

of the Commissioners of Public Works.

12 V. c. 4.

Proviso: as to the Bridge over the river Don at Toronto.

the management and control of the said Commissioners, and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioners, and no Tolls shall thereafter be levied thereon under the authority of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works and for other purposes relative to the said Works*, but such Road or Bridge shall be under the control of the Municipal Authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law, which are hereby declared to extend and shall apply to such Road or Bridge: Provided always, and be it declared and enacted, that the Bridge over the River Don, on the Kingston Road, at the east end of the City of Toronto, and the said Kingston Road east of the said River shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioners of Public Works, or of any party to whom they may be transferred by order of the Governor in Council.

C A P . X V I .

An Act to limit the time for redeeming Land Scrip.

[10th August, 1850.]

Preamble.

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No Land Scrip to be redeemable or receivable in payment unless offered within one year from the passing of this Act.

WHEREAS it is desirable to call in all Land Scrip heretofore issued, or that may hereafter be issued, at as early a day as may be consistent with justice to the parties holding the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no Land Scrip heretofore issued, or that may hereafter be issued, under the authority of any Act, Ordinance or Law in force in this Province, shall be redeemable by the Provincial Government, or receivable in payment upon sales, or for deferred payments of instalments or other dues of or upon Public Lands, or otherwise, unless the same be presented and offered in payment at the office of the Commissioner of Crown Lands, or at the office of one of his Agents, within one year from the passing of this Act; and all such Scrip which shall not be presented and offered in payment within the period aforesaid, shall be null and void: any Act, Ordinance or Law to the contrary notwithstanding.

C A P . X V I I .

An Act to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department.

[10th August, 1850.]

Preamble.

Imperial Act, 12 & 13 Vic. cap. 66.

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WHEREAS by the Act of the Parliament of the United Kingdom, passed in the Session held in the twelfth and thirteenth years of Her Majesty's Reign, and intituled, *An Act for enabling Colonial Legislatures to establish Inland Posts*, the Legislatures or proper legislative authorities of Her Majesty's Colonies are empowered, by Acts, Laws or Ordinances, to be from time to time for that purpose made and enacted, in the manner and subject to the conditions of law required in respect of Acts, Laws or Ordinances of such Legislatures or legislative authorities, to make such provisions as such legislatures or legislative authorities may think fit, for and concerning the establishment, maintenance and regulation of Posts or Post Communications within such

14 & 15 Vic (cap 66)
16th vic

such Colonies respectively, and for charging rates of postage for the conveyance of letters, packets, newspapers and other printed papers, by such Posts or Post Communications, and for appropriating the Revenue to be derived therefrom, provided that where in any Colony Her Majesty's Post Master General shall have established any Post or Post Communication, and his powers and privileges in relation to such Post or Post Communication shall not have determined under the said Act, no such Act, Law or Ordinance as aforesaid, shall take effect unless assented to by Her Majesty, with the advice of Her Privy Council, nor until the time when such assent shall be proclaimed in the Colony, or such subsequent time as in the order of Her Majesty in Council, by which the assent to such Act, Law or Ordinance may be signified, shall be fixed in that behalf: And whereas it is expedient that a uniform and cheap rate of postage should be established throughout the several Colonies of British North America, and with a view to the establishment thereof, the Local Governments of the said Colonies have agreed upon certain conditions hereinafter mentioned and forming part of the provisions of this Act, and it is therefore expedient to exercise the powers so vested as aforesaid in the Legislature of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall come into force at and from the time when the assent of Her Majesty thereto with the advice of Her Privy Council shall be proclaimed in this Province, or at such subsequent time as in the order of Her Majesty in Council by which the assent to this Act may be signified, shall be fixed in that behalf, and not before; and that at, from and after the time so fixed, the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the management of the Post Office Department whenever it shall be transferred to the Provincial Government*, shall be repealed, and all other Acts or parts of Acts or provisions of Law relative to matters subject to the control and jurisdiction of the Provincial Legislature, and with regard to which provision is made by this Act, shall cease to be in force in this Province, except in so far as may be otherwise hereinafter provided; and excepting in so far as regards any postage, duty or sum of money due before the said repeal shall take effect, or any engagement contracted, penalty incurred, or offence committed before that time, which shall and may be received, collected, enforced, recovered and punished, under such Acts, parts of Acts and provisions of Law and as to which they shall remain in full force and effect: Provided always, that nothing in this Act shall be construed as intended to derogate from or impair the effect of any Act of the Parliament of the United Kingdom, or of any regulation or order made under such Act, or to affect the privileges, powers or authorities of Her Majesty's Post Master General, his Deputies, Servants or Agents, or of the Commissioners of Her Majesty's Treasury, otherwise than as respects the Posts or Post communications within this Province, and the rates of Postage to be charged for the conveyance of letters and other things by Post within the same: and provided also, that any Commission, appointment or regulation made before this Act shall be in force, but limited to take effect only at some time after it shall be in force, shall at and after the time so limited be as valid and have the same effect as if made after the coming into force of this Act.

II. And be it enacted, That the Inland Posts and Post Communications in this Province shall, so far as may be consistent with the Acts of the Parliament of the United Kingdom in force in this Province, be exclusively under Provincial management and control; the Revenue arising from the duties of postage and other dues receivable by the Officers employed in managing such Posts and Post Communications shall form part of the Provincial Revenue, unless such moneys belong of right to the United Kingdom or to some other Colony, or to some Foreign State; and the expenses of management

Commencement of this Act.

12 Vic. c. 34.

Proviso.

Proviso.

Transfer of Inland Posts, &c.

8 Vic. cap. 5, to apply.

management shall be defrayed out of Provincial Funds; and that the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the management of the Customs and of matters relative to the collection of the Provincial Revenue*, shall apply to the said Posts and Post Communications, and to the Officers and persons employed in managing the same, or in collecting or accounting for the duties and dues aforesaid, except in so far as any provision of the said Act may be insusceptible of such application or may be inconsistent with any provision of this Act.

Commissions, divisions, contracts, powers, &c., to remain in force until altered.

III. And be it enacted, That until it shall be otherwise provided in any case or cases by the proper authority under this Act and the Act last aforesaid, all Post Offices and Postal Divisions, Stations, Districts and Establishments, and all commissions or appointments of any Officers or persons employed in managing the said Inland Posts and Post Communications, or in collecting or accounting for the duties and dues aforesaid, in force when this Act shall come into effect, shall continue and remain in force, and the nature of the duties and local extent of the powers of each Office, and the salary and emoluments of the Officer, shall remain the same as if such commissions or appointments had been granted or made under the authority of this Act, subject always to the provisions hereinafter made; and that all Bonds given by such Officers or persons or their sureties, and all contracts, agreements or engagements made by any party with or to any such Officer or person shall remain in full force and effect, and shall be construed and have effect to all intents and purposes as if made and entered into with express reference to this Act, and for the performance of the duties, which under this Act may be lawfully assigned to such Officers and persons respectively; and any contract for the conveyance of Her Majesty's Mails or for any other service to be performed with reference to the Post Office shall be construed as a contract for the conveyance of Her Majesty's Mails under this Act, and for the performance of the services therein contracted for, for Her Majesty's Provincial Post Office, and the fulfilment of such contract may be enforced accordingly under this Act, payment for such services being made out of Provincial Funds, but otherwise according to the terms of such contract; And every regulation and departmental order not inconsistent with this Act and not providing for a matter for which provision is made by this Act, made by any then competent authority, to guide or direct such Officers and persons in the performance of their duties, or to confer, define or regulate their powers and the exercise thereof, shall remain in full force and effect until such regulation or order shall be abrogated or provision shall be made in the like matter by some regulation or order made by competent authority under this Act; nor shall any thing in this Act be construed to prevent any person from being at the same time an Officer or Servant of the British and of the Provincial Post Office.

Bonds.

Regulations.

Provincial Officers may be also Officers of British P. Office.

Salaries and emoluments limited.

IV. Provided always, and be it enacted, That except the Provincial Post Master General who shall be appointed under the authority of this Act, no officer appointed or continued in office under this Act, shall receive from any Provincial source more than four hundred pounds per annum, (and in proportion for any shorter period) in salary or emoluments, or both; and that the salary of the Provincial Post Master General shall not exceed seven hundred and fifty pounds per annum; and that except Post Masters, who may be paid by a per-centage on the amount collected by them, or by a salary, as the Governor in Council shall see fit in each case, each officer shall be remunerated by a stated salary or pay, subject to the provisions of the Act last cited.

Appointments how made.

V. And be it enacted, That the Provincial Post Master General shall be appointed by Commission under the Great Seal of this Province, and to hold his office during pleasure, but the Post Masters and other Officers of the Department shall be appointed and may be removed by letter from the proper Officer communicating the Governor's pleasure: And nothing in this Act or in any other Act or law shall be construed to prevent the Provincial Post Master General from sitting and acting as a Member of the Legislative Assembly, (provided he be elected after his appointment); but to the Post Masters at Quebec, Montreal, Three-Rivers and Sherbrooke, and at any incorporated City or Town in Upper Canada divided into Wards, and to the other Officers of

Except to Provincial Post Master General, 7 Vic. cap. 65, to apply.

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the Department, except only the Post Masters at places other than those aforesaid, all the provisions of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for better securing the independence of the Legislative Assembly*, shall apply, as if they were Officers of the Customs or Excise, and they shall not sit or vote in the Legislative Assembly, nor vote at the election of any Member of the same, under the penalties in the said Act imposed for contravention thereof in like case.

VI. And be it enacted, That all privileges, powers and authority now vested by any Provincial Act in Her Majesty's Deputy Post Master General, with regard to services to be required from any Rail-road Company, touching the conveyance of the Mail, or with regard to any other matter relative to the Inland Posts or Post Communications, shall be and are hereby transferred to and vested in the Provincial Post Master General.

VII. Provided always, and be it enacted, That when this Act shall come into effect all enactments or provisions of law obliging ferrymen to transport any mail across their ferries without remuneration shall be and are hereby repealed; and the sum to be paid for such service shall be fixed by contract, or if any ferryman shall demand more than the Post Office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by arbitrators, each party naming an Arbitrator, and the two Arbitrators a third, the decision of any two Arbitrators to be binding.

VIII. And in conformity to the agreement made as aforesaid between the Local Governments of the several Colonies of British North America, Be it enacted, That the Provincial Postage on letters and packets not being of Newspapers or Printed Pamphlets, Magazines or Books, entitled to pass at lower rate, shall not exceed the rate of three pence currency, per half ounce, for any distance whatever within this Province, any fraction of a half ounce being chargeable as a half ounce: that no transit postage shall be charged on any letter or packet passing through this Province or any part thereof to any other Colony in British North America, unless it be posted in this Province and the sender choose to pre-pay it; nor on any letter or packet from any such Colony if pre-paid there: that two pence sterling the half ounce shall remain as the rate in operation as regards letters by British Mails, to be extended to Countries having postal conventions with the United Kingdom, unless Her Majesty's Government in the United Kingdom shall see fit to allow this rate to be changed to three pence currency:

That the pre-payment of Provincial Postage shall be optional:

That all Provincial Postage received within this Province shall be retained as belonging to it, and that all Provincial Postage received within any other of the British North American Colonies, may be retained as belonging to such Colony:

That the British Packet Postage and other British Postage collected in this Province 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 may be credited to the Colony to which such letters or packets are addressed:

That no privilege of franking shall be allowed as regards Provincial Postage:

The Provincial Stamps for the prepayment of postage may be prepared under the orders of the Governor in Council, which stamps shall be evidence of the prepayment of Provincial Postage to the amount mentioned on such stamp, and that such stamps prepared under the direction of the proper authorities in the other British North American Colonies, shall be allowed in this Province as evidence of the prepayment of Provincial Postage in such other Colonies respectively, on the letters or packets to which they are affixed, and which have been mailed there:

That the Provincial Postage on Newspapers, Pamphlets, Magazines and Printed Books, shall remain such as it now is until it be altered by regulation under this Act, and in cases where they are now free of Postage they shall continue to be so free; and that such postage shall not be raised by any such regulation, but may be thereby diminished in any case or class of cases; and that if any regulation be made by the proper authorities in any other of the British North American Colonies, diminishing the postage therein

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Transfer of privileges.

Ferrymen not bound to carry over Mails gratis.

Agreement with other Colonies to be carried into effect.

Pre-payment.

Appropriation of Provincial Postage.

Of British Packet Postage and colonial Postage.

Franking.

Stamps.

Newspapers, &c.

Proviso: in favor of Publishers of Newspapers.

therein in such Colony, or directing that none shall be payable in any case or class of cases, then in the case or cases to which such regulation shall apply, such diminished postage only (if not pre-paid), or no postage (as the case may be), shall be payable in this Province: Provided always, that one copy of each Newspaper published in this Province may be sent free from postage to any Publisher of another Newspaper in this Province, that all printed documents addressed to the Publisher of any Newspaper in this Province shall be delivered to him free, and that all Newspapers published in this Province and addressed to Subscribers in the United States, shall pass free to the Province Line, under such regulations as the Governor in Council shall make to prevent the abuse of the privileges hereby granted :

Transport of British Mails.

That the rate of remuneration for the transport of British Mails by express through the Provinces of Nova Scotia and New Brunswick, may from time to time be fixed by arrangement to be made between the Government of this Province, and the other Provinces or Governments concerned :

Interpretation of agreement.

Provided always, That if it shall appear to the Local Governments or proper authorities of the several Colonies of British North America, and of the United Kingdom, and the Governor in Council, that the foregoing conditions and provisions of this section, or any of them, are not or is not in accordance with the true intent and meaning of the agreement aforesaid, then it shall be lawful for the Governor in Council to declare what was and is the true intent and meaning thereof in the case in question, and the foregoing conditions shall then be construed and have effect as if the condition so declared to be correct had been inserted in this section, instead of that declared to be inconsistent with the said agreement, unless and until it be otherwise ordered by the Provincial Parliament.

Regulations to be made by the Governor in Council.

And, subject to the foregoing provisions of this section and to the other express provisions of this Act, the Governor in Council shall have full power and authority to make orders and regulations for establishing or discontinuing any Post Office or Post Route, and for taking security from any parties to make good the deficiency or any part thereof, in the receipts of such Office or Route, to meet the expenses incurred by its establishment,—for defining the powers and duties of the Officers of and persons employed by or under the Provincial Post Office and regulating all matters concerning the conduct and management of the business thereof,—and for prescribing the form of the oath of office to be taken by such Officers or persons employed, by or under the Provincial Post Office, which oath may be varied so as to meet the duties to be performed, and the offences to be avoided by such Officers or persons,—for establishing the rates of postage on Newspapers and Printed Pamphlets, Magazines and Books, and for declaring what shall be deemed such, or directing that in any case or class of cases they be free of postage, either in the first instance or in the case of their being re-mailed, and what shall be the conditions to be complied with in order to enable them to pass without being subject to letter postage, as they shall be if such conditions be not complied with, and for authorizing the opening thereof by any Officer or person, for the purpose of ascertaining whether such conditions shall have been complied with,—for the preparing and distributing of Provincial stamps for pre-payment, for limiting the weight and dimensions of letters or packets to be sent by Post, and prohibiting and preventing the sending of explosive, dangerous, contraband or improper articles,—for making, authorizing, sanctioning or giving effect to any arrangements which may require to be made with the Government or 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, the transmission of Mails and other matters connected with Posts and Postal business, and the remuneration or indemnity to be paid or received under any such arrangement,—for prescribing the conditions and circumstances under which letters, accounts and papers relating solely to the business of the Post Office, and addressed to or sent by some officer thereof, shall be free from Provincial Postage,—for preventing, in cases where it shall deem it expedient, the carriage of Foreign Mails

or of Foreign mailable matter not mailed in this Province, through any part thereof from one part of a Foreign Country to another part of the same,—for providing, when he shall think it expedient, means for avoiding the risk of transmitting small sums of money through the Post, by establishing a system of money orders to be granted by one Post Master or officer of the Département on another, and fixing the terms on which such orders may be obtained, for establishing a system for the Registering of letters and the charge * be made for such registration,—for vesting in any officer or officers power to open letters or packets having no address upon them, or refused by the party to whom they are addressed, or where such party cannot be found after proper enquiry, or on which any Foreign or other Postage which ought to be pre-paid, shall not have been so; or which shall contain or be reasonably supposed to contain any article lawfully forbidden to be sent by Post, or which for any other cause cannot lawfully be transmitted by Post, or cannot within a reasonable time be delivered to the party to whom they are addressed or to any party legally entitled to receive them,—and for prescribing the regulations under which such letters and packets shall be opened, the notice which shall be previously given, the proceedings which shall be adopted after such opening,—the keeping or otherwise dealing with any money or other article found therein, and other matters thereunto appertaining or relating,—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 Province, and brought by them to the Post Office for delivery,—for the delivery of letters and packets in the larger and more populous Cities and Towns, at the residences of the parties to whom they are addressed, and fixing the limits within which such delivery shall take place, and the rates to be paid by the parties who shall prefer to have their letters and packets so delivered, rather than apply for them at the Post Office: and upon letters posted and delivered at the same Post Office or in the same City, Town and place, for imposing pecuniary penalties not exceeding fifty pounds, for any one offence, on persons offending against any such regulation as aforesaid, whether they be or be not officers of the Post Office; and generally to make such regulations as may be deemed necessary for the due and effective working of the Post and Postal business and arrangements, and for carrying this Act fully into effect; and every such regulation as aforesaid, may from time to time be repealed or amended by any subsequent regulation made in like manner, and every such regulation shall, until it be otherwise ordered by any subsequent regulation, have force and effect as if it formed part of the provisions of this Act, unless it be inconsistent with the enactments thereof.

* (Sic.)

General provisions.

IX. And be it enacted, That subject always to the provisions and regulations aforesaid, the Provincial Post Master General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within this Province; and that any person or party who shall (except in the cases hereinafter excepted) collect, send, convey or deliver, or undertake to convey or deliver any letter within this Province, 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 each and every letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a penalty not exceeding five pounds currency: but such exclusive privilege, prohibition and penalty shall not apply to—

Exclusive privilege of Provincial Post Master General.

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 :

Exceptions.

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

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

Letters addressed to a place out of the Province and sent *by sea* and by a private vessel :

Letters lawfully brought into this Province, 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 addresses, and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing :

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

Provided always, that nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of sending or conveying 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.

Letters sent contrary to this Act to be seized.

X. And be it enacted, That it shall be lawful for any person, and it shall be the duty of any Officer or person employed in the Provincial 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 Post Master, and as may be necessary for the effectual prosecution of the offender ; and the letters moreover shall be chargeable with letter Postage.

Postage when payable, &c.

XI. And be it enacted, That as well the Colonial, British or Foreign as the Provincial postage on any letter or packet shall (if not pre-paid) be payable to the Provincial Post Master General by the party to whom the same shall be addressed, or who may lawfully receive such letter or packet, which may be detained until the same be paid ; 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 Post Master 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 Provincial Post Master 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 shewn ; and that all postage may be recovered with costs, by civil action in any Court having jurisdiction to the amount, or in any way in which duties are recoverable.

Post Masters not bound to give change.

XII. And for avoiding doubts, and preventing inconvenient delay in the delivery of letters, Be it declared and enacted, that no Post Master shall be bound to give change, but the exact amount of the postage on any letter or packet shall be tendered or paid to him in current coin or in Provincial Postage stamps.

Certain powers vested in the Provincial Post Master General.

XIII. 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 Provincial Post Master General shall have power to open and close Post Offices and Mail Routes, to suspend any Post Master 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 mean time in the place and stead of such officer or servant, to enter into and enforce all contracts relating to the conveyance of the Mail, the local accommodation of the department and to other matters connected with the business thereof ; and to make rules and orders for the conduct of 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 moneys due for postage or penalties under this Act, or by any Post Master or officer, or servant of the department or his sureties : and all such powers may be lawfully exercised by him or by any Post Master, officer, servant or party whom he shall depute to exercise the same, or whose act in that behalf he shall approve, confirm or adopt ; and each officer, servant or party employed in the Post Office, shall, as regards the duties

duties attached to the office held by him, be deemed the Deputy of the Provincial Post Master General, and the Governor in Council may by regulation direct by what officer or person the duties of any office shall be performed *pro tempore* in case of the death, resignation or unforeseen absence or inability to act, of the person holding or having held such office; and all suits, proceedings, contracts and official acts to be brought, had, entered into or done by the Provincial Post Master General, shall be so in and by his name of office, and may be continued, enforced and completed by his successor in office, as fully and effectually as by himself, nor shall the appointment or authority of any Provincial Post Master General or of any Post Master, officer or servant of the Provincial Post Office, be liable to be traversed or called in question, in any case, except only by those who act for the Crown.

Certain powers vested in Governor in Council.

Suits by P. M. General.

XIV. And be it enacted, That 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, or in the service of the East India Company, 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 Provincial Postage thereon, and in all cases in which a letter or packet addressed to a Commissioned Officer of the Army, Navy or 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 removed in the execution of his duty, before the delivery of such letter or packet, the same shall in like manner be free from Provincial Postage; and the Governor in Council may make such regulations declaratory and otherwise, as may be necessary for giving effect to this Section.

As to letters of Soldiers, Seamen, &c.

XV. And be it enacted, 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 the legal representatives of such party: Provided always, that the Provincial Post Master General shall not be liable to any party for the loss of any letter or packet sent by Post.

Post letters to be property of party addressed.

Proviso.

XVI. And be it enacted, That to steal, embezzle, secrete or destroy any Post Letter shall be felony, punishable in the discretion of the Court by imprisonment in the Provincial Penitentiary, 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 in the said Penitentiary for life;

Certain offences to be felonies: stealing or receiving stolen letters, &c.

To steal from or out of a Post Letter any chattel, money or valuable security, shall be felony, punishable by imprisonment in the said Penitentiary for life;

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 office of the Provincial Post Office, or from a Mail, or to stop a Mail with intent to rob or search the same, shall be felony punishable by imprisonment in the said Penitentiary for life;

To open unlawfully any Post Letter Bag, or unlawfully to take any letter out of such bag, shall be felony punishable by imprisonment in the said Penitentiary for 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 in the said Penitentiary for fourteen years, and the offender may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon hath or hath not been previously convicted or shall not be amenable to justice; and however such receiver shall be convicted, the offence shall be punishable as aforesaid;

To forge, counterfeit or imitate any Postage Stamp 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 North American Province, or of any Foreign Country,

Forging Stamps, &c.

Country, or knowingly to use any such forged, counterfeit or imitated stamp, or to engrave, cut, 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 Provincial Post Master General, or of some officer or person who under the regulations to be made in that behalf, may lawfully grant such permission, or to have possession of any such plate, die or other thing as aforesaid, without such permission as aforesaid, or to forge, counterfeit or unlawfully imitate, 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, department or party whomsoever, shall be felony, punishable by imprisonment in the Provincial Penitentiary for life, and to such felony, all the provisions of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the laws and to repeal certain Acts relating to the crime of forgery*, shall apply as if such offence were made felony under that Act, in so far as the provisions thereof may not be inconsistent with this Act, and the accessories to any such offence shall be punishable accordingly ;

10 & 11 Vic. cap. 9.

Certain offences to be misdemeanors.

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 whether the same came into the possession of the offender by finding or otherwise howsoever, 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 vote or 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 carriage or vessel, horse, animal or carriage employed in conveying any Mail, on any public highway, river, canal or water communication in this province, shall be a misdemeanor ;

To cut, tear, rip or wilfully to damage or destroy any Post Letter Bag, shall be a misdemeanor ;

It shall be a misdemeanor for any Mail Carrier or any person employed to convey any Mail, Post Letter Bag, or Post Letters, to be guilty of any act of drunkenness, negligence or misconduct whereby the safety or punctual delivery of such Mail, Post Letter Bag, or Post Letters shall be endangered, or contrary to this Act or any Regulation made under it, to collect, receive or deliver any letter, or packet, or to neglect to use due care and diligence to convey any Mail Post Letter Bag, or Post Letter, at the rate of speed appointed therefor by the Regulations then in force or the contract under which he acts ;

It shall be a misdemeanor for any Toll-gate Keeper to refuse or neglect forthwith upon demand to allow any Mail or any Carriage, Horse or animal employed in conveying the same to pass through such Toll-gate, whether on pretence of the non-payment of any Toll or any other ; provided that nothing herein shall affect the right of any Officer or person travelling with any Mail to pass Toll free through any Toll-gate, but in any case where such Officer or person would now pass Toll free an Officer or person in travelling with a Mail after the passing of this Act shall in like manner pass Toll free, but not otherwise or elsewhere, unless it be otherwise provided by competent authority ; but in any case he shall not be detained on pretence of demanding such Toll, but the same if due and not paid shall be recoverable in the usual course of Law from the party liable.

Any wilful contravention of any Regulation lawfully made under this Act, shall be a misdemeanor, if declared to be so by such regulation.

To solicit or endeavour to procure any person to commit any act hereby made or declared a felony or misdemeanor, shall be a misdemeanor ;

And.

And every such misdemeanor as aforesaid shall be punishable by fine or imprisonment or both in the discretion of the Court before whom the offender shall be convicted ;

And every principal in the second degree and every accessory before or after the fact to any such felony as aforesaid, shall be guilty of felony, and punishable as the principal in the first degree ; and every person who shall aid, abet, counsel or procure the commission of any such misdemeanor as aforesaid, shall be guilty of a misdemeanor and punishable as a principal offender ;

And any imprisonment awarded under this Act shall be in the Provincial Penitentiary, if for a term of or exceeding two years; and if the imprisonment awarded be for a less term, it may be with or without hard labour in the discretion of the Court awarding it.

XVII. And be it enacted, That any indictable offence against this Act may be dealt with, indicted and tried and punished, and laid and charged to have been committed either in the district or county 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 or upon, or in respect of a Mail, or upon a person engaged in the conveyance or delivery of a Post Letter Bag, or Post Letter, or chattel or money or valuable security sent by Post, such offence may be dealt and inquired of, tried and punished and charged to have been committed as well within the district, county or place in which the offender shall be apprehended or be in custody, as in any district, county 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 the Post, in the same manner as if it had been actually committed in such district, county 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 Canal, or navigable water, shall constitute the boundary between two districts, counties 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 aiding or abetting or counselling 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, county or place, where the principal offence may be tried.

As to the locality of any offence.

XVIII. And be it enacted, That in every case where an offence shall be committed in respect of a Post Letter Bag, or a Post letter, packet, 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 Provincial Post Master 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 aforesaid, the property of any chattel or thing used or employed in the service of the Provincial Post Office or of moneys 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 Province and not by any party in his private capacity : and in any indictment against any person employed in the Provincial Post Office for any offence against this Act, or in any indictment against any person for an offence committed in respect of some person so employed, it shall be sufficient to allege that such offender or such other person as aforesaid, was employed in the Provincial Post Office, at the time of the commission of such offence, without stating further the nature or particulars of his employment.

Property of Post letters, &c., stolen, how to be laid.

XIX. And be it enacted, That all enactments of the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, for the purpose of protecting officers and others employed in collecting duties or in preventing the evasion of the laws imposing duties, when in the performance of the duties of their office, or in respect of suits or proceedings against

Certain provisions of 10 & 11 Vic. cap. 31, extended to Officers of Provincial Post Office.

against them for things done or alleged to be done in pursuance of any Act or Law, shall extend and apply in like manner to officers and persons employed in or under the Provincial Post Office, and to suits or proceedings against them for things done or alleged to be done under this Act; and the provisions of the said Act relative to the publication and proof of regulations or orders made under it and to the time of their coming into force, shall apply to the publication and proof of regulations and orders made under this Act and to the time of their coming into force; and any bond or security required or authorized by any such regulation or by any order of the Governor in Council, in any matter relative to the Provincial Post Office, or to the observance of any provision of this Act or of any regulation or order made under it, shall be valid in law and may be enforced according to its tenor on breach of the condition thereof.

Bonds authorized by regulation to be valid.

Actions, &c., may be compounded.

XX. And be it enacted, That the Provincial Post Master General, (subject always to the orders of the Governor,) may compromise and compound any action, suit or information which shall at any time hereafter be commenced by his authority or under his control, against any person for recovering any 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 so incurred or alleged to be incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof.

Penalties how recoverable, &c.

XXI. And be it enacted, That all mere pecuniary penalties imposed by this Act or by any regulation of the Governor in Council to be made under this Act, shall be recoverable with costs by the Provincial Post Master General, by civil action in any Court having jurisdiction to the amount, and shall belong to the Crown, 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, as in the case of penalties recovered under other Acts relating to the collection of the Revenue; but all such penalties shall be sued for within one year after they are incurred and not afterwards: Provided always, that if the penalty do not exceed ten pounds, it may be recovered before any one Justice of the Peace in a summary manner, and if not paid may be levied by distress under warrant of such Justice; and if the penalty exceed ten 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 punishable by fine or imprisonment or both, in the discretion of the Court.

Who may be a Witness.

XXII. And be it enacted, That in any action or proceeding for the recovery of postage, or of any penalty under this Act, the same may be recovered on the evidence of any one credible witness, and any Post Master or other Officer or Servant of the Provincial 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 *onus* of shewing that any thing proved to have been done by the Defendant was done in conformity to or without contravention of this Act, shall lie upon the Defendant.

What shall be evidence in any action against Post Officers for moneys officially received by them.

XXIII. And be it enacted, That in any action, suit or proceeding against any Post Master or other Officer of the Provincial Post Office, or his sureties for the recovery of any sum of money alleged to be due to Her Majesty as the balance remaining unpaid of moneys received by such Post Master or Officer by virtue of his office, a statement of the account of such Post Master or Officer shewing such balance, and attested as correct by the certificate and signature of the Accountant of the Provincial Post Office or of the officer then doing the duties of such accountant, shall be evidence that such amount is so due and unpaid as aforesaid; and in every such suit it shall be lawful to demand and the judgment shall be rendered for double the amount proved by such account to be so due to Her Majesty by the Defendant, provided that nothing herein contained shall be construed to prevent the provisions of the Act cited in the second section of this Act from applying to such Post Master or officer.

Double the amount may be recovered.

XXIV. And be it enacted, That the Interpretation Act shall apply to this Act which shall be cited and known as *The Post Office Act*; and that the following terms and expressions therein shall have the meanings hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context; the term "Letter" shall include Packets of Letters; the term "Postage" shall mean the duty or sum chargeable for the conveyance of Post Letters, Packets and other things by Post; the term "Foreign Country" shall mean any country not included in the dominions of Her Majesty; the term "Foreign Postage" shall mean the postage on the conveyance of Letters, Packets or other things within any Foreign Country; the term "Colonial Postage" shall mean the postage on the conveyance of Letters, Packets or other things within any of the British Colonies in North America, which Colonies when referred to in this Act shall be understood to be those only which, being parties to the agreement aforesaid, shall have acquired the right of establishing and regulating Inland Posts under the Act of the British Parliament mentioned in the Preamble of this Act; the term "Provincial Postage" shall mean the postage on the conveyance of letters, packets and other things by Post within this Province; the term "Mail" shall include every conveyance by which Post letters are carried, whether it be by land or by water; the term "British Packet Postage" shall mean the postage due on the conveyance of letters by British Packet Boats, between the United Kingdom and any British North American Colony, and the term "British Postage" shall include all Postage not being Foreign, Colonial or Provincial; the expression "employed in the Provincial Post Office" shall apply to any person employed in any business of the Provincial Post Office; the term "Post Letter" shall mean any letter transmitted or deposited in any Post Office to be transmitted by the Post, and a letter shall be deemed a Post Letter from the time of its being so deposited or delivered at a Post Office, to the time of its being delivered to the party to whom it is addressed, and a delivery to any Letter Carrier or other person authorized to receive letters for the Post, shall be deemed a delivery at the Post Office; and a delivery at the House or Office of the person to whom the letter is addressed, or to him, or to his Servant or Agent, or other person considered to be authorized to receive the letter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; the term "Post Letter Bag" shall include a Mail Bag or Box, or Packet or Parcel, or other envelope or covering in which Post Letters are conveyed, whether it does or does not actually contain Post Letters; the term "any Post Office" shall mean any building, room or place where Post letters are received or delivered, sorted, made up or despatched; the term "valuable security" shall include the whole or any part of any tally, order or other security or document whatsoever, entitling or evidencing the title of any party to any share or interest in any Public Stock or Fund, whether of this Province, or the United Kingdom, or any British Colony or Possession, or of any Foreign Country, or in any Fund or Stock of any Body Corporate, Company or Society in this Province or elsewhere, or to any Deposit in any Savings' Bank, or the whole of any part of any Debenture, Deed, Bond, Bill, Note, Cheque, Warrant or order or other security for the payment of money, or for the delivery or transfer of any goods, chattels or valuable thing, whether in this Province or elsewhere; and the term "between" when used with reference to the transmission of letters or other things, shall apply equally to such transmission from either place to the other.