

X. And be it enacted, That in case there shall be any overplus of such Duty that may be levied and collected at any one port or place, by virtue of this Act, in any one year, after the expenditure of so much thereof as may be necessary for the benefit and relief of sick and disabled Seamen at such port or place, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to order and direct the payment of such overplus, or so much thereof as may be necessary for that purpose, to the Overseers of the Poor or Commissioners of any other port or place where there may be a deficiency of such moneys collected at such other port or place to provide for the relief of sick and disabled Seamen there, upon such deficiency being made to appear to the satisfaction of the said Lieutenant Governor or Administrator of the Government for the time being, and the Executive Council.

Overplus of duty collected at one port may be transferred to another.

XI. And be it enacted, That all offences against this Act may be inquired of and determined before the Court of General Sessions of the Peace of the County in which the offence shall be committed, and the fines imposed by any rules or regulations made under and by virtue of this Act, shall be levied and paid over for the purposes of this Act to the Overseers of the Poor or Commissioners within whose jurisdiction the offence shall be committed.

All offences against this Act may be inquired of by the Court of General Sessions of the Peace.

XII. And be it enacted, That for the purposes of this Act, and no farther, the waters, creeks and places lying between Point Escuminac and Tabusintac, shall be taken and considered as forming the Port of Miramichi; the waters, creeks and places in the County of Charlotte, shall be taken and considered as forming the Port of Saint Andrews; the waters, creeks and places lying between the head of the tide on the River Restigouche and Belledune River, shall be taken and considered as forming the Port of Dalhousie; and the waters, creeks and places lying between Belledune River and the line dividing the Counties of Gloucester and Northumberland, coastwise, shall be taken and considered as constituting the Port of Bathurst; the waters, creeks and places lying between the boundary line dividing the Counties of Northumberland and Kent, coastwise, and Chockpish River, shall be taken and considered as constituting the Port of Richibucto; and the waters, creeks and places lying between Chockpish River and Cocagne Island, shall be taken and considered as constituting the Port of Buctouche.

Ports defined: Miramichi,

Saint Andrews,

Dalhousie,

Bathurst,

Richibucto,

Buctouche.

## CAP. XLIX.

An Act for the establishment and regulation of Inland Posts within this Province.

Passed 26th April 1850.

‘ **W**HEREAS by an Act of the Imperial Parliament passed in the twelfth and thirteenth years of the Reign of Her present Majesty, intituled ‘ *An Act for enabling Colonial Legislatures to establish Inland Posts*, authority is given to the Legislature of this Province to make such provision as may be thought fit for the establishment, maintenance and regulation of Posts or Post Communication within the same, and for charging Rates of Postage for the conveyance of Letters by such Posts or Post Communication, and for appropriating the revenue to be derived therefrom;’

Preamble. Imperial Act 12 & 13 V c 67.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time appointed for this Act to go into operation, the exclusive privilege of establishing posts, collecting, conveying and delivering letters, and collecting postage within this Province, heretofore by certain Acts of the Imperial Parliament vested in Her Majesty's Postmaster General, and the power

Right to establish rates of postage chargeable in the Province vested in the Governor in Council.

power and authority heretofore vested in the Lords of Her Majesty's Treasury, to fix and establish rates of postage to be charged within this Province, shall be and hereby are severally vested in the Lieutenant Governor in Council.

Posts and Post Offices may be established, altered or discontinued, and officers appointed, suspended or displaced.

II. And be it enacted, That the Lieutenant Governor in Council may establish, alter, discontinue or extend any posts or post communication, or Post Offices within this Province; and may appoint, suspend, remove or displace a Postmaster General, and all or any Postmasters, Officers, Deputies, Agents and Servants connected therewith.

Rules and regulations to carry out this Act may be made.

III. And be it enacted, That the Lieutenant Governor by Order in Council, may make such rules and regulations in conformity with this Act, as may be necessary for carrying out the same, and for promoting the objects thereof; and all such orders, rules and regulations so made, shall be valid and binding as if in this Act contained; provided always, that no higher penalty than the sum of one hundred pounds shall be imposed by any such Order in Council for the violation thereof.

Penalties not to exceed £100.

Orders in Council to be published.

IV. And be it enacted, That every such Order in Council shall be published in the Royal Gazette, and the rate of postage therein established shall be demanded and taken immediately after such publication, and every such order within fourteen days after it is made, shall be laid before the Legislature if then sitting, or otherwise within fourteen days after it shall meet.

To be communicated to the Legislature.

No transit postage.

V. And be it enacted, That no postage shall be charged on letters carried through this Province, and not delivered therein.

Letters delivered in the Province, or posted therein, to be charged at a uniform specified rate.

VI. And be it enacted, That all letters delivered in this Province, or posted therein, shall be charged at the uniform rate of postage of three pence currency for every letter not exceeding half an ounce in weight, together with an additional three pence for each additional half ounce, up to twelve ounces; provided always, that the Lieutenant Governor in Council may fix a higher rate than three pence for each half ounce for letters from those countries with which Her Majesty at such time may have no postal convention.

Pre-payment optional.

VII. And be it enacted, That it shall be optional in every case with a party posting a letter in this Province, addressed to a person within the same or in any other British North American Colony, or in the United Kingdom, whether the postage of such letter be paid at the time of posting the same, or be paid on delivery thereof.

Accounts of United Kingdom Packet Postage to be kept separate. Payment of moneys

VIII. And be it enacted, That all moneys received on account of Packet postage to and from the United Kingdom, be carried to a separate account by the Postmaster General of this Province, and the same shall be transmitted by the Lieutenant Governor once in each year, to the Postmaster General in England; and all other moneys received by the Postmaster General of this Province shall be paid by him to the Provincial Treasurer at the termination of every quarter.

Postage stamps to be provided and sold.

IX. And be it enacted, That the Lieutenant Governor in Council may cause postage stamps marked with any device thereon, and the words "three pence" to be engraved and printed, and shall cause such postage stamps to be sold at such places, and under such regulations as may be established; and all letters having affixed thereon any such postage stamp, not previously used, shall be taken to be post paid to the extent of the value of such stamp.

Liability of parties for postages.

X. And be it enacted, That every person to whom a letter is addressed shall be held *prima facie* liable for the postage thereof, or for the difference between the postage chargeable on such letter, and the value of any stamp used for the first time, affixed to such letter; provided always, that any person to whom a letter is addressed may refuse to receive the same from the hands of the Postmaster or other person tendering such letter.

XI.

XI. And be it enacted, That all newspapers printed in the United Kingdom, and there duly stamped, which shall be received in this Province by post, shall be delivered to the person to whom they are addressed free of postage; and all newspapers printed in this Province, addressed to persons in the United Kingdom, shall be transmitted free of postage; and that all other newspapers transmitted within and through this Province shall pay the rate of one half penny each; provided always that it shall not be compulsory to send newspapers by the post.

Newspapers published in the United Kingdom to be delivered free.

Provincial and other newspapers.

XII. And be it enacted, That printed books, periodical publications, and pamphlets, may be transmitted by post within this Province, at the rate of two pence per ounce up to six ounces in weight, and the sum of three pence per ounce for each additional ounce up to sixteen ounces in weight, beyond which weight no printed book, periodical publication or pamphlet, shall be transmitted by post; provided always, that the Lieutenant Governor in Council may by order reduce or modify the rates of postage on such printed books, periodical publications or pamphlets, as may be deemed fit and necessary.

Rate of postage on printed books, periodical publications, &c.

XIII. And be it enacted, That all papers ordered to be printed by either House of Parliament, or by Her Majesty's command, or by the Legislative Council or House of Assembly of this Province, or by virtue of an address of the Legislative Council or Assembly, as also the Royal Gazette of this Province printed by the Printer of Her Majesty the Queen, shall be transmitted by post within this Province free of postage.

Papers printed by order of either House of Parliament, Her Majesty's command, or either House of the Provincial Legislature, as also Royal Gazette, to be transmitted free.

XIV. And be it enacted, That no printed paper, whether newspaper, book, pamphlet or other paper, permitted by this Act to be sent by post, shall be transmitted either free or at a reduced rate of postage unless the following conditions shall be observed:—First, It shall be sent without a cover, or in a cover open at the sides or ends: Second, There shall be no words or communication printed on the paper after its publication, or upon the cover thereof, nor any writing or marks upon it, or upon the cover of it, except the name and address of the sender, and of the person to whom it is sent: Third, There shall be no paper or thing enclosed in or with any such paper or publication.

Conditions of free conveyance of printed papers.

XV. And be it enacted, That the Postmaster General or any of his Officers may examine any printed paper or packet which shall be sent by the post, either without a cover or with a cover open at the sides or ends, in order to discover whether it is contrary in any respect to the condition hereby required to be observed; and in case any of the required conditions be not fulfilled, the whole of every such paper shall be charged with postage as a letter; and as to every such printed paper going out of the Province, the Postmaster General or his Officers may either detain the same or forward it by post charged with letter postage as aforesaid.

Printed papers may be examined to ascertain if foregoing conditions have been observed.

XVI. And be it enacted, That in all cases where a question shall arise whether a printed paper is entitled to the privileges of a newspaper or other publication, as regards its transmission by post under this Act, the question shall be referred to the Postmaster General of this Province, whose decision, with the concurrence of the Lieutenant Governor in Council, shall be final.

Question as to title of printed papers to transmission under this Act, at reduced rates.

XVII. And be it enacted, That in case any printed newspaper or other printed paper privileged to go by post, and brought into this Province, shall be directed to a person who shall have removed from the place to which it is directed, before the delivery thereof at that place, it may (provided it shall not have been opened,) be re-directed and forwarded by post to such person at any other place within this Province, free of charge for such extra conveyance; but if such newspaper or other printed paper shall have been opened, it shall be charged with the rate of a single

Re-direction of printed papers in case of removal of party to whom directed.

single letter from the place of re-direction to the place at which it shall be ultimately delivered.

Pecuniary allowance to be made to masters of vessels for conveyance of letters between places beyond the British North American Colonies and this Province.

XVIII. 'And for encouraging masters of vessels, not being Post Office Packets, to undertake the conveyance of letters between places beyond the British North American Colonies and this Province, and for regulating the conveyance and delivering of such letters;' Be it enacted, That the Post Master General may allow to the masters two pence for each letter which they shall receive from the Post Office when outward bound, and two pence for each letter which they shall deliver to the Post Office at the first port at which they touch or arrive in this Province, or with which they shall communicate when inward bound; and if from unforeseen circumstances the master cannot, upon delivering his letters at an out-port, receive the money to which he is entitled, he shall be paid by means of an order on the Post Master General, at such other place as may be convenient; and every master of a vessel inward bound shall, at the port or place of arrival, sign a declaration in presence of the person authorized to take the same at such port or place, who shall also sign the same; and the declaration shall be in the form or to the effect following:—

Declaration to be made by masters of vessels.

'I, A. B., commander of the [*state the name of the ship or vessel,*] arrived from [*state the place,*] do, as required by the Post Office Act, solemnly declare, that I have to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every letter, letter bag, package or parcel of letters that were on board the [*state the name of the ship,*] except such letters as are exempted by the said Act.'

Vessels not to be allowed to enter or report before declaration made and letters delivered.

And no Treasurer or Deputy Treasurer in this Province shall permit such vessel to enter or report until such declaration shall be made and produced; and no vessel shall be permitted to break bulk or make entry in this Province until all letters on board the same shall be delivered to the Post Office, where posts are or may hereafter be established, except such letters as are exempted by this Act, and also except all such letters as shall be brought by a vessel liable to the performance of quarantine; all which last mentioned letters shall be delivered by the persons having possession thereof to the persons appointed to superintend the quarantine, that all proper precautions may be by them taken before the delivery thereof; and when due care has been had therein, the said letters shall be by them despatched in the usual manner by post; and the officers of the Provincial Treasury at any port or place in this Province shall search every vessel for letters which may be on board contrary to this Act, and may seize all such letters, and forward them to the nearest Post Office; and the officer who shall so seize and send them shall be entitled to a moiety of the penalties which may be recovered for any such offence; and the Post Master General may appoint any person to demand from the master of vessels arriving in this Province, all letters on board the same not exempted by this Act, and the master of any such vessel shall forthwith deliver all letters on board to such person on his demanding the same.

Exceptions.

Post Office Officers to give security and enjoy salaries herein specified.

XIX. And be it enacted, That the Postmaster General and other Officers of the Post Office to be appointed under this Act, shall respectively give good and sufficient security, by bond, to Her Majesty the Queen, in such sum as shall be ordered by the Lieutenant Governor in Council; and such Postmaster General and other Officers shall respectively receive the following annual Salaries:—

The Postmaster General of the Province the sum of four hundred pounds currency:

The

The first Clerk in the General Post Office one hundred and twenty pounds currency :

The second and third Clerks in the General Post Office each one hundred and ten pounds currency.

The Postmasters of the respective Post Offices in the following places, that is to say :—

Andover, the sum of twelve pounds ten shillings currency :

Bathurst, thirty five pounds currency :

Bend, Petitcodiac, twenty five pounds currency :

Campbelltown, twenty pounds currency :

Chatham, one hundred pounds currency :

Dalhousie, thirty pounds currency :

Dorchester, twenty pounds currency :

Fredericton, two hundred and forty pounds currency ; Assistant, one hundred pounds currency :

Gagetown, fifteen pounds currency :

Grand Falls, twenty pounds currency :

Harvey, ten pounds currency :

Hampton, ten pounds currency :

Kingston, ten pounds currency :

Little Falls, twelve pounds ten shillings currency :

Newcastle, forty five pounds currency :

Richibucto, fifty pounds currency :

Sackville, one hundred pounds currency :

Shediac, twenty pounds currency :

Saint Andrews, two hundred pounds currency :

Saint George, twenty five pounds currency :

Saint Martin, ten pounds currency :

Saint Stephen, forty five pounds currency :

Sussex Vale, twenty pounds currency :

Woodstock, one hundred pounds currency :

And such Salaries shall be paid quarterly, and shall be in full for all commuted allowances, compensation for loss of franking privilege, and all other fees and emoluments whatsoever, and shall be deemed at all times subject to revision by the Legislature.

XX. And be it enacted, That nothing in this Act contained shall prevent the establishment, by the Lieutenant Governor in Council, of Way-Offices, over and above the regular Post Offices ; and every person employed at such Way-Office shall be liable to all the penalties imposed by this Act on Postmasters and other Officers of the Post Office ; and shall be entitled to such remuneration for their services as shall be allowed by the Lieutenant Governor in Council, either by way-postage on all letters received or delivered, or otherwise, as may be directed.

Way-Offices may be established in addition to the regular Post Offices. Liability and remuneration.

XXI. And be it enacted, That the Postmaster General, with the concurrence of the Lieutenant Governor in Council, may enter into an agreement with and take security from any person applying to him to extend the accommodations of the post to any place, for indemnifying the Revenue against the expenses which shall be incurred thereby, beyond the amount of postages received, and the indemnification may be either for the whole or any part of the expenses incurred, and for such time only as shall be thought necessary.

Post accommodation may be extended on private agreements.

Agreements may be made for the transmission of Colonial or Foreign newspapers or other printed matter.

XXII. And be it enacted, That the Lieutenant Governor in Council may enter into arrangements or conventional agreements with any other of the North American Colonies, or with any Foreign Country, for the transmission of Colonial or Foreign Newspapers or other printed papers within or through this Province, upon such terms and conditions as shall be just and reasonable, and shall be empowered to carry out such arrangements or conventional agreements by order in Council, duly published as herein directed.

Postage marks on letters brought into this Province, to be evidence of amount of postage due in addition to other postage.

XXIII. And be it enacted, That the postage marks, whether British, Foreign or Colonial, on any letter brought into this Province shall in all Courts of Justice and elsewhere, be received as conclusive evidence of the amount of British, Foreign or Colonial postage payable in respect of such letter, in addition to any other postage chargeable thereon; and all such postage shall be recoverable in this Province as postage due to Her Majesty.

Post Office officers exempted from serving in specified public offices.

XXIV. And be it enacted, That no Postmaster General, nor any Officer of the Post Office, shall be compelled to serve on any jury or inquest, or in the Militia, or as a Town or Parish officer, or as a Corporate officer.

Exclusive privilege of receiving and conveying letters secured to the Postmaster General and officers.

XXV. And be it enacted, That the Postmaster General of this Province by himself or his Deputies, and their respective servants and agents, shall have the exclusive privilege of receiving, collecting, conveying and delivering all letters, except in the following cases:—

Exceptions.

Letters sent by a private friend in his way or journey, so as such letters be delivered by such friend, to the party to whom they shall be directed:

Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof:

Commissions, or returns thereof, and affidavits and writs, process or proceedings, issuing out of a Court of Justice, and returns thereof:

Letters sent out of the Province by a private vessel, not being a Packet Boat:

Letters of Merchants, owners of Merchant vessels, or of the cargo or loading therein, sent by such Merchant vessels, or by any person employed by such owners for the carriage of such letters according to their respective directions and delivered to the respective persons to whom they are directed, without hire, reward, profit or advantage from the same in anywise:

Letters concerning goods or merchandize sent by common known carriers, to be delivered with the goods which such letters concern, without hire or reward, or other profit or advantage for receiving or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters, for the purpose of sending them in the manner hereby authorized; and the following persons are expressly forbidden to carry a letter, or to receive, collect or deliver a letter, although they shall not receive hire or reward for the same, that is to say:—

Common known carriers, their servants or agents; except a letter concerning goods in their carts, wagons or other conveyances, and owners or drivers of stage coaches or carriages:

Owners, masters or commanders of vessels sailing or passing between ports and places within this Province, or between, to or from any port or place beyond the same, or their servants or agents, except in respect of letters of merchants owning such vessels or the goods on board:

Passengers or other persons on board such vessels:

Persons on board any vessel, boat or barge, navigating any of the inland waters of this Province.

XXVI. And be it enacted, That whoever shall convey otherwise than by the post a letter not exempted by this Act, shall for every such letter forfeit five pounds; and whoever shall be in the practice of conveying letters not so exempted shall for every week during which the practice shall be continued, forfeit one hundred pounds; and whoever shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, or by taking up, or by collecting, or by ordering, or by despatching, or by carrying, or by recarrying, or by delivering letters not exempted, shall forfeit for every letter five pounds; and whoever shall be in the practice of performing such incidental services, shall for every week during which the practice shall be continued forfeit one hundred pounds; and whoever shall send or cause to be sent a letter not exempted, otherwise than by the post, shall forfeit for every letter five pounds; and whoever shall be in the practice of committing any of the acts last mentioned, shall for every week during which the practice shall be continued forfeit one hundred pounds; and whoever shall make a collection of exempted letters for the purpose of conveying or sending them otherwise than by the post, or by the post, shall forfeit for every letter five pounds; and whoever shall be in the practice of making a collection of exempted letters for either of those purposes, shall forfeit for every week during which the practice shall be continued one hundred pounds; and be it declared, that the term 'post' shall herein include all post communications by land or by water, (except by outward bound vessels not being employed by or under the Post Office, or the Admiralty, to carry post letters,) and the above penalties shall be incurred whether the letter shall be sent singly or with anything else, or such incidental service shall be performed in respect to a letter either sent or to be sent singly, or together with any other letter or thing; and in any prosecution by action or otherwise, for the recovery of any such penalty, the onus shall lie upon the party prosecuted to prove that the act in respect of which the penalty is alleged to have been incurred was done in conformity to this Act.

Penalties for conveying a letter not exempted, otherwise than by post.

XXVII. And be it enacted, That every person being either the master of a vessel inward bound, or one of the officers, or one of the crew, or a passenger thereof, who shall knowingly have any letter in his possession not exempted by this Act, after the master shall have sent any part of his letters to the Post Office, shall forfeit for every letter five pounds; and whether the letter be in the baggage or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and whoever shall detain any such letter after demand made by any person duly authorized to demand Ships' Letters, shall forfeit for every letter five pounds.

Onus of proof.

Penalty on persons on board of inward bound vessels having unexempted letters in their possession after the Master has sent any part of the letters in his charge to the Post Office.

XXVIII. And be it enacted, That whoever shall be employed to convey or deliver a Post Letter Bag, or a Post Letter, and who shall whilst so employed, or whilst the same shall be in his custody, care, or possession, leave a Post Letter Bag or a Post Letter, or suffer any person to ride upon a horse used for the conveyance on horseback of a Post Letter Bag or a Post Letter, or if any such person shall be guilty of any act of drunkenness, or of carelessness, negligence or other misconduct, whereby the safety of a Post Letter Bag or a Post Letter shall be endangered, or who shall collect, or receive, or convey, or deliver a letter otherwise than in the ordinary course of the Post, or who shall give any false information of an assault or an attempt at robbery upon him, or who shall loiter on the road or passage, or wilfully mis-spend his time so as to retard or delay the progress or arrival of a Post Letter Bag or a Post Letter, or who shall not use due and proper care and diligence safely to convey a Post Letter Bag or a Post Letter at the rate

Penalty on persons employed to convey post letters, &c., for neglect, drunkenness, &c.

rate of speed appointed by and according to the regulations of the Post Office for the time being, and being thereof convicted, shall forfeit ten pounds.

Ferryman to carry persons in charge of Mails without charge.

XXIX. And be it enacted, That no person in the employ of the Post Office, travelling with a Mail, shall pay for passing or repassing a ferry within this Province, but the ferryman at every such ferry shall forthwith convey over such person travelling with a Mail, without any payment for the same, on pain of forfeiting for every offence five pounds.

Abettors of offences punishable on summary conviction, to be liable to same penalty as the principals.

XXX. And be it enacted, That whoever shall aid, abet, or counsel or procure the commission of an offence which is by this Act punishable on summary conviction, shall on conviction be liable to the same forfeiture or punishment to which a principal offender is by this Act made liable.

By whom and in what Court penalties may be sued for.

XXXI. And be it enacted, That all pecuniary penalties imposed by this Act may be sued for and recovered, with full costs, by whoever shall inform and sue for the same, in any Court of Record in this Province having jurisdiction.

Justices of the Peace to have jurisdiction when the penalty does not exceed £20.

XXXII. And be it enacted, That any Justice of the Peace having jurisdiction where the offence shall be committed, may hear and determine any offence against this Act which may subject the offender to a pecuniary penalty not exceeding twenty pounds; and any such Justice shall upon information given, or complaint made before him, summon the party accused, and also the witnesses on either side, to be and appear before him, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, the Justice present at the time and place appointed for such appearance, may proceed to examine into the facts, and upon due proof made thereof by voluntary confession of the party, or by oath of one witness or more, may give Judgment for the Plaintiff or Complainant, or for the Defendant; and if for the Plaintiff or Complainant, such Justice may award and issue out his Warrant for the levying of the penalty so adjudged, together with the costs and expenses of such proceeding, and of such Warrant, and of levying the same on the goods of the offender, and may cause sale to be made of such goods, in case they shall not be redeemed within five days, rendering to the party the overplus, if any; and when goods of such offender cannot be found sufficient to answer the penalty and all such costs and expenses, the Justice shall commit the offender to the common gaol, or house of correction, there to remain for any time not less than three calendar months, and not exceeding six calendar months, if the full penalty imposed by this Act for the offence of which the offender shall have been convicted shall amount to the sum of twenty pounds, and for any time not exceeding three calendar months if such penalty shall not amount to twenty pounds, unless such penalty with all costs and expenses shall be sooner paid; and if the person convicted shall find himself aggrieved by the judgment of any such Justice, he may appeal against the same to any Judge of the Supreme Court of this Province, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the day appointed for hearing such appeal, and such Judge may examine witnesses upon oath, and finally hear and determine such appeal; and in case the judgment of the Justice shall be affirmed, the said Judge may award and order the person appealing to pay such costs occasioned thereby as to him shall seem meet; provided always, that no person convicted before a Justice shall be permitted to appeal against such conviction, unless within five days next after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such Justice, to enter and prosecute such appeal, and to pay the amount of penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be

Summons.

Judgment.

Warrant to levy.

Commitment.

Appeal.

Recognizance to be entered into by appellant.



be awarded in case such conviction shall be affirmed on the hearing of such appeal; provided also, that no such proceedings so to be had or taken shall be quashed or vacated for want of form or for any error or mistake which in the judgment of the said Judge has not a tendency to mislead the defendant, or shall be removed by *certiorari*, or by any other writ or process, into any other Court or jurisdiction than herein named.

XXXIII. And be it enacted, That all pecuniary penalties under this Act which shall be sued or prosecuted for, or recovered by or in the name of a person other than Her Majesty's Attorney General in this Province, or any Officer of the Post Office within the same, shall respectively be distributed and divided in manner following, (that is to say,) one moiety thereof to Her Majesty for the use of the Province, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same; and all such pecuniary penalties as aforesaid which shall be prosecuted for and recovered by or in the name of the Attorney General or any Post Office officer, shall be paid to Her Majesty for the use of the Province; provided always, that the Lieutenant Governor in Council may give all or any part of such penalties or shares of penalties belonging to Her Majesty, as rewards to any person who shall have detected such offences or given information which may have led to the discovery thereof, or to the conviction of the offenders.

XXXIV. And be it enacted, That when any person shall be summoned before a Justice of the Peace to answer an information or complaint exhibited or made against him by a person other than an officer of the Post Office, touching an offence committed or alleged to have been committed against this Act, and such information or complaint shall afterwards be withdrawn, or quashed, or dismissed, or if the defendant shall be acquitted of the offence charged against him, the Justice may order and award that the informer or person exhibiting the information or making the complaint, shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses, (if any,) in attending such Justice, touching such information or complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, and such costs as aforesaid, cannot be found, the Justice may commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid.

XXXV. And be it enacted, That a Summons issued by a Justice of the Peace, requiring a defendant or a witness or other person to appear before him or any other Justice with reference to an information, complaint or other proceeding under this Act, shall be deemed to be sufficiently served, in case either the summons or a copy thereof be served personally upon the person as aforesaid, or be left at his usual or last known place of residence; or if such person be a proprietor or driver of any stage-carriage, if such summons or copy be left with the book-keeper or person for the time being acting as book-keeper for such stage-carriage, in any town or place from, into or through which such carriage shall go or be driven, nearest to the place where such offence shall be committed.

XXXVI. And be it enacted, That every Constable or other Peace Officer who shall refuse or neglect to serve a summons, or execute a warrant or order granted, issued or made by a Justice, pursuant to this Act, shall forfeit ten pounds.

Application of penalties not prosecuted by the Attorney General or an officer of the Post Office.

When prosecuted by Her Majesty's Attorney General or an officer of the Post Office.

The whole or any part of penalties belonging to Her Majesty may be given as rewards to informers.

Justice may award costs and compensation to parties summoned to answer an information not laid by an officer of the Post Office, when the same is withdrawn, quashed, &c.

To be levied by Warrant of distress, and sale, and commitment when sufficient goods not found.

What shall be deemed sufficient service of Summons.

Penalty for refusing or neglecting to serve a Summons.

XXXVII.

Penalty for non-appearance as a witness.

XXXVII. And be it enacted, That whoever shall be summoned as a witness to give evidence before a Justice of the Peace, touching the matters relating to any proceeding before such Justice under this Act, who shall neglect or refuse to appear at the time and place for that purpose appointed, without a reasonable excuse to be allowed by such Justice, or whoever shall appear, but shall refuse to be examined and give evidence before such Justice touching the matters in question, shall forfeit ten pounds.

Informant or complainant to be a competent witness.

XXXVIII. And be it enacted, That upon the trial or hearing of any information exhibited or complaint made under this Act, any officer of the Post Office, or any other person shall be a competent witness notwithstanding such officer or other person may be the informant or complainant, or may be entitled to or expect a part of any pecuniary penalty, or any remuneration or reward, on the conviction of an offender, upon such information or complaint.

Goods distrained to be sold at public auction.

XXXIX. And be it enacted, That in all cases when goods or chattels, distrained or otherwise seized or taken under this Act, are directed to be sold, the same shall be sold by public auction, and notice of the time and place of sale shall be given to the owner of such goods or chattels, or be left at his last known place of abode, three days at least prior to such sale; provided always, that if the owner of such goods or chattels shall give his consent in writing to a sale at an earlier period, or in any other manner than is directed by this Act, it shall be lawful to sell such goods and chattels according to such consent; provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any Warrant or other process shall be directed or authorized to cause such goods or chattels to be sold, the sum which he shall by such Warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such good or chattels shall be made.

Notice of sale to be given to the owner.

Goods may be sold according to the owner's consent, or released on payment.

Suits on information may be compromised.

XL. And be it enacted, That the Lieutenant Governor in Council may compromise and compound any action, suit or information which shall at any time hereafter be commenced against any person to recover penalties under this Act, on such terms and conditions as the said Lieutenant Governor in Council shall think proper, with full power to accept the penalties so incurred, or any part thereof, with or without action, suit or information brought or commenced for the recovery thereof.

Suits for penalties to be commenced within one year after penalty incurred.

XLI. And be it enacted, That all penalties incurred by any person for offences against this Act, shall be sued for within the space of one year next after the penalty shall be so incurred.

Opening or detaining of a post letter by a post-officer made a misdemeanor.

XLII. And be it enacted, That every person employed by or under the Post Office, who shall, contrary to his duty, open or procure or suffer to be opened, a post letter, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, shall be guilty of a misdemeanor, and being convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as to the Court shall seem meet; provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead, or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof.

Punishment.

Stealing or embezzling a post letter, made felony.

XLIII. And be it enacted, That every person employed under the Post Office, who shall steal, or shall for any purpose whatever embezzle, secrete or destroy a post letter, shall be guilty of felony, and shall be imprisoned for any term not exceeding three years; and if any such post letter so stolen, or embezzled, secreted,

secreted, or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be imprisoned for any term not exceeding seven years.

XLIV. And be it enacted, That whoever shall steal from or out of a post letter any chattel or money, or valuable security, shall be guilty of felony, and shall be imprisoned for any term not exceeding seven years.

XLV. And be it enacted, That whoever shall steal a post letter bag, or a post letter from a post letter bag, or shall steal a post letter from a Post Office, or from an officer of the Post Office, or from a Mail, or shall stop a Mail with intent to rob or search the same, shall be guilty of felony, and shall be imprisoned for any term not exceeding fourteen years.

XLVI. And be it enacted, That whoever shall steal or unlawfully take away a Post Letter Bag sent by a Post Office Packet, or who shall steal or unlawfully take a letter out of any such bag, or shall unlawfully open any such bag, shall be guilty of felony, and shall be imprisoned for any term not exceeding fourteen years.

XLVII. 'And with regard to receivers of property sent by the Post and stolen therefrom;' Be it enacted, That whoever shall receive any Post Letter, or Post Letter Bag, or any chattel or money or valuable security, the stealing, taking, embezzling or secreting whereof, shall amount to a felony under this Act, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent or intended to be sent by the Post, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be imprisoned for any term not exceeding fourteen years.

XLVIII. '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 whoever 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 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 lost, 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 shall be liable to be punished by fine and imprisonment at the discretion of the Court.

XLIX. And be it enacted, That every person employed in the Post Office who shall steal, or for any purpose embezzle, secrete, or destroy, or who shall wilfully detain or delay, in course of conveyance or delivery thereof by the Post, any printed votes or proceedings in Parliament, or in any of the Assemblies of any British Colony, or any printed newspaper, or any other printed paper whatever, sent by the Post, without covers or in covers open at the sides, shall be guilty of a misdemeanor, and being convicted thereof, shall suffer such punishment, by fine or imprisonment, or by both, as to the Court shall seem meet.

L. And be it enacted, That whoever shall solicit or endeavour to procure any other person to commit a felony or misdemeanor punishable by this Act, shall be guilty of a misdemeanor, and being thereof convicted, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years.

Stealing any chattel, &c. out of a post letter made felony.

Stealing a post letter bag, or a post letter from a post letter bag, or from a Post Office, or from an officer or Mail, or stopping a Mail with intent to rob.

Stealing a Post letter bag &c. from a Post Office Packet.

Receiving property sent by Post and stolen therefrom.

Refusing to deliver up Post letters erroneously delivered, or lost Post letters or bags.

Stealing or detaining from delivery, printed Parliamentary proceedings, newspapers, or other matter sent by Post.

Procuring the commission of a felony or misdemeanor punishable under this Act.

Where offenders against this Act may be tried.

In County where apprehended or in custody.

In County where apprehended, or in any County through which the Mail may have passed.

When offence committed on boundaries of Counties, trial may be in either County.

Accessaries may be tried where principal may be tried.

In indictment, the property may be laid in the Postmaster General.

Unnecessary to prove value

or state particular employments of offending Post officers.

Imprisonment may be made in the Provincial Penitentiary or common gaol, with or without hard labour.

Recovery of Postages charged under this Act.

LI. And be it enacted, That the offence of every offender against this Act may be dealt with, indicted, tried and punished, and laid and charged to have been committed, either in the County or place where the offence shall be committed, or in any County or place in which he shall be apprehended, or be in custody, as if his offence had actually been committed in that County or place; and when an offence shall be committed in or upon or in respect of a Mail, or upon a person engaged in the conveyance or delivery of a Post Letter Bag or Post Letter, or in respect of a Post Letter Bag or Post Letter, or a chattel, or money, or valuable security sent by the Post, such offence may be dealt with and inquired of, tried and punished, and laid and charged to have been committed, as well in any County or place in which the offender shall be apprehended or be in custody, as also in any County or place through any part whereof the Mail, or the person, or the Post Letter Bag, or the Post Letter, or the chattel, or the money, or the valuable security sent by the Post, in respect of which the offence shall have been committed, shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had been actually committed in such County or place; and in all cases where the side, or the centre, or other part of a highway, or the side, the bank, the centre of a River, Lake, or other piece of water, shall constitute the boundary of two Counties, such offence may be dealt with and inquired of, tried and punished, and laid and charged to have been committed in either of the said Counties, through which, or adjoining to which, or by the boundary of any part of which the Mail or person shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had actually been committed in such County or place; and every accessary before or after the fact to any such offence, if the same be a felony, and any person aiding, or abetting, or counselling, or procuring the commission of any such offence, if the same be a misdemeanor, may be dealt with, indicted, tried and punished as if he were a principal, and his offence laid and charged to have been committed in any County or place in which the principal offender may be tried.

LII. And be it enacted, That in every case where an offence shall be committed in respect of a Post Letter Bag, or a Post Letter, or a chattel, money, or a valuable security sent by the Post, it shall be lawful to lay in the indictment to be preferred against the offender, the property of the Post Letter Bag, or of the Post Letter, or chattel or money, or the valuable security sent by the Post, in the Postmaster General of this Province; and it shall not be necessary to allege in the indictment or to prove upon the trial, or otherwise, that the Post Letter Bag, or Post Letter, or valuable security, was of any value; and in any indictment against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state and allege that such offender was employed under the Post Office of this Province at the time of the committing of such offence, without stating further the nature or particulars of his employment.

LIII. And be it enacted, That when a person shall be convicted of an offence punishable under this Act, for which imprisonment shall be awarded, the Court may sentence the offender to be imprisoned with or without hard labour in the Provincial Penitentiary, or any common gaol or house of correction.

LIV. And be it enacted, That all duties of postage granted by this Act, and charged by virtue thereof, may be sued for and recovered by suit, action or information in any of Her Majesty's Courts of Record, or before any Justice of the Peace having jurisdiction, and by all such ways and means, and in such manner and form as any other duties granted to Her Majesty are made recoverable; and in all actions, informations and proceedings to be commenced, prosecuted, entered

or filed in the name or on behalf of Her Majesty, for the recovery of any such duties, Her Majesty may have and recover such duties with full costs of suit.

LIV. And be it enacted, That every complaint, information, summons, conviction, warrant of distress, or commitment, or other such proceeding, which shall be had or taken for the recovery of any postage, debt or penalty under the provisions of this Act, may be drawn or made out according to the several forms contained in the Schedule hereunto annexed, or to the effect thereof, with such charges therein as the case shall require; and every complaint, information, summons, conviction, warrant, or other such proceeding which shall be so drawn or made out, shall be good and effectual to all intents and purposes whatsoever, without stating the case or facts, or evidence, in any more particular manner than is required in and by such forms respectively.

Complaints, Summons, Warrants, &c., to be according to the Forms in the Schedule to this Act.

LVI. 'And for the protection of persons acting in the execution of this Act;' Be it enacted, That all legal proceedings, whether by action or by prosecution, which shall be commenced against any person for any thing done in pursuance of or under this Act, shall be commenced and prosecuted within three calendar months next after the commission of the act, and not afterwards; and such proceedings shall be laid and tried in the County or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in the following cases the defendant shall recover his full costs of suit, as between attorney and client, that is to say, if a verdict shall pass for the defendant, or if the plaintiff shall become non-suit, or if the plaintiff shall discontinue the action, or if on demurrer or otherwise, judgment shall be given against the plaintiff; and the defendant shall have the like remedy for his costs as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Proceedings against persons acting under this Act, to be commenced within three months after offence.

LVII. And be it enacted, That no person shall be capable of holding the office of Postmaster General, or of being an officer of the Post Office, unless such person shall have first made and subscribed the oath and affidavit contained in the Schedule hereunto annexed, before a Justice of the Peace acting for the place where such person resides, which oath such Justice, on application to that effect, shall administer and take accordingly.

Oath and affidavit in the Schedule to be taken by all Post Office officers.

LVIII. And be it enacted, That every person employed under the Post Office who shall wilfully demand or exact for his own benefit a higher rate of postage than is payable by law, as well as any person whatsoever who shall forge or counterfeit any stamp authorized to be affixed to letters, or who shall knowingly and wilfully use such forged or counterfeited stamp, with the intent to defraud the Post Office, shall be guilty of felony, and shall be imprisoned for any term not exceeding seven years.

Exactng for private benefit higher than authorized rates of postage.

LIX. And be it enacted, That in all Orders in Council, legal proceedings, contracts, appointments, or otherwise howsoever, it shall in all cases be sufficient to refer to and designate this Act as the "Post Office Act."

This Act may be designated "The Post Office Act," in all legal proceedings.

LX. And be it enacted, That the following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found, (that is to say,) the expression 'Lieutenant Governor in Council' shall mean the Lieutenant Governor of this Province

Construction of words and terms.

Lieutenant Governor in Council.

or the Administrator of the Government thereof for the time being, acting by and with the advice and consent of Her Majesty's Executive Council for this Province; and the term 'Postage' shall mean the duty chargeable on letters transmitted within this Province, and also all duty chargeable thereon before such letters shall come within the same; and the term 'Her Majesty' shall mean Her Majesty, Her Heirs and Successors; and the term 'Letter' shall include packets of letters; and the term 'British Mail' shall mean and include every conveyance by which Post Letters shall be carried or conveyed from the United Kingdom of Great Britain and Ireland to this Province; and the term 'Mail' shall include every conveyance by which Post Letters are carried, whether it be a coach, or cart, or horse, or other conveyance, and also a person employed in conveying or delivering Post Letters, and also every Vessel which is included in the term Packet Boat; and the term 'Mail Bag' shall mean a Mail of Letters, or a box, or a parcel, or any other envelope in which Post Letters are conveyed, whether it does or does not contain Post Letters; and the term 'Master of a Vessel' shall include any person in charge of a Vessel, whether commander, mate, or other person, and whether the Vessel be a Ship of War or other Vessel; and the expression 'Officer of the Post Office' shall include the Postmaster General and every Deputy Postmaster, Agent, Officer, Clerk, Letter Carrier, Guard, Post Boy, Rider, Driver, or any other person employed in any business of the Post Office, whether employed by the Postmaster General or by any person under him, or on behalf of the Post Office; and the term 'Packet Postage' shall mean the postage chargeable for the transmission of letters by Packet Boats between the United Kingdom and any of Her Majesty's Colonies; and the term 'Penalty' shall include every pecuniary penalty or forfeiture; and the expression 'persons employed by or under the Post Office' shall include every person employed in any business of the Post Office, according to the interpretation given to Officers of the Post Office; and the term 'Packet Boat' shall include all Vessels employed by or under the Post Office, or the Admiralty, for the transmission of Post Letters, and also Ships or Vessels, (though not regularly employed as Packet Boats,) for the conveyance of Post Letters under contract, and also a Ship of War or other Vessel in the service of Her Majesty, in respect of letters conveyed by it; and the term 'Post Letter Bag' shall include a Mail bag, or box, or packet, or parcel, or other envelope or covering in which Post Letters are conveyed, whether it does or does not contain Post Letters; and the term 'Post Letter' shall mean any letter or packet transmitted by the Post under the authority of this Act; and a letter shall be deemed a Post Letter from the time of its being delivered to a Post Office to the time of its being delivered to the person to whom it is addressed; and the delivery to a Letter Carrier or other person authorized to receive letters for the Post, shall be a delivery to the Post Office; and a delivery at the house or office of the person to whom the letter is addressed, or to him or to his servant or agent, or other person considered to be authorized to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; and the term 'Post Office' shall mean any house, building, room, or place where Post Letters are received or delivered, or in which they are sorted, made up, or despatched; and the term 'Ships' shall include Vessels of every description other than Packet Boats; and the term 'Ship Letter' shall mean a letter transmitted inwards or outwards over Seas by a Vessel not being a Packet Boat; and the term 'valuable security' shall include the whole or any part of any tally, order or other security whatsoever, entitling, or evidencing the title of any person or body corporate to any share or interest in any public stock

or fund, whether of the British Dominions or of any Foreign State, or in any fund of any body corporate, company or society, or to any deposit in any savings' bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order, or other security whatsoever, for money, or for payment of money, whether of the British Empire or of any Foreign State, or of any warrant or order for the delivery or transfer of any goods or valuable thing; and whenever the term 'between' is used in reference to the transmission of letters, newspapers, Parliamentary proceedings, or other things, between one place and another, it shall apply equally to the transmission from either place to the other; and every officer mentioned shall mean the person for the time being executing the functions of that office; and whenever in this Act or the Schedule thereto, with reference to any person, or matter, or thing, or to any persons, matters or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons, or matters, or things, as well as one person, or matter, or thing, and one person, or matter, or thing, as well as several persons, or matters, or things, females as well as males, bodies politic or corporate, as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction; and the term 'Carriage' shall be deemed to signify any coach, wagon, stage, sleigh or other vehicle whatsoever.

Between.

Officer mentioned.

Number and gender.

Carriage.

LXI. And be it enacted, That this Act shall come into operation and be in force at such time as may be fixed therefor by order of Her Majesty in Council, or by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being of this Province.

Act to come into operation at a time to be fixed by Her Majesty in Council or by Proclamation of the Lieutenant Governor.

LXII. And be it enacted, That all moneys payable for or on account of the Post Office Department, shall be drawn by Warrant of the Lieutenant Governor in Council upon the Treasurer of the Province from time to time as the same may be required for the service of the said Department.

Moneys on account of the Post Office Department to be drawn by Warrant on the Treasurer.

LXIII. And be it enacted, That this Act may be altered or amended during the present Session of the Legislature.

Act may be amended.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

No. 1.

*Form of an Information for the recovery of a penalty under this Act.*

City or County, (as the case may be,) to wit :

Information for the recovery of a penalty.

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_ A. B. of, &c. (or A. B. an Officer of the Post Office, as the case may be,) cometh before me, C. D. Esquire, one of Her Majesty's Justices of the Peace for the said \_\_\_\_\_ and informeth me, the said Justice, that E. F. of \_\_\_\_\_ heretofore to wit, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ did [*here state the offence*] contrary to "The Post Office Act," whereby the said E. F. hath forfeited for the said offence the sum of \_\_\_\_\_

Taken and received by me, }  
the day and year first above written. }

## No. 2.

Form of Summons:

*Form of a Summons on the foregoing Information.*

To E. F. of, &amp;c.

City or County of [*as the case may be,*] to-wit :

Whereas an information hath been exhibited before me, C. D. Esquire, one of Her Majesty's Justices of the Peace for the charging, that you, the above named E. F. on the day of at did [*here state the substance of the charge,*] whereby you have forfeited the sum of : These are therefore to require you personally to be and appear before me the said Justice, or before such other of Her Majesty's Justices of the Peace for the said as shall be then present at on the day of at the hour of in the noon of the same day, then and there to answer the same information, and to make your defence thereon ; and if you fail to appear accordingly, such proceedings will be taken as if you had personally appeared, and had not made any defence to the said charge.—Given under my hand and seal this day of

## No. 3.

Form of a Conviction.

*Form of a Conviction on the foregoing Information.*City or County of [*as the case may be,*] to-wit :

Be it remembered, That on the day of at E. F. of, &c., was duly convicted before me one of Her Majesty's Justices of the Peace for pursuant to the "Post Office Act," for that the said E. F. on the day of did [*here state the offence, as the case may be,*] contrary to the said Act; for which offence I do adjudge that the said E. F. hath forfeited the sum of as also the sum of for the costs and charges of G. H. the informer, in prosecuting this conviction.—Given under my hand and seal the day of

## No. 4.

Warrant of Distress.

*Form of a Warrant of Distress founded on the foregoing Conviction.*To the Constable of in the of  
City or County of [*as the case may be,*] to-wit :

Whereas E. F. of has been duly convicted of a certain offence for [*here state the offence, as in conviction,*] whereby he hath forfeited the sum of over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of : Therefore I command you to levy the said sum of and also the said sum of for the costs and charges aforesaid, making together the sum of by distraining the goods and chattels of the said E. F. ; and if within the space of five days next after such distress taken, the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels, which shall be so distrained, seized and taken as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus, if any, to the owner of the said goods and chattels ; and you are to certify to me what you shall have done by virtue of this my Warrant.—Given under my hand and seal the day of

(Signed)

One of Her Majesty's Justices of the Peace for the said of

No. 5.



## No. 5.

*Form of a Warrant of Commitment for want of sufficient distress, founded on the foregoing conviction.* Warrant of Commitment.

To the Constable of \_\_\_\_\_ and to the Keeper of the Common Gaol (or House of Correction) at \_\_\_\_\_ in the said City or County of (as the case may be,) to-wit:

Whereas E. F. of \_\_\_\_\_ has been duly convicted of a certain offence for that [here state the offence as in the conviction,] whereby he hath forfeited the sum of \_\_\_\_\_ over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of \_\_\_\_\_ making together the sum of \_\_\_\_\_; and whereas it has been duly made appear to me, that no sufficient distress can be found whereon to levy the said sum of \_\_\_\_\_; therefore I command you, the Constable of \_\_\_\_\_ to apprehend and take the said E. F., and safely to carry him to the common gaol (or House of Correction) at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ and there to deliver him to the Keeper thereof, together with this Warrant; and I do hereby command you the said Keeper to receive into your custody in the said gaol, (or House of Correction,) him the said E. F., and him therein safely to keep for the space of \_\_\_\_\_ unless the said sum of \_\_\_\_\_ shall be sooner paid.—Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

One of Her Majesty's Justices of the Peace for the said \_\_\_\_\_ of \_\_\_\_\_

## No. 6.

*Form of complaint whereon to found a Warrant of Distress for recovery of Postage.* Complaint to obtain a Warrant of Distress for recovery of Postage.

City or County of (or as the case may be,) to wit:

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ A. B. an officer of the Post Office complaineth to me, C. D., Esquire, one of Her Majesty's Justices of the Peace for the said \_\_\_\_\_ that the sum of \_\_\_\_\_ is due and owing from E. F. of \_\_\_\_\_ to Her Majesty, (or to the said A. B., if the case be so) for the duty of Postage which he hath neglected or refused to pay; and therefore the said A. B. prayeth of me the said Justice, that the said E. F. may be summoned to appear and shew cause, if any he have, why, due proof being made of the sum due, and owing from him for postage as aforesaid, a Warrant of Distress should not be granted for recovery thereof, pursuant to the "Post Office Act."

Taken and received by me, \_\_\_\_\_ }  
the day and year first above written. }

## No. 7.

*Form of Summons on the foregoing complaint.* Form of Summons.

To E. F. of \_\_\_\_\_

City or County of (or as the case may be,) to wit:

Whereas complaint has been made unto me C. D., Esquire, one of Her Majesty's Justices of the Peace for the \_\_\_\_\_ of \_\_\_\_\_ that the sum of \_\_\_\_\_ is due and owing from you to Her Majesty (or to A. B. an officer of the Post Office, if the case be so) for the duty of postage which you have refused or neglected to pay;

pay ; These are therefore to summon you to be and appear at \_\_\_\_\_ in the said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon of the same day, before me the said Justice, or before such other of Her Majesty's Justices of the Peace for the said \_\_\_\_\_ as shall be then present, in order that you may shew cause, if any you have, why, on due proof being made of the sum of money due and owing from you, for such duty of postage as aforesaid, a Warrant of Distress should not be granted, for the recovery thereof, pursuant to the directions of the "Post Office Act ;" and if you fail to appear accordingly, such proceedings will be taken as if you had appeared, and had not shewn any sufficient cause why such Warrant should not be granted.—Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

## No. 8.

*Form of a Warrant of Distress, founded on the foregoing complaint.*

Warrant  
of Distress.

To the Constable of \_\_\_\_\_ (or to C. D. of, as the case may be)  
City or County of (as the case may be,) to-wit:

Whereas complaint hath been made that E. F. of \_\_\_\_\_ is indebted to Her Majesty (or to A. B. an officer of the Post Office, *if the case be so*) in the sum of \_\_\_\_\_ for the duty of postage, which he hath neglected or refused to pay ; and whereas the said E. F. hath been duly summoned, and due proof hath been made on oath before me, that the sum of \_\_\_\_\_ is due and owing from the said E. F. for such duty of postage as aforesaid, and that he hath neglected to pay the same ; therefore I command you to distrain the said E. F. by his goods and chattels, and to levy thereon the said last mentioned sum, being the amount of such duty of postage as aforesaid, and also the further sum of \_\_\_\_\_ for the costs, charges and expenses of proceeding for and obtaining this Warrant, and of the proceedings incident or relating thereto ; making together the sum of \_\_\_\_\_ and if within the space of five days next after the taking of such distress the sum of \_\_\_\_\_ together with the reasonable costs and charges of taking and keeping such distress shall not be paid, then I do hereby order and direct that you shall sell and dispose of the said goods and chattels, which shall be so distrained, and that you shall levy and raise thereout the said sum of \_\_\_\_\_ and all reasonable costs and charges of taking, keeping and selling such distress, rendering the overplus, if any, to the owner of the said goods and chattels ; and you are to certify to me what you have done by virtue of this my Warrant.—Given under my hand and seal this day of \_\_\_\_\_

(Signed)

One of Her Majesty's Justices of the Peace, for the said \_\_\_\_\_ of \_\_\_\_\_

## No. 9.

*Form of a Warrant of Commitment for want of sufficient distress, founded on the foregoing complaint.*

Warrant of Com-  
mitment for want  
of Distress.

To the Constable of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ and also to the Keeper of the Common Gaol, (or House of Correction) at \_\_\_\_\_ in the said City or County of (or as the case may be,) to wit:

Whereas complaint was made that E. F. of \_\_\_\_\_ was indebted to Her Majesty (or to A. B. an officer of the Post Office, *if the case be so*) in the sum of \_\_\_\_\_ for the duty of postage, which he had refused or neglected to pay ; and whereas \_\_\_\_\_

whereas the said E. F. was duly summoned, and due proof was made on oath that the sum of \_\_\_\_\_ was due and owing from the said E. F. for such duty of postage as aforesaid, and that he had neglected to pay the same; and whereas a Warrant has been issued directed to C. D. of \_\_\_\_\_ commanding him by distress and sale of the goods and chattels of the said E. F. to levy the last mentioned sum, being the amount of such duty of postage as aforesaid, due and owing from the said E. F. and the further sum of \_\_\_\_\_ for the costs, charges and expenses of proceeding for and obtaining the said Warrant, and of the proceedings incident and relating thereto, making together the sum of \_\_\_\_\_; And it now appearing to me by the oath of the said C. D. that no sufficient distress can be found whereon to levy the said duty, costs, and charges, (*or in case an insufficient distress shall have been taken*); And Whereas the said C. D. hath certified to me that he hath under the said Warrant, levied and raised the sum of \_\_\_\_\_ only; and it now appearing to me by the oath of the said C. D. that no sufficient distress can be found whereon to levy the residue of the said duty, costs and charges,) Therefore I command you the said Constable of \_\_\_\_\_ to apprehend and take the said E. F. and safely convey him to the common gaol (*or House of Correction*) of the \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ and there to deliver him to the keeper thereof, together with this Warrant; and I do hereby command you the said keeper to receive into your custody in the said gaol (*or House of Correction*) him the said E. F., and him therein safely to keep until the said sum of \_\_\_\_\_ (*or until the sum of \_\_\_\_\_ being the residue of*) the said duty, costs and charges, (*remaining after deducting the said sum of \_\_\_\_\_ so levied and raised as aforesaid*) shall be fully paid and satisfied.—Given under my hand and seal this day of \_\_\_\_\_

(Signed)

One of Her Majesty's Justices of the Peace for the said \_\_\_\_\_

No. 10.

*Form of Affidavit to be sworn by every Officer of the Post Office.*

I \_\_\_\_\_ do solemnly and sincerely depose and swear, that I will not wittingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter, or any thing sent by the Post, which shall come into my hands or custody, by reason of my employment relating to the Post Office, except by consent of the person or persons to whom the same shall be directed, or except in such cases where the party or parties to whom such letter, or any thing sent by the Post, shall be directed, or who is or are chargeable with the payment of the postage thereof, shall refuse or neglect to pay the same, and except such letters, or other thing sent by the Post, as shall be returned for want of true directions, or when the party or parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such letter, or any thing sent by the Post, as aforesaid; and I make this solemn oath, conscientiously intending to fulfil and obey the same, and by virtue of "The Post Office Act."

Oath to be taken by all Post Office officers.

Subscribed and sworn at \_\_\_\_\_ this \_\_\_\_\_ }  
 day of \_\_\_\_\_ A. D. \_\_\_\_\_ }  
 Before me.