

Laws of Her Majesty's Province of Newfoundland, passed in the year 1852.

15 Victoria – Chapter 13

An Act to amend the Act for the Establishment and Regulation of Inland Posts. (Passed 14th June, 1852.)

Whereas it is expedient to amend an Act passed in the last Session of the Legislature of this Colony, entitled “An Act for the Establishment and Regulation of Inland Posts in this Colony”:

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that it shall be lawful for the Governor in Council to give orders for the preparing and distributing Colonial Stamps for the pre-payment of all Letters and Packages, which Stamps shall be evidence of the pre-payment of Postage to the amount mentioned on such Stamp; for making, authorising, sanctioning or giving 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 collecting and accounting for Postage; for making a reasonable compensation to the Masters of Vessels, and others, for Letters conveyed by them from any places without the limits of the Colony, and brought by them to the Post Office for delivery; and generally to make Regulations for the effective working of the Post and Postal Business and Arrangements, and to alter or rescind the same, or any heretofore made; and every Regulation shall, until otherwise ordered by any subsequent Regulation, have force and effect as if it formed part of the provisions of this Act, unless inconsistent with the enactments thereof; and to subject any party offending against any such Regulations to the Penalty in that behalf prescribed by the Act of the last Session aforesaid, for the establishment and regulation of the Inland Posts.

II. And be it enacted, That, subject always to the provisions and regulations aforesaid, the Colonial Postmaster General shall have the sole and exclusive privilege of Conveying, Receiving, Collecting, Sending and Delivering Letters within this Colony; and that any Person or Persons who shall (except in the cases hereinafter excepted) Collect and 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 such Letter so unlawfully Conveyed, or undertaken to be Conveyed, Received, Delivered or Found in his possession, incur a penalty not exceeding Five Pounds; but such exclusive privilege, prohibition and penalty, shall not apply to Letters sent by a private friend in his way, journey, or travel, provided such Letters be delivered by such friend to the party to whom they are addressed; Letters sent by a Messenger or Passenger on purpose, concerning the private affairs of the sender or receiver; 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 Vessels, of Merchandize, or of the Cargo, or Loading therein, sent by such Vessel of Merchandize, or by any Person employed by such Owners for the carriage of such Letters, according to their respective address, and delivered to the Persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing; Letters received by Private Ships, from Spain, Portugal, Italy, Brazils and West Indies, and commonly known as Market Circulars; Letters

concerning Goods or Merchandize, sent by Common Carriers, to be delivered with the Goods to which such Letters relate, with no reward, profit, or advantage, for receiving or delivering them: Provided always, that nothing herein contained shall authorise any Person to collect any such excepted Letters for the purpose of sending or carrying them as aforesaid: And provided also, that nothing in this Act shall be construed to oblige any Person to send any Newspaper, Pamphlet, or Primed Book, by Post.

III. And be it enacted, That for avoiding doubts, and preventing inconvenient delay in the delivery of Letters, 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.

IV. And be it enacted, That, subject to the provisions of this Act, and to the Regulations to be 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 and stead 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 to 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 of Money due for Postage, and for Penalties under this Act, or by any Postmaster, or Officer or Servant of the Department, or his Sureties; and all Suits, Proceedings, Contracts, and Official Acts, to be brought, had, entered into, or done, by the Postmaster General, shall be so in and by his Name of Office, and maybe continued, enforced, and completed by his Successors, as fully and effectually as by himself; nor shall the appointment of the Postmaster General, or any Postmaster, Officer or Servant of the Colonial Post Office, be liable to be traversed or called in question in any case except by those who act for the Crown.

V. And be it enacted, That in every case in which any Seaman in Her Majesty's Navy, Serjeant, Corporal, Drummer, Trumpeter, Filer, or Private Soldier, in Her Majesty's Service, shall be entitled to send or receive 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 in all cases in which a Letter or Packet addressed to a Commissioned Officer of the Army, Navy, Ordnance, or any of the Departments belonging thereto, respectively, at a place where he shall have been employed on actual service, would be free from British Postage on the transmission thereof from such place to any place to which he shall have been removed in the execution of his duty before the delivery of such Letter or Packet, the same shall in like manner be tree from Colonial Postage; and the Governor and Council may make the necessary Regulations for giving effect to this Section.

VI. And be it enacted, That from the lime 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 his or her legal representatives: Provided always, that the Postmaster General shall not be liable to any party for the loss of any Letter or Packet sent by Post, unless by his own fault or neglect.

VII. And be it enacted, That in every case where an offence committed, in respect of a Post Letter Bag, or a Post Letter, Packet, or Chattel, Money, or a Valuable Security, sent by Post, it shall be lawful to lay in the Indictment to be preferred against the offender, the property of such Post Letter Bag, Post Letter, Packet, Chattel, Money, or Valuable Security, sent by Post, in the Postmaster General aforesaid, 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 aforesaid, the property of any Chattel or Thing used or employed in the service of the Colonial Post Office, or of Monies arising from 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.

VIII. And be it enacted, That the Post Master General aforesaid shall pay over Quarterly to the Colonial Treasurer all such sums of Money as he may have received from the Post Masters or other Persons for Postages, Penalties, or on any other account, connected with this Act; and shall at the respective periods aforesaid render an Account in such form as the Governor and Council may prescribe; and shall annually render to the Governor, for the information of the Legislature, a General Account Current, shewing 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.

IX. And be it enacted, That 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 or Persons 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 by bond or obligation, made in the name of any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

X. And be it enacted, That all pecuniary penalties imposed by this Act, or under the authority thereof, may be sued for and recovered in the manner provided for in the Thirteenth Section of the said Act passed in the last Session of the Legislature, entitled "An Act for the Establishment and Regulation of Inland Posts in this Colony."

XI. And be it enacted, That for encouraging Masters of Vessels to undertake the Conveyance of Letters between Places beyond the British North American Colonies, and this Colony, and for regulating the Conveyance and Delivering 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 an Out port, 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:

I, A.B., Commander [state the name of the ship or vessel] arrived from [state the place], 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 are on board the [state the name of the ship] except such Letters as are exempted by such Laws.

XII. And be it enacted, That 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 persons having possession thereof to the persons appointed to superintend the Quarantine, that all proper precautions shall 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 Officers 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 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.

XIII. And be it enacted, That no Postmaster or any Deputy Postmaster, nor any Officer of the Postmaster, throughout the Colony, nor any Courier, shall be compelled to serve on any Jury or Inquest.

XIV. And be it enacted, That instead of the Sum of One Thousand Pounds granted by the said recited Act for the purposes thereof in each year, there be granted to Her Majesty, Her Heirs and Successors, the Annual Sum of One Thousand Five Hundred and Fifty Pounds, during the continuance of this Act, for the establishment and expenses of Packet Boats, the Defrayal of Salaries, Remuneration of Messengers, Rent of Post Office, and all other incidental expenses, towards the effectual carrying out of this and the said Act.

XV. And be it enacted, That instead of the Salaries appropriated to the following Officers, mentioned in the Eighth Section of the said recited Act, the said respective Officers shall receive the Annual Salaries following, in Quarterly Payments; that is to say—the Postmaster General, Two Hundred and Seventy-five Pounds; Postmaster at Harbor Grace, Forty Pounds; at Carbonear, Thirty-five Pounds; at Brigus, Twenty Pounds; and all other Postmasters, each Fifteen Pounds; that is to say—at Trinity, Bonavista, King's Cove, Greenspond, Fogo, Twillingate, Bay of Bulls, Ferryland, Trepassey, St. Mary's, Placentia, Burin, Harbor Briton, and Garnish; and that the First Clerk in the Post Office, St. John's, shall receive as Salary Seventy-five Pounds; the Second Clerk, Fifty Pounds; Letter Carrier, St. John's, Twenty-five

Pounds; and that there be allowed towards defraying expenses of Stationery, Thirty Pounds, and for Printing, Fifteen Pounds; all which respective Sums shall be deemed at all times subject to revision by the Legislature. Provided that the said respective Officers 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, for the faithful performance of their respective Offices.

XVI. And be it enacted, That towards defraying the Salary of the Postmaster General, and the other expenses of the Post Office establishment in this Colony, there be retained by the Postmaster General, and paid into the Treasury of this Colony, One-Sixth of the Postage on all Letters to or from Places out of this Island Posted, passing through or received at the Post Office in St. John's.

XVII. And be it enacted, That the terms "Postmaster," and "Deputy Postmasters," in the said recited Act, shall mean and be construed respectively, "Postmaster General" and "Postmasters," and persons filling such Offices shall hereafter be styled by the last mentioned titles respectively.

XVIII. And be it enacted, That this Act shall not be in force until Her Majesty's pleasure shall be first duly signified.