

Laws of Her Majesty's Province of Newfoundland, passed in the year 1853.

16 Victoria – Chapter 3

An Act to amend the Act for the Establishment and Regulation of Inland Posts. (Passed 15th June, 1853.)

Whereas it is expedient to amend the Act passed by the Legislature of this Colony in the Fourteenth Year of the Reign of Her Majesty the Queen, intituled "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,

I. 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 Stamps; and 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.

II. That 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 Postages 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.

III. That it shall and may be lawful for any Person depositing in any Post Office in this Colony a Letter for transmission to any place thereout, to Prepay the Postage thereon, or not, as such Person shall think fit.

IV. 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 or penalty, shall not apply to Letters sent by a private friend in his way, journey, or travel, provided such Letters be mailed in the first Way Office or Post Office; Letters sent by a Messenger 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 Printed Book, by Post.

V. That, for avoiding doubts and preventing inconvenient delays in the delivery of Letters, the Postmaster General or Postmasters shall not be bound to give Change; but the exact amount of Postage on any Letter or Packet shall be tendered or paid to him or them, in Current Coin, or in Colonial Postage Stamps.

VI. That subject to the provisions of this Act, and to the Regulations to be made under it, 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 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 other matters connected with the business thereof; and to make Rules and Orders for the management and conduct 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 may be 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: Provided always, that all Contracts for the conveyance of the Mails, that shall be hereafter entered into, shall be for the period of Two Years from the making thereof: Provided always, the Postmaster General shall empower the Deputy Postmaster at Carbonear to employ, when required, a Mail Carrier to carry and deliver Letters, Papers and Packages, between that place and Bay de Verds: Provided always, that the sum to be expended on this service in any One Year shall not exceed the sum of Five Pounds.

VII. That in every case in which any Seaman in Her Majesty's Navy, Serjeant, Corporal, Drummer, Trumpeter, Fifer, 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 Letters 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

Package, the same shall in like manner be free from Colonial Postage; and the Governor and Council may make the necessary regulations for giving effect to this Section.

VIII. That 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 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.

IX. That in every case where an offence committed in respect of a Post Letter-bag, or 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.

X. That the Postmaster General aforesaid shall pay over Quarterly to the Colonial Treasurer all such sums of Money as he may have received from the Postmasters 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, 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.

XI. 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.

XII. 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 recited Act.

XIII. 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 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.

XIV. 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.

XV. 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.

XVI. That instead of the sum of One Thousand Pounds granted in and by the said recited Act, for the purposes thereof in each year, there be granted to Her Majesty the annual sum of Nineteen Hundred and Thirty- four Pounds during the continuance of this and the said recited 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 recited Act.

XVII. 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 Harbour Grace, Forty-five Pounds; at Carbonear, Forty-five pounds; at Brigus, Twenty-

five Pounds; and all other Postmasters, Fifteen Pounds each; that is to say—at Trinity, Bona vista, Fogo, Twillingate, Bay Bulls, Ferryland, Trepassey, St. Mary's, Placentia, Burin, Harbour Britain; and that the Chief Clerk and Accountant in the Post Office, St. John's, shall receive as Salary One Hundred Pounds; the Assistant, Fifty Pounds; Letter Carrier and Assorter, St. John's, Thirty-five Pounds; and that there be allowed towards defraying expenses of Stationery and other incidental expenses, Thirty Pounds; and for Printing, Thirty Pounds; and for Bent of Office, Twenty-five Pounds; and for Fuel and Light, a sum not exceeding 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; and provided also that the Postmaster General shall be at liberty to establish a Way Office at Renew's; appoint a Courier from Burin to St. Lawrence and Lamaline, at an annual Salary of Twenty Pounds; and at which latter place a Way Office shall be established; and establish a Way Office at New Perlican; and appoint a Courier for the South side of Trinity Bay, at an annual Salary of Six Pounds: and also that a Courier shall be established between Bonavista and King's Cove, at a Salary of Fifteen Pounds, at which place a Way Office shall be established; and a further sum of Fifty Pounds, for a Boat to run between Bonavista and Greenspond, for the present summer; Provided that on the expiration of the present Contract for the conveyance of the Mails to Fogo and Twillingate, such Mails shall be transmitted by way of Carbonear, Trinity, Bonavista and Greenspond; and also appoint a Courier between Brigus and Port de Grave, at an annual Salary of Ten Pounds; and also establish a Way Office at Port de Grave; and that there shall be a Postmaster at Greenspond at an annual Salary of Ten Pounds.

XVIII. That the Postmaster at Placentia shall, upon the receipt of the Mails from St. John's, assort the same, and put into Mail Bags, to be kept for that purpose, all Letters, Periodicals, Newspapers and Publications addressed to the several parties residing in the respective places following: — In Oderin, Great Paradise, Little Paradise, Oliver's Cove, Presque, Isle of Valen and Merasheen; which Mail Bags shall be transmitted in the Mail Packet sailing from Placentia to Great Paradise, on her route to Oderin and Burin, at which place (Great Paradise) the Mails for that place, for Oliver's Cove, Presque, Isle of Valen and Merasheen, shall be left in a Way Office to be established for that purpose: Provided always, that the said Mail Packet Boat between Placentia and Burin shall, on her outward and return voyages from Burin, call at Oderin and at Great Paradise, and on each voyage remain at Oderin One Hour, and at Paradise One Hour, and no longer.

XIX. That the Postmaster General shall establish a Way Office at Little Placentia, at which Office all Letters, Newspapers, and Publications, for that place and for Harbour Buffet, Barren Island, and all the adjacent Harbours to the Eastward thereof, shall be deposited; and that a Mail Carrier shall be appointed by the Postmaster General to carry such Mails between Great Placentia and Little Placentia; and that the annual Salary of such Mail Carrier shall not exceed the sum of Four Pounds. And that the Postmaster General shall have power to make the necessary arrangements for the conveyance from Little Placentia to Harbour Buffet, of Mail Bags for Harbour Buffet, Burgeo, Barren Island, Woody Island, Sound Island, and the Settlements adjacent, provided that the expense of such arrangement does not exceed the sum of Fifteen Pounds; and that the Postmaster General shall be at liberty to establish a Way Office at Harbour Buffet.

XX. The Postmaster General shall Contract with any Person or Persons for the purpose of conveying the Mails between Paradise and Oliver's Cove, the Isle of Valen, and Merasheen: Provided always, that the expenses to be incurred in the conveyance and delivery of such Mails shall not exceed the sum of Forty Pounds a year.

XXI. That the Postmaster General shall have power to enter into an agreement with the Mail Carrier from Great Placentia to Salmonier, for the conveyance of the Mails through to St. John's, immediately on their arrival at Great Placentia, when such arrangement shall be necessary: Provided always, that the expenses to be incurred for such service shall not exceed the sum of Fifteen Pounds a year.

XXII. That there be granted to Her Majesty a sum of Fifty-five Pounds, from and out of such Monies as may from time to time remain in the hands of the Colonial Treasurer, unappropriated, to be expended in the manner following, that is to say:—that out of the said sum of Money the Governor shall expend and apply the sum of Thirty Pounds in erecting Poles, as Guide Marks, and in constructing Three Tills or Places of Shelter, on the Public Road between Renewes and Trepassy, for the Mail Carriers and Travellers on that Route; and the sum of Twenty-five Pounds for placing the like Marks and Shelters at the Road from Burin to Garnish; and should the said sum of Twenty-five Pounds be more than sufficient for that purpose, the balance shall be expended in like manner between Lawn and Lamaline.

XXIII. That it shall be lawful for the Governor in Council to reduce the rate of Postage on all Packet Letters for the purpose of complying with the terms of any arrangement that may be proposed by the Imperial Government for the reduction of Ocean Packet Postage, and to do such other matter and thing as may be necessary to be done on the part of this Colony to perfect any such arrangement.

XXIV. That the terms "Postmaster" and "Deputy Postmaster," in the said recited Act, shall mean and be construed respectively, "Postmaster General," and "Postmaster;" and persons filling such offices shall hereafter be styled by the last mentioned titles respectively.

XXV. That this Act shall continue and be in force for the period of Two Years from the passing thereof, and thence to the end of the then next Session of the Legislature of this Colony.