South Wales.

11. It shall be lawful for His Excellency the Governor with the advice of the Executive Council to make or cause to be made arrangements with the Postmaster General of England and with the constituted authorities in Foreign Ports and separate Colonies for the transmission by post of books magazines reviews or pamphlets whether British Colonial or Foreign provided the postage to be charged on any such packet shall not exceed the following rates—

For a single volume not exceeding $\frac{1}{2}$ lb. in weight 6d.

For a single volume exceeding $\frac{1}{2}$ lb. and not exceeding 1 lb. 1s.

For a single volume exceeding 1 lb. and not exceeding 2 lbs. 2s.

For a single volume exceeding 2 lbs. and not exceeding 3 lbs. 3s.

12. Packets containing any such books magazines reviews or pamphlets transmitted by post within the said Colony to or from Great Britain or to or from any Foreign Country or separate Colony shall be subject to the following conditions—

(1.) The charge will be the same whether such packets are posted or delivered at the port of dispatch or arrival or at any place in the interior of the country and whether sent by packet or private ship.

(2.) The postage must in every case be pre-paid by means of stamps.

(3.) No such packet shall be sent by any route which would entail the expense of transit postage through any intermediate Country or Colony.

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(4.) All such packets transmitted through the post shall be subject in all respects to the same restrictions as newspapers.

(5.) To prevent the inconvenience which might otherwise ensue any Postmaster may delay the dispatch of such packets to or from the interior of this Colony for such period as may from time to time be fixed by the Governor and Executive Council in consideration of the distance the means of carriage and the time occupied in the conveyance of mails in different localities.

(6.) No single packet containing a book magazine review or pamphlet must exceed three pounds in weight.

Packets pre-paid in Great Britain or any Foreign Country or Colony to be delivered free in the Colony.

13. All such packets on which the postage has been pre-paid in Great Britain or in any Foreign Country or separate Colony with which an arrangement has been entered into in terms of the tenth clause of this Act shall be delivered free of all postage in this Colony.

Distribution of postage on such packets.

14. Of the postage pre-paid in this Colony on any such packets one-third part thereof shall be considered as paid for and in respect of the British or Foreign inland rate as the case may be and shall and may be accounted for accordingly by the Governor or other person appointed by him in that behalf one-third shall be considered as the sea rate and shall be appropriated accordingly in such manner as may be agreed upon between the Governor and the constituted authorities of Great Britain or other Foreign Country or separate Colony and the remaining one-third shall be considered as and for the Colonial inland rate and be accounted for and appropriated as other postage under the said recited Act.

Allowance to masters of vessels carrying mails between New South Wales and Victoria.

15. For the conveyance of mails otherwise than under any contract made under the provisions hereinafter contained between ports post towns and places in New South Wales and ports post towns and places in Victoria by any steamer or other vessel there shall be paid to the master commander or other person having charge of such steamer or other vessel the same sums only as by the fortieth section of the said recited Act are made payable in respect of mails so conveyed between ports post towns and places severally within New South Wales.

Contracts for the conveyance of mails by sea.

16. It shall be lawful for the Postmaster General under such instructions as shall be from time to time in that behalf given to him by the Governor to enter into any contract in writing from time to time in his own name on behalf of Her Majesty for or in respect of the conveyance of mails by sea and therein to fix the amount to be paid for such conveyance either by periodical payments of agreed sums or by payments at any agreed rate for each and every letter and packet and also therein to impose such terms and conditions as to him shall seem fit as to the vessels to be employed the times of starting and otherwise for securing the due regular and efficient performance of the service and to sue and be sued upon such contract and if any person shall during the continuance thereof refuse or neglect to perform the same or shall in any manner omit to comply with any stipulation or provision therein he shall upon conviction thereof before any two Justices of the Peace forfeit and pay a penalty of not less than five pounds nor more than fifty pounds over and above the penalty recoverable for such default by virtue of the bond into which such person or his sureties may have entered for the due performance of the contract.

Rates of postage for gold to be double the ordinary rate.

17. The rate of postage upon any letters or packets containing gold which shall be transmitted by post between separate post towns or places within the Colony shall be twice the rate of postage fixed by the seventh section of the recited Act for ordinary letters or packets

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so transmitted and it shall be lawful for the Postmaster General to detain and open in accordance with the twenty-third section of the recited Act any letters or packets which he shall suspect to contain gold and on which less than the above amount of postage shall have been pre-paid.

18. In all steamboats by which mails shall be conveyed between ports post towns or other places within this Colony or between any port post town or other place in this Colony and any port post town or other place in any other of Her Majesty's Australasian Colonies there shall be provided a suitable locker or other secure place in which such mails and all post letters and packets shall be locked up and carried apart from all other articles and things and if such locker or other secure place shall not be so provided or if such mails or any post letter or packet shall be carried in any such steamboat during the whole or any part of the voyage between such ports post towns or other places otherwise than as aforesaid the master commander or other person having the charge of such steamboat shall on conviction thereof before any two Justices of the Peace forfeit and pay a penalty of not more than twenty-five pounds.

19. Any person employed in the carrying conveying or delivering of mail bags or post letters and packets who shall negligently lose any such mail bag letter or packet whilst in his charge shall whether the same shall or shall not be afterwards recovered forfeit and pay for every such offence a penalty or sum not exceeding twenty-five pounds.

In all vessels conveying mails between one port and another of the Australasian Colonies a suitable locker for mails letters &c. to be provided.

If not provided master not to receive any payment for conveyance of such mails letters &c.

Penalty for losing mail bags &c.