



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. IX.

AN ACT to Regulate the Inland Posts of this Colony.

[Passed 12th May, 1856:]

WHEREAS it is expedient to make provision for the Inland Postal Communication of this Colony: **Preamble.**

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows:—

I.—That subject always to the provisions and regulations of this Act, the Governor in Council shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering Letters within the Colony, and shall be at liberty to open and close Post Offices and Mail Routes, and appoint, suspend, or remove, the Postmaster General, and all or any Postmasters, Officers, Deputies, Agents, and Servants, connected therewith. **Governor in Council to have sole power and control over Post Office Department.**

II.—The Postmaster General shall give Bond in the sum of Five Hundred Pounds, with two Sureties in the sum of One Hundred Pounds each; and Deputy-Postmasters shall give Bond in such sum, and with such Sureties, as may be directed by the Governor in Council. **Postmaster General &c., to give bond for due performance of duties.**

III.—No person shall be capable of holding the Office of Postmaster, 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 A annexed to this Act, before a Justice **Oath to be taken by Postmaster.**

of the Peace, acting for the place where such person resides, which Oath such Justice shall administer accordingly. Provided always, that it shall not be necessary for any Postmaster, or other Officer now in the Postal Department who hath already taken the Oath of Office prescribed by law, to make and subscribe the Oath and Affidavit mentioned in this Section.

Postmaster General to enter into Contracts for carrying Mails.

IV.—That it shall and may be lawful for the Postmaster General, subject to the approval of the Governor in Council, in manner hereinafter provided, to enter into Contracts, which shall be in writing, with any person or persons for the carrying and delivery of the Mails or Mail Bags to and from the following Places respectively; that is say—Saint John's, Brigus, Harbour Grace, Carbonear, New Perlican, Trinity, Bonavista, King's Cove, Greens Pond, Fogo, Twillingate, and Trepassey, passing through Bay Bulls and Ferryland; between Saint John's and Placentia, passing through Holyrood and Salmonier, and between Salmonier and St. Mary's; between Placentia and Burin, touching at Isle of Valen and Oderin; between Burin and Garnish; and between Garnish, Grand Bank, Harbour Britain, and Burgeo; and to be extended to La Poile on the surrender or termination of the present contract for Burgeo.

Governor in Council to make orders to carry out the provisions of this Act.

V.—The Governor in Council may make such Orders in conformity with this Act as may be necessary for carrying out the same, and promoting the objects thereof; and all such Orders shall be as valid as if in this Act contained; but no higher penalty than One Hundred Pounds shall be imposed by any such Order in Council for the violation thereof.

Order of Governor in Council to be published in "Royal Gazette."

VI.—Every such Order of the Governor in Council shall be published in the *Royal Gazette*; and every such Order, within Eight Days after it is made, shall be laid before the Legislature, if then sitting, or otherwise within Fourteen Days after it shall meet.

Power of Governor in Council to arrange with the United Kingdom, or any Foreign Country, for the transmission of Mails.

VII.—The Governor in Council shall also have power to make, authorize, sanction, or give effect to, any arrangement which may require to be made with the Postal Authorities of the United Kingdom, or of any British Possession, or of the United States or any Foreign Country, with regard to the transmission of Mails, Letters, Papers, or Packages, or the collection and payment of Postage.

Rates of Postage to be charged.

VIII.—In conformity with the agreements made between the Local Governments of British North America, the Colonial Postage on Letters and Packets, not being Newspapers or Printed Pamphlets, Magazines or Books, entitled to pass at the lower rates hereafter referred to, shall be at the rate of Three Pence Currency per Half Ounce, for any distance within the Colony; and the increase of charge on Letters weighing over Half an Ounce shall be regulated according to the British rule and scale of weights.

Prepayment of Postage.

IX.—The Pre-payment of Colonial Postage shall be optional to the sender.

Colonial Postage to be retained by Colony receiving same.

X.—All Colonial Postage received within this Colony shall be retained as belonging to it; and all Provincial or Colonial Postage received within any other of the British North American Colonies may be retained as belonging to such Province or Colony.

British Packet Postage.

XI.—The British Packet Postage, and other British Postage collected in this Colony, shall be accounted for and paid over to the proper authorities in the United Kingdom; but the Colonial Postage on the same Letters or Packets shall belong to the Colony collecting it; or if prepaid to the British Post Office, it shall be credited and belong to the Colony to which such Letters or Packets are addressed.

No privilege of franking allowed.

XII.—No privilege of Franking shall be allowed as regards Colonial Postage.

XIII.—Colonial Stamps for the Pre-Payment of Postage may be prepared, issued, Colonial Stamps. and sold, under the orders of the Governor in Council; and such Stamps prepared, issued, and sold under the direction of the proper authorities in the other British North American Colonies, shall be allowed in this Colony as evidence of the Pre-Payment of Provincial Postage, in such Colonies respectively, on the Letters or Packets to which they are affixed.

XIV.—Newspapers circulated in this Colony, transmitted therefrom, or coming into the same by Post, and when from the United Kingdom, shall be Free of Postage. Newspapers to pass through Post Office free of charge.

XV.—Printed Books, Magazines, Reviews, or Pamphlets, whether British, Colonial, or Foreign, may be sent through the Post from this Colony to the United Kingdom, or from the United Kingdom to this Colony, the Postage in all cases being Prepaid according to the British scale of Postage in such case made and provided. Printed Books, Magazines, &c., prepaid.

XVI.—The Governor in Council may, from time to time, make such Orders as may be requisite for the transmission, through Post, of Printed Books, Magazines, Reviews, and Pamphlets, to and from other British Colonies, and the United States, or other Foreign Country, in conformity, so far as may be, with the said scale of British Postage, or such other scale of Postage as the Governor in Council shall for that purpose adopt. Governor in Council to make order for transmission of Periodicals to other countries, &c.

XVII.—Printed Books, Magazines, Periodical Publications, and Pamphlets, may be transmitted by Post within this Colony, at the rate of Two Pence per Ounce, up to Six Ounces in weight, and Three Pence for each additional Ounce up to Sixteen Ounces; beyond which weight no Printed Book, Publication or Pamphlet, shall be transmitted by Post; but the Governor in Council may, by Order, alter, modify and reduce the rates of Postage on such Printed Books, Periodical Publications, or Pamphlets. Transmission of Books, &c., through to Colony.

XVIII.—The Packet Postage for Letters shall be Six Pence Sterling the Half Ounce, Five Pence of which shall belong to the English Post Office, and One Penny to the Newfoundland Post Office. Packet Postage.

XIX.—All Monies received on account of Packet Postage to and from the United Kingdom shall be carried to a separate account by the Postmaster General, and the same shall be remitted by the Governor, when required by the Imperial Authorities, to the Postmaster General in England; and all other Monies received by the Postmaster General in this Colony shall be paid by him, at the end of every Quarter, to the Receiver General; and he shall also return to the Office of the Financial Secretary, at the end of every Quarter, a Quarterly Account of the whole Revenue received by him. Monies received by Postmaster General—how credited and paid over.

XX.—The Postmaster General, or Postmasters, shall not be bound to give Change; but the exact amount of the Postage on any Letter or Packet shall be tendered or paid to him or them, in Current Coin, or in Colonial Postage Stamps. Postmaster not to give change.

XXI.—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 Colony, or by virtue of an address of the Legislative Council or Assembly, and all Pamphlets not exceeding Two Ounces in weight, shall be transmitted by Post within this Colony Free of Postage. Parliamentary and Government papers to pass through Post Office free of Postage.

XXII.—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 side or ends: second—there shall be Conditions to be observed in transmitting Printed Papers.

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.

Postmaster to examine Printed Papers.

XXIII.—The Postmaster General, or any of his Officers, may examine any Printed Paper or Packet which shall be sent by the Post, either without or with a cover open at the ends or sides, in order to discover whether it is contrary, in any respect, to the conditions hereby required to be observed ; and in any case, if 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 Colony, the Postmaster General may either detain the same or forward it by Post, charged with Letter Postage.

Questions regarding Postage on Newspapers to be referred to Postmaster General, &c., to be decided.

XXIV.—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, whose decision, with the concurrence of the Governor in Council, shall be final.

Newspapers, &c., not directed to be directed properly and delivered without additional charge.

XXV.—If any Printed Newspaper, or other Printed Paper privileged to go by Post, and brought into this Colony, 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 Colony 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 Letter from the place of direction to the place at which it shall be ultimately delivered.

Masters of Vessels delivering Letters at Post Office to be remunerated therefor.

XXVI.—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 Colony, and for regulating the conveyance and delivery of such Letters, the Postmaster General may allow to the Masters One Penny Half-penny for each Letter they shall deliver to the Post Office at the first Port they touch or arrive at in this Colony, or with which they shall communicate when inward bound ; and if from unforeseen circumstances the Master cannot, upon delivering his Letters at any Outport, receive the Money to which he is entitled, he shall be paid by means of an order on the Postmaster 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 the presence of a 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 of Master of Vessel.

“ I, A B, Commander of the _____ arrived from _____ do, as required by the Post Office laws, solemnly declare that I have, to the best of my knowledge and belief, delivered, or caused to be delivered, at the Post Office, every Letter, Letter Bag, Package, or Parcel of Letters, that was on board the _____ except such Letters as are exempted by such laws.”

Such declaration to be made and Letters delivered before Vessel is entered or break bulk.

XXVII.—No Officer of the Colonial Revenue 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 Colony until all Letters on board the same shall be delivered at the Post Office, where Posts may 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 person having possession thereof, to the

person 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, such Letters shall be by them despatched in the usual manner by Post; and the Officer of the Colonial Revenue, at every port or place in this Colony, 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 Postmaster General may appoint agents to demand from the Masters of Vessels arriving in this Colony all Letters on board the same, and 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.

XXVIII.—The Postmaster General, with the approbation of the Governor in Council, may establish Way Offices over and above the regular Post Offices; and every person employed at a Way Office shall be liable to all the penalties imposed by this Act on Postmasters and other Officers of the Post Office.

Way Offices to be established by Postmaster General.

XXIX.—The Postmaster General, with the concurrence of the Governor and 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 expense which shall be incurred thereby beyond the amount of Postages received.

Postmaster General to take Security from any person applying to extend Postal Communication.

XXX.—The 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 Colony, upon such terms and conditions as shall be reasonable, and may carry out such arrangements or conventional agreements by Orders in Council duly published as herein directed.

Postmaster General to arrange for transmission of Colonial Mails.

XXXI.—The Postage Marks, whether British, Foreign, or Colonial, on any Letter brought into this Colony, 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 Colony as Postage due to Her Majesty.

Postage marks to be received in evidence.

XXXII.—No Postmaster General, nor any Officer of the Post Office throughout the Colony, nor any Courier, shall be compelled to serve on any Jury or Inquest, or as a Town or City Officer.

Postmaster General and all subordinates to be exempted from serving on Juries, &c.

XXXIII.—If any Person employed to convey or deliver a Post Letter Bag or a Post Letter, shall, while so employed, or whilst the same be in his custody or possession, leave a Post Letter Bag or a Post Letter, or if any such Person shall be guilty of an act of drunkenness or of negligence, or other misconduct, whereby the safety or proper delivery of a Post Letter Bag, or a Post Letter, shall be endangered, or delayed, or shall collect, receive, convey or deliver a Letter otherwise than in the ordinary course of the Post, or shall give any false information of an attempt at robbery upon him, or shall loiter on the road or passage, or wilfully misspend his time so as to delay the progress or arrival of a Post Letter Bag or a Post Letter, or shall not use proper care and diligence safely to convey a Post Letter Bag or a Post Letter at the rate of speed appointed by and according to the regulations of the Post Office for the time being, he shall forfeit a sum not exceeding Ten Pounds.

Couriers and others punished for misconduct in the discharge of their duty in the Post service.

Courier with Mails to be ferried over ferry free of charge.

XXXIV.—No Person in the employ of the Post Office, travelling with a Mail, shall pay for passing or re-passing a Ferry; but the Ferry Man at every such Ferry shall forthwith convey over such Person travelling with a Mail, without payment for the same, on pain of forfeiting for every offence Five Pounds.

Abettors of offences punished as principals.

XXXV.—Whoever shall abet or procure the commission of an offence which is by this Act punishable on summary conviction, shall be liable to the same forfeiture or punishment to which a principal offender is by this Act made liable.

Letters to be forwarded only by Mail—exceptions.

XXXVI.—Subject always to the provisions and regulations hereinbefore contained, the Postmaster General shall have the exclusive privilege of conveying, receiving, collecting, sending and delivering Letters within this Colony; and any person who shall, except in the cases hereinafter excepted, collect, send, convey or deliver, or undertake to convey or deliver any Letter within this Colony, or who shall receive or have in his possession any Letter for the purpose of conveying or delivering it otherwise than in conformity with this Act, shall, for every Letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a Penalty of Five Shillings; but such exclusive privilege, prohibition and penalty, shall not apply to—

Letters sent by Private Individuals to be Mailed in the first Way or Post Office :

Letters sent by a Messenger on a purpose concerning the private affairs of the Sender or Receiver :

Letters sent and delivered by a Friend to the Party to whom directed :

All Proceedings between Public Officers, connected with the Administration of Justice :

Letters addressed to a place out of the Colony, and sent by Sea and by a Private Vessel not being a Packet Boat :

Letters lawfully brought into this Colony and immediately Posted at the nearest Post Office :

Letters of Merchants, Owners of Merchant Vessels, or of the Cargo, or Loading therein, sent by such Vessel, or by any Person employed by such Owners for the carriage of such Letters, according to their respective addresses, and delivered to the Persons to whom they are respectively addressed, without pay or advantage for so doing :

Letters concerning Goods sent by common-known Carriers to be delivered with the Goods to which such Letters relate, without reward or advantage for receiving or delivering them :

Letters received by Private Ships from Spain, Portugal, Italy, Brazils, or the West Indies, and commonly known as Market Circulars :

Proviso.

Provided, that nothing herein contained shall authorize any Person to collect any such excepted Letters for the purpose of conveying or sending them as hereinbefore mentioned; and that any Letters prepaid may be delivered by the Officer to the Courier to be dropped along the route, at convenient places; *And provided also*, that nothing in this Act shall oblige any Person to send any Pamphlet, Printed Book or Newspaper by Post.

Penalty for retaining letter.

XXXVII.—If any Person on board any Inward Bound Vessel shall knowingly retain any Letter hereby exempted, he shall forfeit for every such Letter Five Pounds to Her Majesty for the use of the Colony.

Penalty for conveying letter otherwise than by Post, &c.

XXXVIII.—Whoever shall convey a Letter otherwise than by Post, (except as is herein provided for,) or shall perform any service incidental to the conveying of any such Letter from place to place, or shall send or cause to be sent, any such Letter, or

make a collection of Exempted Letters for the purpose of conveying them, shall, for such offence, forfeit Five Pounds; and whosoever shall be in the practice of committing any of the several acts prohibited by this section, for the space of one week; shall, for every week he shall continue in such practice, forfeit One Hundred Pounds to Her Majesty, for the use of the Colony.

XXXIX.—It shall be lawful for any Person, and it shall be the duty of the Officer or Person employed in the Post Office, or in the Collection of the Revenue, to seize any Letters conveyed, received, collected, sent or delivered, in contravention of this Act, and to take them to the nearest Post Office, and to give such information as he may be able to give to the Postmaster for the effectual prosecution of the offender; and the Letter, moreover, shall be charged with Letter Postage.

Letters sent otherwise than by Mail seizable.

XL.—As well the Provincial, British or Foreign, as the Colonial Postage, on any Letter or Packet, shall, if not Pre-paid, be payable to the Postmaster General, by the party to whom the same shall be addressed, or who may lawfully receive such Letter or Packet; and any refusal or neglect to pay such Postage shall be held to be a refusal to receive such Letter or Packet, which shall be detained and dealt with accordingly; but if the same be delivered, the Postage on it shall be charged against and paid by the Postmaster delivering it, saving his right to recover it from the party by whom it was due, as Money paid for such party;—and if any Letter or Packet be refused, or if the Party to whom it is addressed cannot be found, then such Postage shall be recoverable by the Postmaster General; from the Sender of such Letter or Packet; and the Postage marked on any Letter or Packet shall be held to be the true Postage due thereon, and the party signing or addressing it, shall be held to be the Sender until the contrary be shown; and all Postage may be recovered with Costs by Civil Action in any Court having jurisdiction to the amount thereof.

Postage, by whom and to whom payable.

XLI.—Subject to the provisions of this Act, and to the Orders made under it, and the Instructions he may receive from the Governor, the Postmaster General shall have power to open and close Post Offices and Mail Routes; to suspend any Postmaster or other Officer or Servant of the Department, until the pleasure of the Governor be known, and to appoint a Person to act in the meantime in the place of such Officer or Servant; to enter into and enforce all Contracts relating to the conveyance of the Mails, the local accommodation of the Department and other matters connected with the business thereof, and to make Rules and Orders for the conduct and management of the business and affairs of the Department, and for the guidance and government of the Officers and Servants thereof, in the performance of their duties; to sue for and recover all sums due for Postages or Penalties under this Act, or by any Postmaster, Officer or Servant of the Department, or his Sureties; and all such powers may be lawfully exercised by him or by any Postmaster, Officer, Servant or Party, whom he may depute to exercise the same, or whose act in that behalf he shall approve, confirm or adopt; and every Officer, Servant or Party employed in the Post Office, shall, as regards the duties attached to the Office held by him, be deemed the Deputy of such Postmaster General;—and all Suits, Proceedings, Contracts and Official acts, to be brought, had, entered into and done by the Postmaster General, may be so in and by his name of Office, and may be continued in force and completed by his Successor in Office as effectually as by himself; nor shall the appointment or authority of any Postmaster General, or of any Postmaster, Officer or Servant of the Post Office, be liable to be traversed or called in question, in any case, except only by those who act for the Crown. The Postmaster General shall pay over, Quarterly, to the Receiver General all such sums of Money as he may have received from the Postmasters or other Persons, for Postages, Pe-

Powers and duties of the Postmaster General.

nalties, or on any other account connected with this Act, and all such Rules, Orders, and Regulations as shall be made by virtue thereof; and shall at the respective periods aforesaid render an account in such form as the Governor in Council may prescribe; and shall annually render to the Governor, for the information of the Legislature, a General Account Current, showing the whole amount of Postage received within the year, or due the Department from Deputy Postmasters, or others, at the beginning of the year, and every other item of Revenue or Receipt; and also an account in detail of the Charges and Expenditure incurred by the Department within the year, of every kind or nature.

Penalty on Postmaster, &c., not accounting and paying quarterly,

XLII.—If any Postmaster or other Person authorized to receive the Postage of Letters and Packets shall neglect or refuse to render his account, and pay over to the Postmaster General the Balance due by him, at the end of every Three Months, it shall be the duty of the Postmaster General to cause a Suit to be commenced against the person so neglecting or refusing; and all Suits which shall hereafter be commenced for the recovery of Debts or Balances due to the Post Office, whether they appear to be due by bond, obligation, or otherwise, made in the name of any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

Postmaster General to enter into Contracts,

XLIII.—The said Postmaster General, previous to entering into any Contract, as aforesaid, shall cause Printed Notices for Tenders to be posted up in the most conspicuous places in the Town or Settlement nearest to the place where the Service is to be performed; and also to insert a Notice in the *Royal Gazette*, and in any other Local Newspaper, at least One Month before the day limited for rendering such Tenders; and such Tenders shall be signed by the Person or Persons tendering, and by two responsible Persons willing to become Sureties for the due performance of the Contract; and such Tenders, when opened by the said Postmaster General, shall be submitted by him to the Governor in Council, with such recommendation as he may be pleased to make upon any of them; and the one approved of, with notification to that effect, shall be returned to the Postmaster General aforesaid, who shall enter into the Contract accordingly, with such Penalty for the due performance thereof, as may have been specified in the Notice to be given as aforesaid; Provided always, that the lowest Tender, with sufficient Security, shall be accepted, unless the same shall be considered unreasonable, or that the Governor and Council shall deem it to the advantage of the Public Interests to accept any other.

Soldiers' and Naval Seamen's Letters privileged.

XLIV.—In every case in which any Seaman in Her Majesty's Navy, Sergeant, Corporal, Drummer, Trumpeter, Fifer, or Private Soldier, in Her Majesty's Service, shall be entitled to receive or send Letters on the payment of a certain sum, and no more, in place of all British Postage thereon; the payment of such sum shall likewise free such Letter from all Colonial Postage thereon, and the Governor in Council may make orders for giving effect to this Section.

Property in Letters—in whom vested.

XLV.—From the time any Letter, Packet, Chattel, Money, or thing, shall be deposited in the Post Office for the purpose of being sent by Post, it shall cease to be the property of the Sender, and shall be the property of the party to whom it is addressed, or the legal representative of such party.

Lost Letters—Postmaster General not liable for, except where his own default.

XLVI.—The Postmaster General shall not be liable to any party for the loss of any Letter or Packet sent by Post, unless such loss shall have arisen from his own default.

XLVII.—If any person employed in connection with this Act shall convey or deliver any Letter, not exempted by this Act, for or to any Person, without such Letter shall have first passed through the Post Office, and shall have been regularly Stamped, such Person shall be subject to a Penalty not exceeding Five Pounds.

Any person employed in the Mail Service conveying Letters not passing through Post Office, subject to a forfeiture.

XLVIII.—To Steal, Embezzle, Secrete or Destroy, any Post Letter, shall be Felony, punishable in the discretion of the Court, by imprisonment for not less than Three nor more than Fourteen Years; unless such Post Letter shall contain any Chattel, Money, or valuable Security; in which case the offence shall be punishable by imprisonment for life, or for a period not less than Five Years :

Offences enumerated and defined, and punishment prescribed.

To steal from or out of a Post Letter any Chattel, Money, or valuable Security, shall be Felony, punishable by imprisonment for life, or for a period not less than Five Years :

To steal a Post Letter Bag, or a Post Letter from a Post Letter Bag, or a Post Letter from any Post Office, or from any Way Office, or from a Mail, or to stop a Mail with intent to Rob or Search the same, shall be Felony, punishable by imprisonment for life, or for a period of not less than Five Years :

To open unlawfully any Post Letter Bag, or unlawfully to take any Letter out of such Bag, shall be Felony, punishable by imprisonment for not less than One nor more than Fourteen Years :

To receive any Post Letter, or Post Letter Bag, or any Chattel, Money, or valuable Security, the Stealing, Taking, Secreting, or Embezzling whereof is hereby made Felony, knowing the same to have been Feloniously Stolen, Taken, Secreted, or Embezzled, shall be Felony, punishable by imprisonment for not more than Five Years; and the offender may be indicted either as an accessory after the fact or for a substantive Felony; and in the latter case, whether the principal Felon hath or hath not been previously convicted, or shall not be amenable to justice, and however such receiver shall be convicted, the offender shall be punishable as hereinbefore mentioned :

To Forge, Counterfeit, or Imitate any Postage Stamps issued or used under the authority of this Act, or by or under the authority of the Government, or proper authority of the United Kingdom, or of any British Possession, or of any Foreign Country, or knowingly to use any such Forged, Counterfeited, or Imitated Stamp, or to Engrave, Cut, or Sink, or Make any Plate, Die, or other thing whereby to Forge, Counterfeit, or Imitate such Stamp or any part or portion thereof, except by the permission in Writing of the Postmaster General, or of some Officer or Person who, under the Orders to be made in that behalf, may lawfully grant such permission, or to have possession of any such Die, Plate, or other thing, without such permission, or to Forge, Counterfeit, Use, or Affix to or upon any Letter or Packet, any Stamp, Signature, Initials, or other Mark or Sign, purporting that such Letter or Packet ought to pass free of Postage, or at a lower rate of Postage, or that the Postage thereon, or any part thereof, hath been prepaid, or ought to be paid by or charged to any Person or Department, shall be Felony, punishable by imprisonment for life, or for a period not less than five years.

To open unlawfully, or wilfully to keep, secrete, delay, or detain, or procure or suffer to be unlawfully opened, kept, secreted or detained, any Post Letter Bag, or any Post Letter, or, after payment or tender of the Postage thereon, if payable to the Party having possession of the same, to neglect or refuse to deliver up any Post Letter to the Person to whom it shall be addressed, or who shall be legally entitled to receive the same, shall be a misdemeanor.

To Steal, or for any purpose to Embezzle, Secrete, Destroy, wilfully Detain or Delay, any printed Note, Proceeding, Newspaper, Printed Paper or Book, sent by Post, shall be a Misdemeanor :

To obstruct or wilfully delay the passing or progress of any Mail, or of any animal, carriage or vehicle, employed in conveying any Mail on any public highway or other place, shall be a misdemeanor :

To endeavour to procure any Person to commit any act hereby made or declared a felony or misdemeanor, shall be a misdemeanor :

Every misdemeanor hereafter shall be punishable by Fine or Imprisonment, or both, in the discretion of the Court before whom the offender shall be convicted :

Every Principal in the second degree, and every Accessory before or after the fact to any Felony hereunder, shall be guilty of Felony, and punishable as the Principal in the first degree, and every person who shall abet or procure the commission of any such misdemeanor shall be guilty of a misdemeanor, and punishable as a principal offender :

Any Imprisonment awarded under this Act shall be in any of the common gaols of this Colony, and either with or without hard labour, in the discretion of the Court awarding it.

Offenders—how prosecuted.

XLIX.—Any indictable offence against this Act may be dealt with, indicted, tried, punished, laid, and charged to have been committed, either in the District or Place where the offence shall be committed, or in that in which the offender shall be apprehended or be in custody, as if actually committed therein ; and where the offence shall be committed in, 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 Chattel, or Money, or valuable Security, sent by Post, such offence may be dealt with and inquired of, tried, punished, and charged to have been committed, as well within the district or place in which the offender shall be apprehended or be in custody, as in any district or place through any part whereof such Mail, Person, Post Letter Bag, Post Letter, Chattel, Money or valuable Security, shall have passed in the course of conveyance and delivery by Post, in the same manner as if it had been actually committed in each District or Place ; and in all cases where the side or centre, or other part of a highway, or the side bank, centre, or other part of a river or bay, or navigable water, shall constitute the boundary between two Districts or Places, then to pass along the same shall be held to be passing through both ; and every accessory before or after the fact, if the offence be Felony, and every person abetting or procuring the commission of any offence, if the same be a Misdemeanor, may be dealt with, indicted, tried, and punished, as if he were a principal, and his offence may be laid and charged to have been committed in any District or Place where the principal offence may be tried.

Property in whom and how laid—other allegation.

L.—In every case where an offence shall be committed in respect of a Post Letter Bag or a Post Letter, Packet, Chattel, Money, or valuable Security sent by Post, it shall be lawful to lay in the indictment the property of such Post Letter Bag, Post Letter, Packet, Chattel, Money, or valuable Security, sent by Post, in the Postmaster General ; and it shall not be necessary to allege in the indictment, or to prove upon the trial or otherwise, that the Post Letter Bag, Post Letter, Packet, Chattel, or valuable Security, was of any value ; but except in the cases hereinbefore mentioned, the property of any Chattel or thing used or employed in the service of the Colonial Post Office, or of the Monies arising from the duties of Postage, shall be laid in Her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by the Colony, and not by any party in his private capacity ; and in any indictment against a person employed in the Post Office for an offence against this Act, or in an indictment

against a person for an offence committed in respect of some person so employed ; it shall be sufficient to allege that such offender or other person was employed in the Post Office at the time of the commission of the offence, without stating further the nature or particulars of his employment.

LI.—The Postmaster General, subject always to the orders of the Governor in Council, may compromise and compound any suit or information which shall be commenced by his authority, or under his control, against any person, for recovering a Penalty incurred under this Act, on such terms and conditions as he shall in his discretion think proper, with full power to him, or any of the Officers and Persons acting under his orders, to accept the Penalty incurred, or alleged to be incurred, or any part thereof, without suit or information brought for the recovery thereof. Suits may be compounded.

LII.—All mere pecuniary Penalties imposed by this Act, or by any order by the Governor in Council, shall be recoverable with Costs by the Postmaster General, by Civil Action, in any Court having jurisdiction to the amount, and shall belong to the Colony, saving always the power of the Governor in Council to allow any part or the whole of such Penalty to the Officer or Party by whose information or intervention the same shall have been recovered, but all such Penalties shall be to be sued for within One Year after they are incurred, and not afterwards ; provided always, that if the Penalty exceed Twenty Pounds, the offender may be indicted for a Misdemeanor in contravening the provisions of this Act, or of the regulations made under it, instead of being sued for such Penalty, and if convicted shall be punished by fine or imprisonment, or both, in the discretion of the Court. Pecuniary penalties—how recovered—limitation of actions.

LIII.—In any Action or Proceeding for the recovery of Postage, or of any Penalty under this Act, any Postmaster or other Officer or Servant of the Post Office, shall be a competent Witness, although he may be entitled to or entertain reasonable expectation of receiving some portion or the whole of the sum to be recovered ; and the burden of shewing that anything proved to have been done by the Defendant was done in conformity to, or without contravention of this Act, shall be on the Defendant. Competency of witnesses—burden of proof.

LIV.—The Postmaster General, or Postmaster, shall Register all Letters posted in his Office, when thereto required by the party posting the same, upon such party paying such Officer such Fee as shall be prescribed therefor by the Governor in Council, who are hereby authorised to make and prescribe such Rules, Orders, Regulations, and Scale of Fees, as they may deem expedient for the purposes of this Section. Regulations for Registering of Letters.

LV.—Nothing in this Act shall in any way Repeal, Alter or Affect any Rule, Order, Regulation, Agreement, Contract, Matter or Thing, made, entered into or done, by virtue of any Act of the Legislature, in reference to the said Postal Service of this Colony. Provisions respecting regulations and Contracts already made regarding the Postal service.

LVI.—The Postmaster General, and other Officers, shall respectively receive, subject at all times to the revision of the Legislature, the following Annual Salaries, in full of all Fees and Perquisites whatsoever, payable Quarterly :— Salaries of Officers,

The Postmaster General, St. John's, Two Hundred and Seventy Five Pounds ;

The Postmaster, Harbour Grace, Fifty Pounds ;

The Postmaster, Carbonear, Forty Five Pounds ;

The Postmaster, Brigus, Twenty Five Pounds ;

The Postmasters, Green's Pond and Burgeo, Ten Pounds each ;

All other Postmasters, Fifteen Pounds each ; that is to say—at Trinity, Bonavista, Fogo, Twillingate, Ferryland, Trepassey, Placentia, Burin, Harbour Briton ;

and that the Chief Clerk and Accountant in the Post Office at St. John's, shall receive a Salary of One Hundred and Thirty Pounds; First Assorter, Fifty Pounds; Second Assorter and Letter Carrier at St. John's, Fifty Pounds;—and that there be allowed towards defraying the expenses of Stationery and other Incidental Expenses, Thirty Pounds; for Printing, Thirty Pounds; for Rent of Office, Twenty Five Pounds; for Fuel and Light, Fifteen Pounds; and for Ten Way Masters, Forty Pounds.

Definition of terms.

LVII.—The following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless they shall be repugnant to the subject or context; that is to say—“Postage” shall mean the duty chargeable on Letters transmitted within this Colony, and all duty chargeable thereon before such Letters come within the same; “Letters” shall include Packets of Letters; “British Mail” shall mean every conveyance by which Post Letters shall be carried or conveyed from the United Kingdom of Great Britain and Ireland to this Colony; “Mails” shall include any Horse, Vehicle or Vessel, 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, “Mail Bag” shall mean a Mail of Letters, or a Box, Parcel, or any other envelope in which Post Letters are conveyed, whether it does or does not contain Post Letters; “Postmaster General,” and “Post Office,” shall mean the Colonial Postmaster General, and Post Office of this Colony, unless otherwise expressed.

£2000 appropriated for purposes of this Act.

LVIII.—That the Sum of Two Thousand Pounds be appropriated and expended out of the Public Revenue of this Colony for carrying out the Provisions of this Act; and that out of the said sum there shall be expended the sum of Twenty Pounds towards defraying the Expenses of conveying Newspapers and Printed Papers to and from this Colony, subject to certain Rules and Regulations to be adopted in relation thereto by the Governor in Council.

All Monies paid under this Act to be drawn by Warrant from the Governor in Council on Receiver General.

LIX.—All Monies payable for, or in respect of, the Post Office Department, shall be drawn by Warrant of the Governor in Council, upon the Receiver General, as the same may be required for the service of such Department.

SCHEDULE A.

(Form of Affidavit to be Sworn by every Officer of the Post Office.)

Oath of Officer.

I, _____ do solemnly depose and swear that I will not willingly or wittingly 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 the 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 anything 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 Letter or thing sent by Post as shall be returned for want of true directions, or where 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 of this Island.

Sworn before me _____ this _____ day of _____ A. D., 18