



ANNO TERTIO

VICTORIÆ REGINÆ.

No. 7.

33/43

*AN ACT to provide for the better Regulation of the General Post Office and the Conveyance and Postage of Letters.*

**WHEREAS** it is expedient and necessary to make provision for the better regulation of the General Post Office and for the conveyance and postage of Letters within the Province of South Australia—

**I. BE IT THEREFORE ENACTED** by His Excellency Lieutenant-Colonel GEORGE GAWLER Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows:— That from and after the passing of this Act it shall and may be lawful for the Governor of this Province for the time being to establish for the receiving and despatching of letters and packets from and within this Province one General Post Office at Adelaide and from time to time so many other Post Offices in the different parts of this Province as he may deem expedient and to appoint one Postmaster-general and so many Postmasters and other officers for the conducting of the same with such reasonable salaries and allowances respectively as he shall think fit and if need be to remove the said Postmaster-general Postmasters and officers and to appoint others in their stead respectively: And also to fix the rates and sums of money to be demanded by the respective Postmasters or their assistants for the receiving despatching conveying and delivering of letters and packets and to increase or reduce the same from time to time as to the said Governor shall seem meet and to make such rules and regulations for the establishing and managing of the said several Post Offices and for the receiving despatching carrying and delivering of letters and packets and the collecting and receiving of the said rates and sums and the same rules and regulations from time to time to alter revoke or vary and other rules and regulations in their stead to establish as he shall deem expedient.

Governor may erect Post Offices, fix rates of postage, and make rules.

And fix rates of postage.

And make rules.

II. Provided

Exceptions.

II. Provided always and be it enacted that no newspaper (if enclosed either separately or with others in an envelope open at both ends or having the address of the party to whom the same is sent written thereon) shall be charged with postage provided that no such newspaper shall contain any note letter memorandum or other thing or writing therein or thereon excepting only the direction on such newspaper or on the envelope on the outside thereof as the case may be.

1st Newspapers.

2nd Letters to or from the Governor for the time being, and certain high public officers.

III. And also that nothing herein contained shall be taken to authorise any charge for postage upon any letter or packet addressed to or franked by any person in Great Britain or Ireland being empowered by law to send or receive letters or packets beyond sea free from postage nor upon any letter or packet addressed to or franked by the Governor for the time being the Members of Council the Clerk of the Council or the Governor's Private Secretary.

4th The Governor for the time being may exempt certain letters.

IV. And also that it shall be lawful for the Governor for the time being from time to time to exempt from postage as to him shall appear expedient all letters and packets (being *bona fide* on the public service) which shall be addressed to or written and franked by such public officers of the Government as he shall deem it expedient from time to time to name for that purpose: Provided always that on every such letter or packet there be written by the person sending the same the words "On Public Service" and that underneath those words there be subscribed by him his signature.

Provisions for surcharge in certain cases.

V. And also that in any case where any Postmaster shall suspect and believe that any letter or packet put into his office or received by him as such Postmaster marked as aforesaid "Newspaper only" or "Newspapers only" doth not in fact contain solely and only that which the same shall so purport to contain as aforesaid or doth contain some paper, note or other thing or writing which under this Act would subject such letter or packet to the full amount of postage payable for or upon any letter or packet of the same weight not by this Act exempted from postage or which is for any other reason liable under this Act to the payment of the full rate of postage thereon it shall thereupon be lawful for such Postmaster and he is hereby required to mark upon such letter or packet the amount of such full rate of postage and such amount shall be demanded and received accordingly: Provided always that in every such case of surcharge if it shall at any time within ten days next following the delivery of the letter or packet be made to appear to the satisfaction either of the Postmaster by whom such letter or packet was so delivered or of the Postmaster-general that the same was not in fact liable to such full rate of postage as aforesaid then the amount of the surcharge or excess of postage shall be returned to the party who shall have paid the same: And provided that if the person to whom the letter or packet is delivered shall so require the Postmaster by whom the same shall be so delivered shall at the time of such delivery thereof examine not only the outside but the contents of the same letter or packet in that person's presence.

Postmaster's oath.

VI. And also that the Postmaster-general and every other Postmaster appointed under this Act shall before the exercise by him of the duties of his office take and subscribe an oath for the due execution of such duties before one of Her Majesty's Justices of the Peace which oath such Justice is hereby authorised and required to administer in the words following that is to say—  
 "I do swear that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any letter or packet which shall come into my hands power or custody by reason of my employment as a Postmaster

master within this Province except by consent of the person or persons to whom such letter or packet shall be directed or by an express warrant in writing for that purpose under the hand of the Governor of this Province for the time being or except in cases where the party or parties to whom such letter or packet shall be directed or who shall be chargeable with the payment of the postage shall refuse to receive such letter or packet or shall refuse or neglect to pay the same postage and except such letters or packets as shall be returned from want of true directions or where the party or parties to whom the same shall be directed cannot be found.—So help me God."

VII. And also that the Postmaster of Adelaide and all other Postmasters who shall be appointed under or by virtue of this Act shall deliver or cause to be delivered (within such reasonable hours as shall for that purpose be appointed by order of the Governor of this Province for the time being) at his or their Post Office or Post Offices or in such manner as shall in that behalf be directed by the authority aforesaid all letters and packets according to the directions thereon.

Delivery of letters

VIII. And also that as soon as possible after the expiration of twenty-four hours next following the receipt of any mail every Postmaster by whom or into whose Post Office the same shall have been received shall cause a list of all the then remaining unclaimed and undelivered letters and packets received in or by each mail to be made out in writing and affixed in or on some conspicuous part of his Post Office so that such list shall be legible from the outside of such Post Office and that such list or some other list or lists containing a true account or statement of all letters and packets from time to time remaining unclaimed or for delivery shall be kept so affixed fairly written and legible as aforesaid for the space of not less than thirty days next following the first receipt of such letters and packets respectively at the expiration of which said period of thirty days or as soon as possible afterwards every such unclaimed and undelivered letter and packet shall be by such Postmaster dealt with as shall in that behalf be appointed and ordered by the Postmaster general or by the Governor of the said Province for the time being.

Unclaimed letters

IX. Provided always and be it enacted that except in the case of such unclaimed and undelivered letters as aforesaid no letter or packet whatever after being once put into any Post Office shall under any circumstances be returned to the writer or sender thereof or without the express consent of the person to whom the same is directed or an express warrant in writing under the hand of the Governor for the time being be sent or delivered otherwise than according to the direction of the same.

Return of letters.

X. And also that if any Postmaster or other officer belonging to the Post Office or any person employed by or under a Postmaster or in the receiving sorting carrying conveying or delivering of post letters or otherwise in the business of the Post Office shall offend against or wilfully neglect or omit to comply with or shall not observe and follow any or either of the said rules and regulations so from time to time to be made as aforesaid or any or either of the provisions of this Act he or she shall for every such offence forfeit or omission forfeit and pay a penalty or sum of not less than one pound nor more than fifty pounds.

Penalty for offences by persons in the Post Offices.

XI. And whereas after the arrival of vessels in the ports and harbours of this Province from parts beyond sea letters and newspapers directed to persons within this Province have been in some instances a long time lying on board thereof: Be it therefore enacted that all mails bags boxes

Letters on board ship.

or

or packets of letters or newspapers and also all loose letters and newspapers which at the time of the arrival of any vessel within the limits of any such port or harbour shall be on board of such vessel directed to any person or persons within this Province shall at the request of any Postmaster or of the Port Officer of such port or harbour or of any person duly acting for such Postmaster or Port Officer be forthwith delivered up to him (excepting always letters concerning goods on board such vessel and to be delivered with such goods and letters sent by any private friend by way of introduction only or concerning his private affairs) and if any master or passenger or other person on board of such vessel shall knowingly detain on board of such vessel or keep in his or her possession any mail mail-bag mail-box packet letter or newspaper (except as aforesaid) after such request made as aforesaid he or she shall forfeit and pay for every letter or newspaper so detained or kept a penalty or sum of not less than one pound nor more than five pounds.

Allowances for ship letters.

XII. And in order to encourage the due and expeditious delivery of all such letters and packets: Be it enacted that every master or other person on board any such vessel shall be entitled at any time after the expiration of twenty-four hours next after the arrival of such vessel to receive from the nearest Postmaster (who is hereby required to pay to such master or person) the sum of one penny for every letter or packet so delivered as aforesaid by such master or person excepting only letters or packets addressed to the Governor of the Province for the time being such master or person giving a receipt for the money so received by him which receipt shall be to such Postmaster a sufficient acquittance and the same shall be allowed to him in his account accordingly.

Penalty for delaying such mails.

XIII. And also that if any such Port Officer or person in that behalf deputed by him or by any Postmaster as aforesaid shall neglect or omit to deliver or shall retard the delivery of any such bag box mail letter or packet at the place or Post Office for that purpose appointed by any such regulation so to be made as aforesaid such person shall forfeit and pay a penalty or sum of not less than five pounds nor more than twenty pounds.

Vessels departing from the Province compelled to take mails.

XIV. And whereas masters and other persons having the command of vessels departing from this Province have in some cases refused to receive on board such vessels and in other cases having received on board have refused to convey therein letters and packets from persons within this Province directed to persons at places beyond the sea whereby great damage and inconvenience have in some cases been sustained by merchants and other persons: Be it therefore enacted that if any master or person having the command of any vessel about to depart from this Province shall (after being thereto required by any such Postmaster or Port Officer) refuse or wilfully neglect to receive on board such vessel any mail or bag or box of letters directed to any part or place beyond the sea for which such vessel shall then be bound or shall refuse or neglect carefully to deposit such mail or bag or box in some secure and dry place on board of such vessel or to convey the same upon her then intended voyage such master or person shall for every such offence forfeit and pay a penalty or sum of not less than fifty pounds nor more than one hundred pounds: Provided always that every such master or person in command who shall duly receive on board any such mail or bag or box (for the purpose of conveying the same according to the direction thereof) shall be entitled immediately to demand and receive from such Postmaster or Port Officer for the carriage thereof one penny for every letter contained therein (excepting only for despatches from the Governor of this Province for the time being) such master or person giving a receipt for the money

money so received by him which said receipt shall be a sufficient voucher for such payment and the same shall be allowed in account at the Post Office accordingly.

XV. And also that if any person whatsoever shall secrete or embezzle or knowingly open detain or delay or cause or suffer to be opened detained or delayed any letter or packet after the same shall have been delivered into any Post Office or into the house of any person employed in the receiving carrying or delivering of letters or packets under this Act and before delivery to or for the use of the person to whom such letter or packet shall be directed (except under an express warrant in writing in that behalf under the hand of the Governor of this Province for the time being or except where the party to whom such letter or packet shall be addressed or who shall be chargeable with the postage thereof shall refuse or neglect to pay such postage and except such letters or packets as shall be returned for want of true directions or where the party or parties to whom the same are directed cannot be found) such person shall for every such offence forfeit and pay a penalty or sum of not less than five pounds nor more than fifty pounds.

Persons opening, detaining, or delaying letters.

XVI. And also that if any person shall fraudently take from the possession of any Postmaster or other person employed to convey post letters or from out of any Post Office or place appointed for the receipt or delivery of post letters any letter or packet or bag or mail of letters sent or to be sent by such post or fraudently take any letter or packet out of any such bag or mail every person so offending shall be deemed to have stolen the same and being thereof duly convicted shall be adjudged guilty of felony.

Taking letters from persons in the Post Office, &c. Felony.

XVII. And also that after the commencement of this Act no letter or packet shall be carried for hire or reward otherwise than by post and if any letter or packet shall be so carried or conveyed or be sent or taken charge of for the purpose of being so carried or conveyed (not being by a person employed in the Post Office or in the conveyance of post letters) the person so sending or conveying such letter or packet or taking charge of the same for such carriage or conveyance shall for every such letter or packet forfeit and pay a penalty or sum of not less than two pounds nor more than twenty pounds and that in all prosecutions under this section every letter or packet sent or carried or taken charge of to be carried otherwise than by post shall have deemed to have been for hire or reward unless the contrary shall be shown by the defendant.

Sending or conveying letters otherwise than by post.

XVIII. Provided always and be it enacted that the preceding section shall not extend to any letter exceeding four ounces in weight nor to any letter or packet concerning goods sent with such goods and to be delivered therewith or containing any writ or proceeding out of any Court of Justice or deed conveyance affidavit or letter of attorney nor to any letter or packet sent by any person concerning his or her private affairs by any special messenger nor to any letter or packet *bona fide* sent or carried to or from a Post Office or to or from any place distant five miles or upwards from any Post Office or place appointed for the receipt or delivery of post letters.

Exceptions.

XIX. And also that it shall be lawful for the Postmaster-general for the time being under such instructions as shall be from time to time in that behalf given to him by the Governor of this Province for the time being to enter into any contract or contracts in writing from time to time in his own name on behalf of the Government for or in respect of the due carriage and conveyance of the several mails throughout this Province or any or either of them and to sue or be sued upon such contracts accordingly and if any

Mail contractors.

thereof unlawfully refuse or neglect to perform the same or shall in any manner omit to comply with any stipulation or provision therein he or she shall forfeit and pay for every such offence a penalty or sum of not less than five pounds nor more than fifty pounds.

Proceedings for  
penalty.

XX. And also that all offences against this Act or against any or either of the rules or regulations so to be made under this Act as aforesaid in respect of which said offences any pecuniary fine or penalty is by this Act imposed where no other provision for the recovery thereof is in that behalf made shall be heard and determined and such fine and penalties be awarded and imposed in a summary way by and before any two Justices of the Peace or the Resident Magistrate appointed under the Act of Council of this Province 1st of Victoria No. 2 for the district wherein such penalty shall be incurred and upon information in that behalf exhibited and that all fines and penalties so awarded and imposed shall be accounted for with and paid in to the Collector of Internal Revenue of this Province for the time being and be placed to the credit of the General Revenue of the Province.

XXI. And also that the amount of rates and sums received for postage under this Act shall be from time to time paid into the Colonial Treasury to the use of Her Majesty her heirs and successors.

GEORGE GAWLER,  
Governor South Australia.

Passed the Council this fiteenth  
day of October, 1839.

GEORGE HALL,  
Clerk of Council.