

Laws of Her Majesty's Province of Newfoundland, passed in the year 1851.

14 Victoria – Chapter 4

An Act for the establishment and regulation of Inland Posts in this Colony. (Passed 31st May, 1851.)

Whereas the establishment and regulation of Communication by Post between Saint John's and the several Outports, would conduce greatly to the convenience of the Inhabitants of this Colony:

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That there be granted to Her Majesty, Her Heirs and Successors, the sum of One Thousand Pounds annually, during the continuance of this Act, for the establishment and expenses of Packet Boats, the defrayal of Salaries of Officers and Messengers, and for other purposes, towards the carrying out effectually of the provisions of this Act; which said sum, or any part thereof, shall be paid, from time to time, by the Colonial Treasurer, in discharge of any Warrant or Warrants under the Hand and Seal of the Governor, in favor of any Person or Persons, to be applied to the purposes of this Act.

II. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Governor, from time to time, to appoint a competent person, resident in Saint John's, to be Post Master, and also competent persons to be Deputy Post Masters, in the places hereinafter mentioned; and the Post Master shall, from time to time, give instructions to the said Deputy Post Masters and other Officers, and provide them with Office Stamps, and shall superintend generally the operations of this Act, under such rules and regulations to be made as hereinafter provided.

III. And be it enacted, That the Governor, and Her Majesty's Council, may make and ordain 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 Rules so made shall be valid and binding, as if in this Act contained: Provided always, that no higher penalty than Fifty Pounds shall be imposed by any Rule or Regulation, for the violation thereof.

IV. And be it enacted, That all such Rules and Regulations shall be published in the Royal Gazette newspaper, and, within Fourteen Days after they are respectively made, be laid before the Legislature, if then in Session, otherwise within Fourteen Days after it shall meet, and shall also be posted up in the several Post Offices to be established under this Act.

V. And be it enacted, That it shall and may be lawful for the said Post Master, 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 to say,—

Saint John's, Brigus, Harbor Grace, Carbonear, New Perlican, Trinity, Bonavista, King's Cove, Greenspond, Fogo, Twillingate; Saint John's and Trepassey, passing through Bay Bulls and Ferryland; between Saint John's and Placentia, passing through Holyrood and Salmonier, and between Salmonier and Saint Mary's; between Placentia and Burin, touching at Isle of Valen and Oderin; between Burin and Garnish, and between Garnish and Harbor Britain, touching at Belloram.

VI. And be it enacted, That the said Post Master, previously to entering into any Contract as aforesaid, shall cause Printed Notices for Tenders to be posted up at 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 Post Master, shall be submitted by him to the Governor and 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 Post Master aforesaid, who shall enter into the Contract accordingly, with such Penalty for the due performance thereof as may have been specified in the Notices 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.

VII. And be it enacted, That it shall be lawful for the Governor to establish Post Offices and appoint Deputy Post Masters in the following places, that is to say; at Brigus, Harbor Grace, Carbonear, Trinity, Bonavista, Fogo, Twillingate, Bay Bulls, Ferryland, Trepassey, Saint Mary's, Placentia, Burin and Harbor Britain; and also Way Offices, over and above the regular Post Offices, at such places as the Governor and Council may direct; and every person employed at such Way-houses shall be subject to the same Rules and Penalties as the Post Masters, and shall be entitled to such remuneration for their services as shall be allowed by the Governor and Council, either by Way-postage on all Letters received or delivered, or otherwise, as may be directed: Provided always, that the Public Offices in any of the places aforesaid may be used as Post Offices, should the Governor and Council so direct: Provided further, that it shall be lawful to appoint any of the Public Officers Deputy Post Masters aforesaid: Provided also, that it shall be lawful for the Governor and Council, if he and they shall deem it expedient so to do, to authorize the said Post Master to Contract with any person or persons for the transmission of the Mails and Mail-bags by Branch Routes to other places in addition to those hereinbefore mentioned, and in such case to appoint a Deputy Post Master at such places, and also, if he and they shall deem it most for the public advantage, to appoint any other Port on the Eastern side of Placentia Bay other than Placentia, as the station for the said Packet plying to Burin.

VIII. And be it further enacted, That the Post Master and Deputy Post Masters aforesaid, to be appointed under this Act, shall give good and sufficient security, by Bond, to Her Majesty the Queen, in such sum as shall be ordered by the Governor and Council aforesaid; and the said Post Master shall receive as Salary the sum of Seventy-five Pounds, and the said Deputy Post Masters at Harbor Grace and Carbonear, Fifteen Pounds each, and all other Deputy Post Masters Ten Pounds each; and such Salaries shall be paid Quarterly, and shall be in lieu of all Fees and Emoluments whatsoever, and shall be deemed at all times subject to revision by the Legislature.

IX. And be it further enacted, That the respective Rates of Postage hereinafter set forth shall be charged by the Post Masters aforesaid, on all Letters and Parcels, not specially exempted from Postage, which shall be transmitted by Post, and such Postage shall be paid as follows:—In all cases where it shall be so required by the Rules and Regulations to be made as aforesaid, the Postage shall be paid by

the Sender on delivering the Letter to the Post Office; in other cases it shall be optional with the Sender to pay the Postage on delivering (he Letter to the Post Office; and if the Postage shall not have been paid by the Sender, it shall be paid by the person to whom the Letter is addressed, on the delivery thereof to him; but, nevertheless, if the Letter be refused, or the party to whom it is addressed shall be dead or cannot be found, the Writer or lender shall pay the Postage, and this enactment shall apply to Packets, Newspapers and Periodical Publications, and everything chargeable with Postage which shall be transmitted by the Post.

X. And be it enacted, That a uniform Rate of Three Pence Currency shall be paid for every Letter, not exceeding Half an Ounce in weight, transmitted by Post aforesaid in this Colony, and an additional Three Pence for every additional Half Ounce; and for all Books, Periodical Publications, and Pamphlets, at the rate of Two Pence per Ounce up to Six Ounces in weight; over that weight the sum of Three Pence per Ounce up to Sixteen Ounces weight, beyond which weight no Book or Pamphlet aforesaid shall be transmitted through the said Post: Provided always, that all Letters, Despatches, and other Documents, from and to any of the Public Offices upon Public Business, and all Papers ordered to be printed by either Branch of the Legislature, and all Returns, Writs and Processes, to and from the Sheriffs and their Deputies, and all Newspapers, shall be transmitted Free of Postage.

XI. And be it enacted, That all Rates of Postage granted by this Act, or charged by virtue thereof, may be sued for and recovered, with full Costs of Suit, in the name of the Post Master aforesaid, for the time being, by action of debt or assumpsit, before any of Her Majesty's Courts of Record, and where the amount does not exceed Five Pounds, before any Court of Sessions within whose jurisdiction the Defendant or Defendants may reside, according to the usual practice of the Courts of Sessions for the recovery of small debts.

XII. And be it enacted, That if any person employed in connexion with this Act shall convey or deliver any Letter for or to any person or persons, 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.

XIII. And be it enacted, That nil pecuniary Penalties imposed by this Act may be sued for and recovered, with full Costs of Suit, by whoever shall inform and sue for the same, in any Court of Record in this Island, or before any Justice of the Peace having jurisdiction; and upon conviction thereof, the amount of Penalty and Costs may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and in the event of there being no such Goods or Chattels sufficient for the payment of the Penalty and Expenses aforesaid, the Offender or Offenders may be committed to Prison for any period not exceeding Thirty Days; and upon recovery of the Penalty aforesaid, one-half shall be paid to the party who shall inform and sue for the same, and the other half shall be paid to the Colonial Treasurer for the purposes of this Colony.

XIV. And be it enacted, That all monies received by the Post Master and all other Officers under this Act, or by virtue thereof, shall be paid over to the Colonial Treasurer at the termination of each Quarter.

XV. And be it enacted, That no person shall be capable of holding the Office of Post Master, 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 accordingly.

XVI. And be it enacted, That the expression "Governor," in this Act, shall be meant to include and extend to "the Administrator of the Government for the time being," and the term "Letter" shall include "Packets of Letters," and the term "between," when used in reference to the transmission of Letters, Newspapers, or other things, from one place to another, it shall apply equally to the transmission from either place to the other.

XVII. And be it enacted, That this Act shall come into operation, and be in force, at such time as may be fixed by Proclamation of the Governor, or Administrator of the Government for the time being, of this Island.

XVIII. And be it enacted, That this Act shall continue and be in force for Three Years, and thence to the end of the then next Session of the Legislature.

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 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 other thing sent by the 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, at _____ this }
day of _____ A. D., 185 ____.