

are to be elected, then also the Candidate who shall have the next greatest number of votes : and that it was not the intent of the said enactment that it should be necessary that the Candidate or Candidates proclaimed as elected should have an absolute majority of the whole number of votes polled.

C A P. V I I I .

An Act to amend two certain Acts therein mentioned and to make further provision for the management of the Post Office.

[10th November, 1852.]

BE it 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 reunite 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 so much of the Post Office Act and also of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Post Office Act*, as may be inconsistent with the provisions of this Act be and the same is hereby repealed.

Inconsistent enactments of 13 & 14 V. c. 17, and 14 & 15 V. c. 71, repealed.

II. And be it enacted, That it shall be the duty of the Post Master General to advertize Contracts for carrying the mails involving an annual cost of more than fifty pounds in a Newspaper published at the Seat of Government only in cases in which according to his judgment the public interest requires such advertizement to be made.

In what cases only contracts need be advertized at the Seat of Government.

III. And be it enacted, That when in the opinion of the Post Master General the lowest proposal received after Public Advertisement for the performance of the Mail Contract is excessive, he shall not be compelled to accept the said proposal, but may in his discretion either re-advertise the said Contract for further competition or offer to the persons from whom proposals have been received, each in his turn, beginning with the lowest, such sum as he may deem an equitable and sufficient price for the said Contract, and may enter into a Contract with such of the said persons as may accept his offer accordingly.

Proceedings when the P. M. G. shall deem the lowest tender excessive.

IV. And be it enacted, That the Post Master General may from time to time, with the approval of the Governor in Council, make any arrangement which may be deemed just and expedient for allowing the mails of the United States to be carried or transported at the expense of the said United States over any part or portion of this Province, from any one point in the territory of the said United States to any other point in the same

P. M. G. may allow U. S. mails to be carried through Canada on certain conditions.

same territory, upon obtaining the like privilege for the transportation of the Mails of this Province through the United States when required.

Such mails to be deemed H. M. mails as regards the punishment of offences committed in respect thereof.

V. And be it enacted, That every United States' Mail so carried or transported as aforesaid shall, while within this Province, be deemed and taken to be a Mail of Her Majesty so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto or to any part thereof, which would be punishable under the existing Laws of this Province in case the same had been a Mail or part of a Mail of this Province, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as though the same were a Mail or part of a Mail of this Province; and in any indictment for such act or offence such Mail or part of a Mail may be alleged to be, and on the trial of such indictment shall be deemed and held to be a Mail or part of a Mail of this Province; and in any indictment for stealing, embezzling, secreting or destroying any Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post through and by all and every of the said United States Mail or Mails as aforesaid, it shall be lawful to lay in the Indictment to be preferred against the offender the property of such Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post as herein mentioned, 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, Post letter-bag, packet, chattel or valuable security was of value.

Property of letters, &c., may be laid in P. M. G.

Punishment of persons stealing, counterfeiting, &c., keys or locks used for mails.

VI. And be it enacted, That if any person shall steal, purloin, embezzle or obtain by any false pretence, or shall aid or assist in stealing, purloining, embezzling or obtaining by any false pretence, or shall knowingly or unlawfully make, forge or counterfeit, or cause to be unlawfully made, forged or counterfeited, or knowingly aid or assist in falsely and unlawfully making, forging or counterfeiting any key suited to any lock which has been or shall be adopted for use by the Post Office Department of Canada, and which shall be in use on any of the Mails or Mail-bags of the said Post Office Department, or shall have in his possession any such Mail-key or any such Mail-lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold or otherwise disposed of, such person shall, on conviction, be deemed guilty of felony and shall be punished by imprisonment in the Provincial Penitentiary for a period not exceeding seven years.

Post Masters may be allowed to be contractors.

VII. And be it enacted, That it shall be within the discretion of the Post Master General to authorize and allow a Post Master to undertake and perform a contract for the transportation of a Mail subject to the regulations applying to all Mail contracts, when,

when, in his opinion, the interests of the public service will be thereby promoted.

VIII. And be it enacted, That it shall be lawful for the Post Master General, or for any Post Master by him to that effect duly authorized, to detain any Post Letter suspected to contain any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, and to forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such Collector, requiring his attendance, left at or forwarded by the post according to the address on the letter, may open and examine the same ; and in case on any such examination any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered, such Collector may detain the letter and its contents for the purpose of prosecution ; and if no contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered in such letter, the same shall, if the party to whom the same is addressed be present, be handed over to him on his paying the postage (if any) charged thereon, or if he shall not be present, the same shall be returned to the Post Office and be forwarded to the place of its address.

Letters suspected to contain contraband goods may be detained: proceedings in such case.

IX. And be it enacted, That no mail stage or other winter or summer vehicle carrying a Mail shall be exempt from tolls or dues on any Road or Bridge in this Province, unless in the Act or Charter authorizing such Road or Bridge, it is specially so provided ; but in respect of existing contracts the exemption which existed heretofore shall be continued unless on the arrival of the Stage or Vehicle at the toll-house, toll-bar, or other place where tolls or dues for the use of such Road or Bridge are collected, there be more than four passengers and an ordinary allowance of baggage for each passenger in or on such mail stage or other winter or summer vehicle carrying the Mail as aforesaid.

In what cases only vehicles carrying the mail shall be exempt from toll. -

C A P . I X .

An Act for the establishment of a Line of Steam Vessels,
between this Province and the United Kingdom.

[10th November, 1852.]

WHEREAS it will tend greatly to advance the prosperity of the Province, that a Line of Steam Vessels should be established which should afford as frequent, direct and rapid communication between this Country and the United Kingdom

Preamble.