

NEW SOUTH WALES.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

*By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.*

No. XII.

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

**B**E 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an uniform rate of Postage, and to consolidate and amend the law for the conveyance and Postage of Letters,*" shall be repealed, except in so far as the same operates to repeal certain preceding Acts therein mentioned, and the same shall thenceforth cease to have any operation except as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and except as to anything done or commenced to be done before the taking effect of this Act. 13 Vict., No. 38, repealed.

II. 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

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

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shall

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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.

III. And be it enacted, That it shall be lawful for the said Governor, from time to time, to appoint and to 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.

IV. 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 authorised 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 otherwise in pursuance and under the “authority of any of the provisions in that behalf contained in any Act, “Law, or duly authorised regulation of the Colony of New South Wales, “now or hereafter passed and made, or to be passed and made for or in “relation to the Postage and Conveyance of Letters.”

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

V. 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.

Letters to be charged by weight.

VI. 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.

Proviso as to when they may be refused.

Rates of Postage.

VII. 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.

Town letters.

Inland letters.

Ship letters.

VIII.

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VIII. And be it enacted, That the sum of two-pence only, for any weight not exceeding four ounces, and the additional sum of one halfpenny for any 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 authorised 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 Merchandize," (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 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.

Postage on parcels.  
viz:—

Bankers' Parcels;

Writs or Proceedings  
of Courts of Justices.  
&c.,

Legislative Papers.  
Periodical publica-  
tions.

Plans sent by or to  
Surveyor General.

Proviso as to form,

and as to Postmas-  
ter's liberty to refuse.

IX. 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.

As to postage on let-  
ters re-directed.

X. 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.

Colonial Newspapers  
if transmitted within  
seven days from their  
date, exempt;

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

XI. 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.

Petitions to the  
Governor, or Execu-  
tive or Legislative  
Councils exempt, if  
under open covers.

XII. 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,

Letters of Sailors and  
Soldiers.

(as

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(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 sent from parts beyond the seas, and shall appear to have had any postage whatsoever prepaid thereon, no colonial postage shall be charged on delivery thereof within the said Colony.

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

XIII. 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 thereat, 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.

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

XIV. 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,

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tively, upon which the established rates of postage of the other of the said Colonies shall have been prepaid, 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.

XV. 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.

XVI. 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.

XVII. 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.

XVIII. And be it enacted, That from and after the first day of May now next, the postage upon all letters and packets, which shall be posted at any Post Office within the said Colony, shall be prepaid 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 authorise 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.

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

Postmasters to keep a sufficient supply of Stamps.

XIX. 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.

Postmasters to see that Stamps of proper amount are affixed.

As to postage where deficient Stamps affixed.

XX.

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Letters may be registered.

XX. 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 prepaid by Stamps.

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.

XXI. 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 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.

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.

XXII. 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 authorised 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.

Letters posted contrary to this Act may be detained.

XXIII. 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.

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

XXIV. 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.

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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.

XXV. 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.

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

Postmaster-General to publish in the *Government Gazette* a List of unclaimed Letters, &c.

XXVII. 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 authorised 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.

How, and by whom unclaimed Letters, &c., may be opened.

Penalty.

XXVIII. 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.

Detained or unclaimed letters, parcels, &c., to be returned to writers or senders thereof on payment of postage thereof.

XXIX. 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

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

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and letters remaining unclaimed for one year. 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.

Contracts for conveyance of Mails.

XXX. 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 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.

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

XXXI. 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.

Post Office tax on any letter to be evidence.

XXXII. 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.

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

XXXIII. 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.

Exceptions.

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

XXXIV. 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,



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ticable, and shall then subscribe a declaration in the presence of the Postmaster-General, or of some person authorised by the Postmaster-General to take such declaration; which declaration shall be in the form or to the effect following: that is to say,—“ I, A. B., commander of the Form of Declaration.  
 “ (*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 authorised 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 Penalty if no decla-  
 “ postage;” and that until such declaration shall have been made, and ration made, or if  
 a certificate of the making thereof, under the hand of the officer taking false.  
 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, or making a false declaration, shall forfeit and pay a penalty  
 or sum not exceeding fifty pounds.

XXXV. And be it enacted, That all mails, bags, boxes, or packets Mails conveyed  
 or letters, or newspapers, which are conveyed, or required by law to be coastwise by steam-  
 conveyed by post, from one part of the Colony to the other, and which at ers or other vessels  
 the time of the arrival of any steam boat or other vessel within the limits to be delivered on  
 of any such port, post town, or other place situated as aforesaid, shall be arrival and demand;  
 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 authorised 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 Under a penalty.  
 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.

XXXVI. And be it enacted, That every master or other person Remuneration to  
 in charge of any such ship or vessel arriving from parts beyond the said masters of ships, &c.  
 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 Post-  
 master, 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.

XXXVII. And be it enacted, That if any master or person having Masters of vessels  
 the command of any ship or vessel about to depart from this Colony shall departing from the  
 (after being thereto required by the Postmaster-General or by any such Colony compelled to  
 Postmaster or Port Officer, or by any person duly authorised to act for take mails, under a  
 them, or either of them), refuse or wilfully neglect to receive on board such penalty.  
 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, Allowances to mas-  
 that every such master or person in command, who shall receive on ters of vessels for  
 board any such mail, or bag, or box, (for the purpose of conveying the ship letters outwards.  
 same,

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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.

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

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

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

XXXIX. 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.

Allowance to Masters of Steamers &c., for Letters conveyed coastwise.

XL. 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 authorised in that behalf.

Exemption as to Newspapers.

Penalty on Postmasters, &c., retarding delivery of mails, &c.,

XLI. And be it enacted, That if any Port Officer, Postmaster, or other person duly authorised 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.

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

XLII. 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

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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.

XLIII. 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.

XLIV. And be it enacted, That any Postmaster, or other officer belonging to the Post Office, or any person employed by or under a Postmaster, or in the receiving, sorting, carrying, conveying, or delivering of post letters, or otherwise in the business of the Post Office, who shall offend against, or wilfully neglect, or omit to comply with, any of the rules and regulations so from time to time to be made as aforesaid, or any of the provisions of this Act, shall for every such offence, neglect, or omission, forfeit and pay a penalty or sum not exceeding fifty pounds.

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

XLV. 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 of miles an hour as are fixed by the Postmaster General for the conveyance thereof, unless the circumstances of the weather, or the badness of the roads, or the occurrence of any accident, shall prevent the same, then and in every such case the driver or guard, or person in charge, (as the case may be) so offending, and being convicted thereof, by his own confession, on view of a Justice, or the oath or oaths of one or more credible witness or witnesses, shall forfeit and pay a sum not exceeding five pounds, for every such offence.

Penalties on Mail-coach drivers, guards, &c.

XLVI. 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.

Penalties on persons fraudulently retaining or secreting Letters.

XLVII. 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, news-vender, 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.

Prevention of obstructions opposite the General Post Office.

Penalty.

XLVIII. And be it enacted, That if any person, whether employed in the Post Office, or otherwise, shall fraudulently take from the possession

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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.

Prosecution of  
Offences.

XLIX. 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.

Proceedings for  
penalties.

L. 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*": 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.

5 Wm. IV, No. 22.

Limitation of  
actions.

LI. 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.

III.

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LII. 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.

Appropriation of  
postage duties, pen-  
alties, &c.

*Passed the Legislative Council, this twentieth  
day of December, one thousand eight hun-  
dred and fifty-one.*

CHARLES NICHOLSON,  
SPEAKER.

WM. MACPHERSON,  
CLERK OF THE COUNCIL.

*In the name and on the behalf of Her Majesty, I assent to this Act.*

CH<sup>s</sup>. A. FITZ ROY,  
GOVERNOR-GENERAL.

*Govt. House, Sydney, 22nd December, 1851.*