

No. IV.

An Act to consolidate and amend the Laws relating to the Post Office. [9th October, 1867.]

POSTAGE.

WHHEREAS it is expedient to consolidate and amend the Laws relating to the Post Office Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The Acts contained in the first Schedule hereto are hereby repealed except as to any things done appointments orders regulations and contracts made offences committed penalties incurred or proceedings instituted previously to the commencement of this Act All securities given before the commencement of this Act for the fidelity of any postmaster or other officer or servant of the Post Office and for the due accounting for and payment by them respectively of moneys shall be as valid and effectual and of as full force and virtue as if this Act had not been passed.

2. The Governor with the advice of the Executive Council shall appoint a Postmaster General and such officers as may be necessary for the purposes of this Act Provided however that this section shall not apply to minor appointments which by order of the Governor and Executive Council may be vested in the Postmaster General.

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Regulations to be made.

3. The Governor with the advice aforesaid may from time to time make regulations for the establishment and management of post offices and the receipt despatch carriage and delivery of letters packets and newspapers and for the conduct and guidance of all postmasters and other officers and servants of the Post Office.

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

4. The Postmaster General and every other officer appointed under this Act shall before acting as such officer make and subscribe a declaration before a Justice of the Peace (which declaration every such Justice is hereby authorized and required to administer) in the form set forth in the third Schedule to this Act.

Interpretation of terms.

5. All letters packets and newspapers 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 shall be deemed to be town letters packets and newspapers and all letters packets and newspapers to be transmitted by post between separate post towns or places within the Colony shall be deemed to be country letters packets and newspapers and all letters packets and newspapers received from any place beyond the limits of New South Wales or received at any post office for delivery beyond the limits of New South Wales shall be deemed foreign letters packets and newspapers.

Every parcel sent by post if not a packet or newspaper to be deemed a letter.

6. Every parcel whatsoever by whatever name called or however made up which shall be received at any post office for delivery shall if not a packet as defined from time to time by the Governor with the advice of the Executive Council or a newspaper be deemed a letter.

Packets defined.

7. The Governor with the advice aforesaid may from time to time by order published in the *Government Gazette* direct what packets may be sent by post as town country and foreign packets within the meaning of this Act and upon what terms and conditions the same may be sent and until any such order shall be made the following and no others may be sent by post as town country and foreign packets within the meaning of this Act (that is to say)—

- (1.) Bankers packets (in covers open at the ends or sides) containing notes orders cheques or pass-books sent by or to any bank or banker
- (2.) Packets (in covers open at the ends or sides) containing process of or proceedings or pleadings in any Court briefs cases and instructions for counsel and their opinions thereon respectively deeds affidavits policies of assurance letters of attorney depositions or recognizances
- (3.) Packets (in covers open at the ends or sides) containing patterns or samples of merchandise not having a value of their own apart from their mere use as patterns or samples and either unenclosed or enclosed in transparent bags or in bags tied round the neck so as to be easily loosened and re-fastened
- (4.) Packets (in covers open at the ends or sides) containing prices current and catalogues.
- (5.) Packets (in covers open at the ends or sides) containing Acts of the New South Wales or Imperial Parliament or printed votes and proceedings of either House thereof respectively or returns or copies of returns made by or to any officer in the Public Service
- (6.) Packets (in covers open at the ends or sides) containing scrip pamphlets maps plans specifications music photographs on paper magazines reviews placards almanacs prospectuses paintings engravings printers proofs writing paper music paper or periodical publications

(7.)

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- (7.) Packets (in covers open at the ends or sides) containing printed or plain books
- (8.) And (as town and country packets) packets containing seeds in bags or papers tied so as to be easily loosened and refastened.

8. Every copy of a paper containing any public news or occurrences or any remarks or observations thereon or upon any political matter or containing only or principally advertisements or trade reports and printed for sale or for gratuitous distribution may be sent by post as a newspaper within the meaning of this Act if it shall be periodically published in parts or numbers at intervals not exceeding one month and every such part or number shall be deemed to be a separate newspaper within the meaning aforesaid provided such trade reports shall not exceed four ounces in weight. Newspapers defined.

9. Every newspaper shall be sent without a cover or in a cover open at both ends and there shall not be in or upon any such newspaper or the cover thereof any communication character figure letter or number (other than the words "newspaper only" or a line drawn through any report article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent and the words aforesaid) nor shall anything be enclosed in or with or accompany such newspaper or cover otherwise such newspaper shall not be transmitted or delivered. How newspapers to be addressed.

10. Such postage as to the Governor with the advice aforesaid shall seem fit shall be levied upon every letter and packet respectively Provided that such postage shall not exceed the scale and the rate set forth and indicated in and by the second Schedule to this Act except as hereinafter mentioned or in cases where any arrangement shall be made with the Postmaster General in the United Kingdom or with the proper authorities of any British possession or foreign country as hereinafter provided for But every letter packet and newspaper sent by post from any place beyond the limits of New South Wales shall be transmitted and delivered free of charge within New South Wales except as hereinafter mentioned and except in cases where it is necessary to collect the postage under any arrangement to be made as hereinafter mentioned in which case the same and all fees or other dues upon such letter packet or newspaper shall and may be collected on and before the delivery thereof respectively. Governor to fix rates of postage.

11. The Governor with the advice aforesaid may from time to time impose and alter fees to be paid upon letters packets and newspapers registered under this Act or posted after the time appointed by the Postmaster General for closing the mails and for the use of private boxes and private bags. Fees in addition to postage.

12. On every letter or packet redirected and again forwarded by the post except on letters and packets addressed to commissioned officers or warrant officers whether in the Army or Navy or midshipmen or mates of the Navy or other parties actually in Her Majesty's service otherwise specially exempted in this Act there shall be charged for the postage thereof from the place at which the same shall be redirected to the place of ultimate delivery the same amount of postage in addition to the original postage as would be payable if such letter or packet were originally posted at the place of redirection. As to postage on letters redirected.

13. All petitions and addresses to Her Majesty and His Excellency the Governor and all petitions to the Executive Council the Legislative Council and the Legislative Assembly shall be transmitted and delivered to Members of the Executive Council the Legislative Council and the Legislative Assembly free of charge Provided that Petitions to the Governor or either House of Parliament.

that

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that such petitions or addresses do not exceed thirty-two ounces in weight respectively and are without covers or in covers open at both ends.

Letters of seamen
soldiers &c.

14. Letters not exceeding one half-ounce in weight addressed to or forwarded by any seaman on actual service in Her Majesty's Navy or by any sergeant corporal drummer trumpeter fifer or private soldier on actual service in Her Majesty's regular forces militia fencible regiments or Royal Marines shall be charged the sum of one penny in lieu of the postage hereinbefore mentioned. But no such letter shall be transmitted or delivered unless (in the case of a letter forwarded as last aforesaid) there shall be on the face thereof the name of the writer and his class or description in the vessel regiment corps or detachment to which he belongs and the signature of the officer having command of such vessel regiment corps or detachment nor unless (in case of a letter addressed as last aforesaid) there shall be specified on the superscription thereof the vessel regiment corps or detachment to which the person to whom it is addressed belongs. But this section shall not apply to letters addressed to or forwarded by any commissioned or warrant officer whether in the Army or Navy or midshipman or mate in the Navy.

Heavy letters may
be refused.

15. Every postmaster may refuse to receive or to transmit by post any letter packet or newspaper 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 or any person.

Postage stamps to
be made.

16. The Governor with the advice aforesaid shall cause or shall authorize the Postmaster General or the Inspector of Stamps or the Commissioner of Stamps to cause postage stamps indicating such amounts of postage as may be from time to time deemed necessary for the purposes of this Act to be made and sold to any person applying for the same.

Postmaster to keep
and sell stamps.

17. Every postmaster shall keep on hand for sale without premium such quantities of postage stamps as the Postmaster General shall direct and shall sell the same to any person applying for them. And the Postmaster General may for the convenience of the public grant a license to any person to sell postage stamps and any such licensed person who may obtain from the Postmaster General at any one time postage stamps to the value of five pounds shall be allowed thereon such commission (to be paid in postage stamps only) as the Governor with the advice aforesaid may from time to time determine.

Postmaster General
may grant licenses.

Postage to be pre-
paid by stamps.

18. Except in the cases expressly herein mentioned in that behalf or in cases where any arrangement shall be made with the Postmaster General in the United Kingdom or with the proper authorities of any British possession or foreign country as hereinafter provided for the postage upon every letter packet and newspaper and all fees if any upon such letter packet or newspaper shall be prepaid and such prepayments respectively shall be made by affixing thereon postage stamps not obliterated or defaced and in default thereof such letter packet or newspaper shall not be transmitted or delivered. Provided that postage on loose letters received from masters of vessels from places beyond the Colony may be collected on delivery.

By money in certain
cases.

19. Notwithstanding the enactment lastly hereinbefore contained whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any letter packet or newspaper may be prepaid in coin and shall be acknowledged by such postmaster on the face or cover of such letter packet or newspaper.

Town and country
letters insufficiently
prepaid.

20. If any town or country letter bears postage stamps equal in value to the proper postage as a town letter not exceeding one-half ounce in weight or if any town or country packet bears postage stamps equal

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equal in value to its proper postage as a packet not exceeding four ounces in weight such letter or packet (as the case may be) shall notwithstanding the provisions hereinbefore contained be regularly transmitted and delivered but before such delivery in New South Wales there shall be paid double the amount of postage (if any) which shall have been omitted to be prepaid as hereinbefore directed and the sum to be so paid shall be written on such letter or packet by the postmaster who transmits the same.

21. Except in the cases expressly herein mentioned or in cases where any arrangement shall be made with the Postmaster General in the United Kingdom or with the proper authorities of any British possession or foreign country as hereinafter provided for every postmaster shall see that every letter packet and newspaper bears either postage stamps or a proper acknowledgment for coin respectively equal in value or amount to the postage and fees due thereon.

Postmaster to see that stamps are affixed.

22. The postage stamps upon all letters packets and newspapers shall be impressed or affixed upon the face thereof respectively and near the address written thereon and no postmaster shall be bound to take any notice of stamps which shall be impressed or affixed elsewhere.

Where to be affixed.

23. It shall not be necessary to prepay by stamps or otherwise the postage ordinarily prepaid 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 is 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 or other party transmitting the same.

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

24. Any person who shall send any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which the same shall be posted upon payment of the proper fee for registration but such registration shall not render the Crown or the Department of the Post Office or any person liable for the loss of any such letter packet or newspaper And all letters packets and newspapers required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under such regulations in every respect as the Postmaster General or other proper officer shall from time to time appoint.

Registration.

25. In any case where it shall come to the knowledge of any postmaster or officer of the Post Office or where any postmaster or officer of the Post Office has reasonable cause to believe that any letter or packet not registered under this Act contains any money or other valuable enclosure it shall be lawful for such postmaster or officer to register such letter or packet and to charge it with the proper fee for registration and such fee shall be paid by the person to whom it is addressed before delivery unless such person shall before such delivery open the letter in the presence of some postmaster or officer of the Post Office and it shall be found not to contain any money or other valuable enclosure in which case such fee shall be remitted and the sum to be so paid shall be written on such letter or packet by the postmaster or officer of the Post Office who registers the same Provided that nothing herein contained shall apply to letters or packets containing exclusively money-orders or bills of exchange or promissory notes payable to order.

Letters with money &c. must be registered.

26. Except in the cases expressly hereinafter mentioned no letter packet or newspaper whatever shall under any circumstances be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or

No letters &c. to be returned except in certain cases.

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the direction of the Governor and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction as aforesaid.

Letters &c. un-stamped &c. bearing obscene profane or libellous addresses or posted contrary to this Act to be sent to General Post Office forthwith.

27. Every postmaster or other officer of the Post Office shall transmit to the General Post Office without delay every letter packet or newspaper without any postage stamp thereon or with postage stamps which have been previously obliterated or defaced (unless the postage thereon shall have been prepaid in coin) and every town or country letter with postage stamps thereon of less value than the proper postage as a town letter not exceeding one-half ounce in weight and every town or country packet with postage stamps thereon of less value than its proper postage as a packet not exceeding four ounces in weight and also every letter packet or newspaper posted or containing any enclosure or reasonably suspected to be posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on such letter packet or newspaper or which the person to whom it is addressed shall refuse to receive or which bears a profane obscene or libellous address or signature or which (in case any postage upon the same respectively shall be payable) the person to whom it is addressed shall refuse to pay for.

Unclaimed and undelivered letters and packets to be kept for thirty days and a list thereof to be exposed at the General Post Office.

28. All letters packets and newspapers (other than those hereinbefore directed to be transmitted to the General Post Office without delay) which shall have remained undelivered at any post office to which the same shall have been transmitted for delivery shall be kept thereat for a period of thirty days 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 or other officer in immediate charge of the Post Office Department 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 at the General Post Office Sydney and in all the country post offices.

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

29. The Postmaster General or other officer in immediate charge of the Post Office Department shall at least 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 letters and packets which shall remain undelivered 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 have been originally posted in New South Wales or after a period of three months such as shall have been originally posted in any other Australian Colony or in New Zealand or after a period of six months such as shall have been originally posted elsewhere and shall remain undelivered may be disposed of in manner hereinafter mentioned.

How dead letters &c. disposed of at General Post Office.

30. On the receipt at the General Post Office of any letter packet or newspaper hereinbefore required to be transmitted to such office such letter or packet if it was originally posted in this Colony or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act may be opened in the said last-mentioned Office in the manner hereinafter mentioned and every such letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the colony or country in which it was so posted but every such newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in New South Wales.

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31. Every letter packet and newspaper which shall be opened Mode of opening. under the provisions of this Act shall be opened by officers of the Post Office specially nominated for that purpose by the Postmaster General or other officer in immediate charge of the Post Office Department And every such officer shall before he shall enter upon his duties in this respect make and subscribe before the Postmaster General or a Justice of the Peace a declaration in the form set forth in the fourth Schedule Schedule. to this Act which declaration such Postmaster General or Justice is hereby authorized and required to receive and if any such officer shall act before making and subscribing such declaration or shall act contrary to such declaration he shall be guilty of a misdemeanor.

32. Every letter and packet which shall be opened under the Opened letters and packets not containing anything how dealt with. provisions of this Act (unless it contains any valuable or saleable enclosure or shall have been posted or shall contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable thereon) shall be returned to the writer or sender thereof if his name and address can be ascertained by examination of such letter or packet but if he shall refuse to receive such letter or packet or if his name and address cannot be ascertained the same may be forthwith destroyed.

33. Every letter and packet which shall be opened under the Opened letters and packets containing anything how dealt with. provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents shall be made and preserved and the Postmaster General or other officer in immediate charge of the Post Office Department shall (unless such contents shall have been posted or shall be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of the said contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer thereof if he be known And upon demand by the first-mentioned person if known and if unknown by the last-mentioned person if known the said letter or packet and its contents shall (unless as last aforesaid) be delivered to the party so making such demand but if neither of such parties can be found or shall make such demand within three months after the sending of such notice or if the said contents shall have been posted or shall be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them the said letter or packet shall be destroyed and its contents forfeited unless the Governor with the advice aforesaid shall direct the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid shall not be money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster General or other officer in immediate charge of the Post Office Department may direct and the proceeds thereof and such money or security or order shall form part of the Consolidated Revenue.

34. Every newspaper which shall be opened under the provisions Opened newspapers how dealt with. of this Act may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same shall be claimed and the postage (if any) due thereon shall be paid by the person to whom the same is addressed But if such newspaper shall have been posted or shall contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade

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evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid and anything which shall be enclosed in or with or which shall accompany such newspaper or the cover thereof shall be forfeited And if such enclosure or accompaniment shall not be money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster General or other officer in immediate charge of the Post Office Department may direct and the proceeds thereof and such money or security or order shall form part of the Consolidated Revenue.

Sender of opened letters &c. to pay postage.

35. The sender of any letter packet or newspaper which shall be opened under the provisions of this Act shall on demand pay the postage and fees respectively (if any) remaining due thereon and in case of refusal so to do shall on conviction thereof forfeit and pay the sum of forty shillings And in any proceeding for the recovery of the said penalty the person from whom such letter or packet shall purport to have come shall be deemed to be the sender thereof unless the party proceeded against shall prove that such letter or packet was not sent by him And in such proceedings the Post Office tax upon any letter packet or newspaper shall in all cases be evidence that the sum so taxed is payable as and for the postage or fee upon such letter packet or newspaper.

Arrangements may be made for money orders.

36. The Governor with the advice aforesaid may from time to time (subject to the provisions of this Act) make arrangements with the Postmaster General in the United Kingdom or with the proper authorities of any British possession or foreign country for the issue and payment by means of the Post Office of money orders between New South Wales and the said kingdom possession or country and for the accounting for and transmission of moneys connected therewith.

Regulations relating to money orders.

37. The Governor with the advice aforesaid may from time to time make and rescind or alter regulations relating to money orders and to the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued and to the persons in favour of whom and the places where and the times when and the manner and form in which money orders shall be paid and to the length of time during which they shall be current and after which they shall become void and to the mode of forwarding messages or advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders and relating to every other matter or thing necessary to be regulated or done for perfecting a system whereby the public may be enabled promptly and safely to remit small sums of money through the Post Office.

Arrangements and regulation to bind all persons.

38. All such arrangements and regulations shall be binding and conclusive upon the persons in favour of whom such money orders shall be issued and the payees thereof and all persons interested through or claiming under them and upon all other persons whomsoever and shall have the same force and effect in all respects as if contained in this Act.

Indemnity for acting under them.

39. No action suit or other proceeding of any sort at law or in equity shall be brought instituted or commenced in any Court or before any Judge or Justice or otherwise howsoever against the Postmaster General or any officer of the Post Office or any other person whomsoever for or by reason or in consequence of any such arrangements or regulations or of any compliance therewith or otherwise in relation thereto or for or by reason or in consequence of payment of the amount of any money order being refused or delayed or on account of any accidental neglect omission or mistake or of any other cause whatsoever without fraud or wilful misbehaviour on the part of any person chargeable therewith any law to the contrary notwithstanding.

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40. No money order shall be granted for a larger sum than ten pounds and after the commencement of this Act the Postmaster General or other officer in immediate charge of the Money Order Office may and shall levy and receive in respect of all money orders issued under the provisions hereinbefore contained a commission at such rate as the Governor with the advice aforesaid may from time to time appoint and fix and such commission shall form part of the Consolidated Revenue.

Amount and cost
of money orders.

41. The Postmaster General may at any time repay or refund the amount of any money order heretofore or hereafter to be issued to the person to whom the same shall have been granted his executors administrators or assigns whether such money order shall remain or be in his or their possession or not and immediately after any such repayment or refunding as aforesaid all liability by or on the part of the Postmaster General or any postmaster or officer of the Post Office for or in respect of such money order or of the issuing of the same or of the repayment or refunding of the amount thereof shall as against all persons whomsoever cease and determine.

When amount of
money order may
be refunded.

42. The Governor with the advice aforesaid may from time to time (subject to the provisions of this Act) make arrangements with the Postmaster General in the United Kingdom or with the proper authorities of any British possession or foreign country for the following purposes (that is to say)—

Arrangements may
be made for foreign
mails.

- (1.) For the establishment of a mail communication by steam not less than once a month between New South Wales and the United Kingdom and for payment of the expenses thereof
- (2.) For the transmission by land and sea or either of mails between New South Wales and the United Kingdom or British possession or foreign country as the case may be
- (3.) For the appointment determining and collection of postage and fees or other dues upon letters packets and newspapers conveyed between New South Wales and such kingdom possession or country
- (4.) For the division and mutual accounting for and payment of the money collected under such arrangement
- (5.) For the purposes above mentioned in the case of letters packets and newspapers transmitted through New South Wales or the said kingdom possession or country to or from any part of the world
- (6.) For the pre-payment (in full or otherwise) of the postage due on any letters packets and newspapers.

43. The Postmaster General or any person from time to time authorized in that behalf by the Governor with the advice aforesaid may enter into contracts in writing on behalf of the Government for or in respect of the carriage of mails by land and sea or either for a lumped sum or for a sum depending on the number or weight of the letters packets or newspapers so carried and may impose such terms and conditions as to him shall seem fit as to the vehicles and vessels to be employed the times of departure and arrival and otherwise for securing the due regular and efficient performance of the contract.

Contracts for con-
veyance of mails.

44. In all vessels by which mails shall be conveyed under any such contract as aforesaid there shall be provided a suitable locker or other secure place in which such mails and all letters packets and newspapers shall be locked up and carried apart from all other articles and things And if such locker or place shall not be so provided or if such mails or any letter packet or newspaper shall be carried in any such vessel during the whole or any part of the voyage otherwise than

In all vessels con-
veying mails lockers
to be provided.

in

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in such locker or place the master or person in charge of such vessel shall on conviction thereof forfeit and pay a penalty not exceeding fifty pounds.

Delivery of ship
mails inwards.

45. All mails and every loose letter packet or newspaper which at the time of the arrival of any vessel within any port in New South Wales shall be on board thereof directed to any person in New South Wales shall be delivered on demand to any postmaster or port officer of such port or to any person duly authorized in that behalf by writing under the hand of the Postmaster General or other officer in immediate charge of the Post Office except letters concerning goods on board such vessel and to be delivered with such goods or containing any deed commission writ or affidavit or sent by way of introduction only or concerning the bearer's private affairs. And any person who shall knowingly or negligently detain or keep in his possession or shall neglect or refuse to deliver any mail bag mail box or mail parcel or any letter packet or newspaper (except as aforesaid) after such demand made as aforesaid shall on conviction thereof forfeit and pay any sum not exceeding one hundred pounds.

Declaration by
masters of inward-
bound vessels.

46. The master or person in charge of any vessel arriving at any port in New South Wales shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form set forth in the fifth Schedule to this Act and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate shall have been delivered to the proper officer of Customs at such port he shall not permit such vessel to report. And any master or person in charge as aforesaid who shall fail or refuse to make such declaration or who shall make a false declaration shall forfeit and pay any sum not exceeding one hundred pounds.

Schedule.

Mails to be taken in
vessels outward-
bound and coast-
wise.

47. If any master or person in charge of any vessel about to depart from any port in New South Wales to any port or place within or beyond the same shall (after being thereto required by any officer of the Post Office or by any port officer or by any person duly authorized in that behalf by such writing as aforesaid) refuse or neglect to receive on board such vessel any mail bag mail box or mail parcel or to give a receipt for the same being thereto required by the person tendering or delivering such bag box or parcel or shall refuse or neglect carefully to deposit such bag box or parcel in some secure and dry place on board of such vessel or to convey the same upon her then intended voyage such master or person shall for every such offence forfeit and pay any sum not exceeding one hundred pounds.

Gratuity to masters.

48. Every such master or person in charge of any vessel about to depart as in the last preceding section mentioned who shall receive on board thereof any such mail bag mail box or mail parcel for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof the sum of one penny for every foreign letter and packet contained therein or the sum of one half-penny for every country letter and packet contained therein such master or person giving a receipt for the amount so received by him and such receipt shall be a sufficient voucher for such payment and the same shall be allowed in the account accordingly. But nothing herein contained shall entitle the master or person in charge of any vessel under contract for the carriage of mails to receive payment for the same as aforesaid.

No gratuity to
master arriving
from beyond Colony
where there has
been payment.

49. No payment shall be made to the master or other person in charge of any vessel arriving from any port or place beyond the Colony for the conveyance of any mail bag mail box or mail parcel on which payments have already been made at the port of departure.

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50. Every master or person in charge of any vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port in New South Wales to any port or place beyond the limits thereof shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post office at the port from which such vessel shall be about to depart not less than twenty-four hours notice in writing of the intended time of departure of such vessel. And every such notice shall expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. And every such master or person in charge as aforesaid shall also from time to time give notice to such postmaster or officer as aforesaid of any postponement of such time of departure. And such postmaster or other officer of the Post Office shall upon receiving such notice grant a certificate to such master or person and until such certificate shall have been given the vessel shall not be cleared.

Notice of departure
of vessels.

And of postponed
departure.

51. Whenever the master or person in charge of any vessel shall have received any mail bag mail box or mail parcel for carriage on board of such vessel and such vessel shall not depart on her voyage according to the time fixed for the departure thereof such master or person as aforesaid shall upon demand return to the postmaster port officer or other person duly authorized in that behalf by writing under the hand of the Postmaster General or officer in immediate charge of the Post Office such mails and also any gratuity which may have been paid for the carriage of the same and in default of so doing shall on conviction thereof forfeit and pay any sum not exceeding two hundred pounds.

Penalty for detaining
mails on vessels not
sailing pursuant to
notice.

52. The master or person in charge of any vessel proceeding from any port or place within the Colony to some other port or place therein and having on board such vessel any mail bag mail box or mail parcel for delivery in any such port or place shall give timely notice of the near approach of such vessel to any such port or place either by ringing a bell or by such other concerted signal as may reasonably be expected to be distinctly heard or seen by the postmaster port officer or other person in such last-mentioned port or place duly authorized as aforesaid to receive or despatch any mail a sufficient time before the actual arrival of such vessel to enable him to be prepared to receive or despatch any mail in such vessel and if any such master or 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
despatch of letters
under a penalty.

53. Any postmaster port officer master of a vessel or person duly authorized to receive or despatch any mail bag mail box or mail parcel or any letter packet or newspaper who shall neglect or fail to despatch or shall retard the despatch thereof by post shall on conviction thereof forfeit and pay any sum not exceeding one hundred pounds.

Penalty for retarding
delivery of mails.

54. No letter shall be carried for hire or reward otherwise than by post. And whosoever shall send or convey any letter otherwise than by post or shall for hire or reward take charge of the same for such conveyance shall on conviction thereof forfeit and pay for every such letter any sum not exceeding fifty pounds. And every such letter sent conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been so sent conveyed or taken charge of for hire or reward unless the contrary shall be shewn by the defendant. But nothing herein contained shall extend to any letter exceeding sixteen ounces in weight nor to any letter concerning goods sent and to be delivered therewith or containing process of or proceedings or pleadings in any Court of Justice briefs cases and instructions for counsel and their opinions thereon respectively deeds affidavits

Penalty for carrying
letters for hire.

Exceptions.

Postage.

or policies of assurance depositions or recognizances or letters of attorney nor to any letter sent by any person concerning his private affairs by any special messenger nor to any letter *boná fide* sent or carried to or from a post office.

Fraudulently forging stamps.

55. Whosoever shall fraudulently forge alter or imitate or assist in forging altering or imitating or shall use offer utter dispose of or put off knowing the same to be forged altered or imitated any stamp issued or made under the authority of this Act shall be guilty of felony and on conviction shall be liable at the discretion of the Court to imprisonment with or without hard labor for any term not exceeding three years or if a male to hard labor on the roads or other public works of the said Colony for any term not exceeding seven years.

Possessing or engraving false plates.

56. Whosoever without lawful authority or excuse (the proof whereof shall be on the party accused) shall make or cause or procure to be made or shall aid or assist in making or shall knowingly have in his custody or possession any plate peculiarly employed for printing any stamp used for the purposes of this Act or any Act relating to postage or any die or seal peculiarly used for preparing any such plate or any plate die or seal intended to imitate any such plate die or seal as aforesaid shall be guilty of felony and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding three years or if a male to hard labor on the roads or other public works of the Colony for any term not exceeding fourteen years.

Unlawful possession of moulds for making postage stamp paper.

57. Whosoever shall make or cause or procure to be made or shall aid or assist in making or shall knowingly have in his custody or possession without lawful authority or excuse (the proof whereof shall lie on the person accused) any mould frame or other instrument having thereon any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for postage stamps or any paper in the substance of which shall appear any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper to be provided or used for postage stamps or any part of such words letters figures marks lines or devices and intended to imitate the same or shall cause or assist in causing any such words letters figures marks lines or devices intended to imitate the same to appear in the substance of any paper whatsoever or shall take or assist in taking any impression of any such plate die or seal as in the last preceding section mentioned shall be guilty of felony and on conviction thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years or if a male to hard labor on the roads or other public works of the Colony for any term not exceeding fourteen years.

Illegal possession of postage stamp paper.

58. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall sell purchase dispose of or receive or knowingly have in his custody or possession any paper provided by the Postmaster General or other officer duly authorized to issue the same for the purpose of being used for postage stamps before the same shall have been issued for public use or any such plate die or stamp as in the last two preceding sections mentioned shall be guilty of a misdemeanor and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for not more than two years.

Fraudulently removing stamps or obliterating mark.

59. Whosoever shall with a fraudulent intent remove from any letter packet or newspaper respectively sent by post any stamp which shall have been affixed thereon or wilfully remove from any stamp which shall have been previously used any mark which shall have been made thereon at any post office or shall knowingly offer utter put off

or

Postage.

or use any such stamp shall be guilty of a misdemeanor and shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding three years.

60. Whosoever shall knowingly and fraudulently put into any post office anything purporting to be a letter packet or newspaper within any of the exemptions hereinbefore in this Act mentioned or any letter purporting to belong to a class in which a postage of a penny only is chargeable shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Penalty for falsely sending letters &c. as exempted.

61. Whosoever shall knowingly and fraudulently put into any post office any packet in or upon which or the cover whereof there shall be any letter communication or intelligence not allowed by law or shall wilfully subscribe on the outside of any packet a false statement of the contents thereof shall on conviction forfeit and pay any sum not exceeding fifty pounds.

Penalty for falsely sending packets.

62. Whosoever shall knowingly and fraudulently put into any post office any newspaper in or upon which or the cover whereof there shall be any communication character figure letter or number (other than a line drawn through any report article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent and the words "newspaper only") or in or with which anything shall be enclosed or which anything shall accompany or shall wilfully place the words "newspaper only" on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Penalty for falsely sending newspapers.

63. Whosoever shall knowingly put into any post office in New South Wales any letter packet or newspaper bearing an obscene profane or libellous address or signature shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Penalty for posting obscene or profane letters &c.

64. Any postmaster or other officer or servant employed in the Post Office or any master of a vessel or other person employed or authorized by or under any postmaster to receive sort carry or deliver any mail bag mail parcel or mail box or any letter packet or newspaper sent by post or otherwise employed in the business of the Post Office who shall offend against or wilfully neglect or omit to comply with any of the arrangements or regulations to be made as hereinbefore in this Act mentioned or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided) shall on conviction thereof forfeit and pay any sum not exceeding one hundred pounds.

Penalty on postmasters and others for breach of duty.

65. Any person employed by or under the Post Office who shall negligently lose or who shall wilfully detain or delay or procure or suffer to be detained or delayed any mail bag mail box or mail parcel or any letter packet or newspaper shall on conviction thereof forfeit and pay any sum not exceeding twenty-five pounds.

Penalty for losing or not delivering letters.

66. If the driver of any vehicle used for the conveyance of the mail or the guard or any person in charge of a mail whether conveyed by such vehicle or on horseback or foot shall loiter on the road or wilfully misspend or lose time so as to retard the arrival of the mail at its proper destination or shall not in all possible cases convey such mail at the speed fixed by the Postmaster General for the conveyance thereof unless the weather or the badness of the roads or any accident shall prevent the same (the proof whereof shall lie on the defendant) he shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Penalty on mail-coach drivers or guards loitering.

Postage.

Penalty for retaining
or secreting letters.

67. Whosoever shall wilfully retain secrete keep or detain any mail bag mail box mail parcel letter packet or newspaper which ought to have been delivered to any other person or any mail bag mail box mail parcel letter packet or newspaper which shall have been found by the person secreting keeping or detaining the same or by any other person shall be guilty of a misdemeanor and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding two years.

Penalty for impro-
perly obtaining
letters &c.

68. Whosoever shall by means of any false pretence or misstatement induce any postmaster or other officer or servant of the Post Office to deliver to such person any letter packet or newspaper sent by post and not addressed to such person shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Stealing letters &c.

69. Whosoever shall fraudulently take from the possession of any postmaster or other officer or servant of the Post Office or from any post office or place appointed for the receipt or delivery of letters or shall steal or for any purpose embezzle take secrete or destroy any mail bag mail box mail parcel letter packet or newspaper sent by post or any part thereof respectively shall be guilty of felony and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding three years or if a male to hard labor on the roads or other public works of the Colony for any term not exceeding seven years.

Penalty for opening
or tampering with
letters.

70. If any postmaster or other officer or servant of the Post Office shall contrary to his duty open or tamper with or procure or suffer to be opened or tampered with any mail bag mail box or mail parcel or any letter packet or newspaper he shall be guilty of a misdemeanor and shall on conviction thereof be liable to be imprisoned with or without hard labor for any term not exceeding three years.

Exhibiting sign &c.
as post office or
royal mail.

71. Whosoever without the authority of the Postmaster General (the proof of which authority shall rest on the accused) shall place or permit or cause to be placed or to remain on or near to his house or premises the words "post office" or any other words or mark which may imply or give reasonable cause to believe that such house or premises is or are a post office or a place for the receipt of letters or shall place or permit or cause to be placed or to remain on any vehicle the words "royal mail" or any word or mark which may imply or give reasonable cause to believe that such vehicle is used for the conveyance of mails shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds.

Prevention of
obstructions opposite
the General Post
Office.

72. If any driver or person having the management of any hackney carriage or other public vehicle plying for hire shall permit the same to stand or ply for hire opposite the General Post Office Sydney he shall on conviction thereof forfeit for every such offence a sum not exceeding five pounds and if any hawker newsvendor or idle or disorderly person shall stop or loiter opposite to or on the premises of the General Post Office he shall on conviction thereof forfeit and pay any sum not exceeding five pounds.

Penalty for obstruct-
ing conveyance and
delivery of mails.

73. Whosoever shall wilfully obstruct or retard the conveyance or delivery of any mail shall upon conviction thereof forfeit and pay any sum not exceeding twenty pounds.

Persons unlawfully
issuing money orders
to be guilty of felony

74. Whosoever shall unlawfully issue any money order with a fraudulent intent shall be guilty of felony and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding three years or if a male to hard labor on the roads or other public works of the Colony for any term not exceeding fourteen years.

Money orders to be
deemed valuable
securities.

75. Every money order shall be deemed a "valuable security" within the meaning of any Act now or hereafter in force relative to larceny and the prosecution for and punishment of that offence.

Postage.

76. Whosoever shall with fraudulent intent send any message or advice through the Electric Telegraph or otherwise concerning any money order or any money or poundage due or receivable from or by any person in respect of any money order shall be guilty of a misdemeanor and on conviction thereof shall be liable at the discretion of the Court to fine or imprisonment with or without hard labor or both.

Persons sending fraudulent message guilty of a misdemeanor.

77. Whosoever shall enclose in or with any letter packet or newspaper or shall put into any post office or into any pillar or box for the receipt of letters packets or newspapers to be sent by post any explosive dangerous or destructive substance or liquid or any matter or thing likely to injure any person shall be guilty of felony and shall be liable on conviction thereof at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding seven years.

Penalty for putting explosive or other things into letters &c. or post offices.

78. Whosoever shall wilfully injure or destroy or shall aid or assist in injuring or destroying any letter or newspaper box or receiver erected in this Colony for the reception of letters or newspapers or shall obliterate any of the letters or figures thereon shall forfeit and pay any sum not exceeding fifty pounds.

Penalty for wilfully injuring or destroying pillar letter receivers.

79. All offences against this Act or against regulations made under this Act in respect of which said offences any pecuniary penalty is by this Act imposed (where no other provision for the recovery thereof is in that behalf made) shall be heard and determined in a summary way by and before two Justices of the Peace and where such penalty be not paid either immediately after the conviction or within the time appointed by the conviction the same shall be levied by distress and sale of the goods of the offender And all persons aggrieved by any summary conviction under this Act shall be entitled to appeal therefrom in the manner provided by the Act regulating appeals to the Quarter Sessions Provided that all proceedings for such offences 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.

Proceedings for penalties.

80. Every conviction or warrant shall be deemed valid in which the offence is set forth in the words of this Act and no such conviction or any adjudication made upon appeal therefrom shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court.

Form of proceedings and *certiorari*.

81. Every mail bag mail box mail parcel letter packet or newspaper in charge of or being carried by any postmaster postman mailman mail-driver officer or servant of the Post Office or other person employed by or under the Post Office shall in every proceeding whatever be deemed and taken to be sent by post unless the contrary be proved.

Mail in charge of postmaster &c. deemed to be sent by post.

82. In any information for any offence committed or attempted to be committed in upon or in respect to the Post Office or the Post Office revenue or in upon or in respect to any mail bag mail box or mail parcel or any letter packet or newspaper sent or being carried by post or any property moneys money orders goods chattels or effects under the management or control of the Postmaster General or in respect of any act matter or thing which shall have been done or committed with any malicious injurious or fraudulent design intent or purpose in anywise relating to or concerning the Post Office or the Post Office revenue or any such property moneys money orders goods chattels or effects as aforesaid or the Postmaster General it shall be sufficient to lay any such property in and to state or allege the same to belong to and to state or allege any such act matter or thing to have been done or committed with the intent to injure or defraud "the Postmaster General" without mentioning his name and in all informations relating

Form of information. Property to be laid in the Postmaster General.

Postage.

relating to or in anywise concerning the department of the Post Office it shall be sufficient to name and describe the Postmaster General as "the Postmaster General" without any further or other name addition or description whatsoever.

Notice and limitation
of action.

83. If any action or suit shall be commenced against any postmaster or other officer or servant of the Post Office for anything done or omitted to be done in pursuance of this Act the same shall be commenced within six months after the fact committed or omitted and not afterwards. And no such action shall be commenced until one month after notice thereof and of the cause thereof shall have been delivered to the defendant or left for him at his usual place of abode by the party intending to commence such action and upon the back of such notice shall be indorsed the name and place of abode or business of the plaintiff and his attorney or agent if such notice shall have been served by such attorney or agent. And the defendant in such action may plead the general issue and give the special matter in evidence and if it shall appear that the action was commenced after the time before limited for bringing the same the jury shall find for the defendant.

Appropriation of
postage duties
penalties &c.

84. All moneys levied and received and all penalties imposed under the provisions of this Act shall form part of the Consolidated Revenue.

Commencement of
Act.

85. This Act shall come into operation on the first day of January one thousand eight hundred and sixty-eight and shall be styled and may be cited as the "Postage Act 1867."

SCHEDULES.

FIRST SCHEDULE.

DATE.	TITLE.	EXTENT OF REPEAL.
Section 1. 15 Vic. No. 12	... An Act to consolidate and amend the Law for the Conveyance and Postage of Letters.	The whole.
16 Vic. No. 35	... An Act to amend in some particulars the Postage Act of the Year 1851.	„
18 Vic. No. 17	... An Act to further amend the Postage Act ..	„
20 Vic. No. 26	... An Act to amend the Postage Acts	„

Postage.

SECOND SCHEDULE.

	Town.	Country.	Foreign.
	s. d.	s. d.	s. d.
Upon Letters			
Not exceeding half an ounce... ..	0 1	0 2	0 6
Exceeding half an ounce and not exceeding one ounce ...	0 2	0 4	1 0
Every additional ounce or fraction of one ounce ...	0 2	0 4	1 0
Upon Packets			
Not exceeding four ounces	0 2	0 2	0 4
Every additional four ounces or fraction of four ounces ...	0 2	0 2	0 4
Upon Letters and Packets containing Gold			
Not exceeding half an ounce... ..	0 2	0 4	
Exceeding half an ounce and not exceeding one ounce ...	0 4	0 8	
Every additional ounce or fraction of one ounce ...	0 4	0 8	

THIRD SCHEDULE.

I [A. B.] do solemnly and sincerely declare that I will not willingly or knowingly Section 4.
 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 except in pursuance and under the
 authority of any of the provisions of any Act now or hereafter to be in force relating to
 the Post Office or of any regulations made in pursuance of such Act.

Declared before me one of Her Majesty's }
 Justices of the Peace in and for the }
 day of }

FOURTH SCHEDULE.

I [A. B.] do declare that I will be true and faithful in the execution of the trust Section 29.
 committed to my charge and that I will not intentionally read the contents of any letter
 or packet which I may open under the provisions of any Act now or hereafter to be in
 force relating to the Post Office except so far as it may be necessary for the purpose of
 ascertaining the name and address of the writer or sender thereof and that I will not
 divulge to any person whatever except the Postmaster General or other officer in imme-
 diate charge of the Post Office any of the contents of any such letter or packet.

Declared before me one of Her Majesty's }
 Justices of the Peace in and for the }
 day of }

FIFTH SCHEDULE.

I [A. B.] do solemnly declare that I have to the best of my knowledge delivered Section 38.
 to [C. D.] every mail bag mail box mail parcel letter packet and newspaper that were on
 board the [name of vessel] at the time of her arrival in the port of
 except such letters as are exempted by law from such delivery.

Signed in my presence the }
 day of }
