

HOUSE OF REPRESENTATIVES.

POST OFFICE.

THIS Bill consolidates ten Acts relating to the Postal Service of the colony.

In clause 2 are certain amended and additional interpretations, which are shown in italic type.

Clause 3 is an amended definition of a newspaper and supplement, taken from an Imperial Act passed in 1870. Great difficulty occurs in ascertaining what are newspapers at present.

Clause 11 is added to, for the purpose, in protection of the revenue, of licensing persons to sell postage labels, and imposing penalties on unlicensed persons for so doing. The provision is taken from the Imperial Act quoted in the margin.

Clause 17 is extended so as to reach passengers carrying letters which should be posted.

Clauses 27 to 32 contain provisions which have been previously in force, but they did not clearly distinguish between cases where letters opened under regulations were found to contain valuable articles, and where letters were opened when posted in fraud or violation of the Customs or Post Office Acts. Clauses 27 and 28, therefore, provide for the first class of cases, and 29 to 32 as to the second. Certain of the latter provisions have been adopted from an Act in force in Victoria, which is quoted in the margin. The new matter is indicated in the usual way; and it is hoped that due consideration is given to private interests, and also for the protection of the revenue.

Clause 33 is a new clause to modify, in the case of official correspondence, the strictness of the rule as to returning letters to their senders.

In clause 35 there is a new provision, that notices required of masters of vessels should terminate only during the working hours of the day.

Clause 63 is taken from the Queensland Act quoted in the margin. Its purport is to render punishable a person who, by false pretences, obtains a letter not intended for him.

Clause 74 extends to coach proprietors the prohibition of exhibiting emblems which would lead to the supposition their coaches were employed in the Mail Service, when actually not so.

Clause 77 is adapted from an Act in force in Victoria. Its object is to indemnify the Crown from claims arising for delays, &c., in the transmission of letters or newspapers.

Clause 82 is not new, as by the Public Works Act mails are exempted from tolls, but it was thought such a provision had its natural place in the Post Office Acts.

Clause 85 repeals existing Acts, with the usual saving.

A. J. JOHNSTON.
W. S. REID.

[STATUTES REVISION COMMISSION.]

POST OFFICE.

ANALYSIS.

Title.

- 1. Short Title.
- 2. Interpretation. "Athenæum," &c. "Foreign port." "Letter." "Mail." "Mail-bag," "Master." "Newspaper exchanges." "Officer." "Port." "Postage." "Postage label." "Post letter." "Post office." "Post officer." "Post Office Acts." "Prescribed." "Regulations." "This Act." "Valuable security." "Vessel."
- 3. Certain publications to be deemed newspapers. Supplements to newspapers.

GENERAL POSTAL SERVICES.

- 4. Governor may establish posts. May establish post offices. May appoint a Postmaster-General, Postmasters, and other officers. Power of delegation.
- 5. Postmasters and other officers to take declaration. First Schedule.
- 6. Governor may require securities from persons appointed under this Act.
- 7. Governor may make arrangements for transmission of money through post. Power to do all necessary acts to give effect to such arrangements.
- 8. Postmaster-General may make contracts for mails.
- 9. Governor in Council may make rules for regulating post office service. And may impose penalties.
- 10. Governor in Council may exempt from postage newspapers sent to athenæums, &c. And newspaper exchanges.
- 11. Postage labels to be made and sold. Postmasters may sell labels without license.
- 12. Postmaster-General authorised to issue post-cards.
- 13. Post-cards to be issued subject to regulations.
- 14. Private cards may be issued, subject to regulations.

POSTAGE RATES, EXEMPTIONS, ETC.

- 15. Postage on ordinary letters, packets, and newspapers. Second Schedule.
- 16. Governor to fix other rates of postage.
- 17. Letters not to be carried for hire except by post. Exemptions.
- 18. Letters may be registered.
- 19. Receipts to be given for letters.
- 20. Power to compel senders of rejected letters to pay the postage.
- 21. Knowingly sending as exempt letters not entitled to exemption.
- 22. Post-office stamp to be evidence of letters being rejected, &c.
- 23. Who deemed to be sender of letter.
- 24. Evidence of postage due.

OPENED OR DETAINED LETTERS, ETC.

- 25. Governor may direct letters to be opened, detained, or delayed.
- 26. Power to examine newspapers or other papers sent as exempt from postage. Questions as to exemptions from postage.
- 27. Opened letters and packets containing anything, how to be disposed of.
- 28. Opened newspapers how dealt with.
- 29. Suspected letters may be detained and opened.
- 30. Contents, if in fraud of Post Office or Customs, to be forfeited. Unless redeemed by owner.
- 31. Mode of opening suspected letters, &c.
- 32. Disposal of money enclosures.
- 33. No letters to be returned to writers without express authority.

PROVISIONS REGARDING VESSELS.

- 34. Gratuities to masters of vessels for conveyance of mails.
- 35. Masters of vessels to give timely notice of intended departure. Notices to expire during working hours.
- 36. Officer of Customs may refuse clearance unless a certificate that notice has been given to the post office be produced.
- 37. Master of vessel proceeding from any place within three miles of a post office to any place in colony or to any vessel lying in any port or within six miles to give notice of departure and to convey mail if required.
- 38. Masters of vessels bound to carry mails. Penalty for refusing.
- 39. Delivery of mails on arrival of vessel.
- 40. Penalty for detention of mail or letter.
- 41. Declaration by masters of vessels on arrival.

PROVISIONS REGARDING FOREIGN MAILS.

- 42. Postmaster-General may arrange with postal departments of other places for transmission of mails.
- 43. Postmaster may prohibit colony refusing to join in subsidy from using line of vessels for transmission of mails.
- 44. All mails on board subsidized vessel arriving in New Zealand to be given up to post officer on demand.
- 45. Penalty on masters and others neglecting or refusing to give up mails.
- 46. Provisions as to letters on board subsidized vessels arriving from non-contributing colony.
- 47. Principal officer of Customs may search for and seize letters, &c., on board contrary to Act.
- 48. Postmaster may send back to foreign country letters arriving in New Zealand by such vessels for delivery in any such colony.

49. And may send back to colony letters brought from there for delivery in any foreign country by any such vessel.
50. Penalty for receiving letters to be posted in the colony.
- OFFENCES AND PENALTIES.
51. Dangerous substances not to be sent by post.
52. Penalty for putting explosive substances or other things into post offices or pillars.
53. Offences relating to the use of false dies or stamps.
54. Penalties for removal, &c., of postage labels or stamps already used.
55. Illegally opening or delaying letters.
56. Embezzlement of letter by post officer.
57. Stealing money, &c., from or out of letters.
58. Persons stealing mail-bags or letters.
59. Persons unlawfully opening mail bags.
60. Receivers of property sent by the post and stolen or embezzled.
61. Post officer issuing money order with fraudulent intent.
62. Fraudulently secreting or detaining misdelivered mail-bag or letter.
63. Obtaining letters under false pretences.
64. Stealing newspapers or other printed paper.
65. Endeavouring to procure the commission of any felony or misdemeanour.
66. Property sent by the post to be laid in Postmaster-General.
67. Use of Postmaster-General's name in indictments.
68. Penal servitude for life, how to be construed.
69. Imprisonment may be with or without hard labour.
70. Penalty for injury to post office pillars or boxes.
71. Penalty on post officer for detention of mail or letter.
72. Penalty for negligently losing letters.
73. Penalty on mail carriers, &c., for delay.
74. Exhibiting without authority post office sign, or Royal mail emblem.
75. Penalty for contravening provisions of this Act.
76. Abettors in offences punishable on summary conviction.
- MISCELLANEOUS PROVISIONS.
77. Indemnity to Her Majesty.
78. Limitation of actions.
79. Limitation of summary proceedings.
80. Penalties recoverable in a summary way. Application of moneys paid under this Act.
81. Rewards for activity in procuring conviction.
82. Mails to be free of tolls.
83. Gazette to be evidence.
84. References to repealed Acts to apply to this Act.
85. Repeals. Third Schedule.

A BILL INTITULED

Title.

AN ACT to consolidate the Law regulating the Postal Service.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Post Office Act, 1881." 5

Interpretation.

2. In this Act, if not inconsistent with the context,—

1858, No. 15, s. 65.
1866, No. 53, s. 6.
1868, No. 33, s. 2.
1870, No. 44, s. 3.
1876, No. 46, s. 5.
"Athenæum," &c.

"Athenæum," "mechanics' institute," "hospital," "public library," and "lunatic asylum," include all institutions commonly so described;

In case any doubt shall arise as to whether any institution comes within such description the question shall be decided by the Postmaster-General: 10

"Foreign port."

"Foreign port" means any port not included within the boundaries of New Zealand:

"Letter."

"Letter" includes post letters and packets, post-cards, newspapers, *books of every kind*, and every packet or paper which by any regulation is directed to be treated as a letter: 15

"Mail."

"Mail" includes every *vessel and conveyance of any kind* by which post letters are carried, and any person or animal employed in conveying or delivering post letters:

"Mail-bag."

"Mail-bag" means a mail of letters, or a box or parcel, or any other envelope or covering in which post letters are conveyed, whether it does or does not contain post letters: 20

"Master."

"Master" of a vessel means the person having or taking the charge or command of a vessel:

"Newspaper exchanges."

"Newspaper exchanges" means newspapers (as hereinafter defined) forwarded from the office of one newspaper to the office of any other newspaper: 25

"Officer."

"Officer" includes the person for the time being executing the functions of that officer:

"Port."

"Port" includes any harbour, river, or roadstead, being a port of entry, and any other navigable water: 30

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“Postage” means the duty chargeable for the transmission of letters by post : “Postage.”

5 “Postage label” means any piece of paper or other substance or material whatsoever having thereon the stamp, mark, or impression of any die, plate, or other instrument made or used by or under the direction of the Postmaster-General for the purpose of denoting or expressing any of the rates or duties of postage to be charged under or by virtue of the Post Office Acts : “Postage label.”

10 “Post letter” means any letter or packet transmitted by the post, and a letter shall be deemed a post letter from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed ; and the delivery to a letter-carrier or other person authorized to receive letters for the post office shall be a delivery to the post office, and a delivery at the house or office of the person to whom it is addressed, or to him or to his servant or agent, or other person considered to be authorized to receive the letters according to the usual manner of delivering that person’s letters, shall be a delivery to the person addressed : “Post letter.”

15 “Post office” means any house, building, room, or place where post letters are received or delivered, or where they are sorted, made up, or despatched : “Post office.”

20 “Post officer” includes any person employed in any business of the post office, whether employed by the Governor or the Postmaster-General, or by any person under him on behalf of the postal service : “Post officer.”

25 “Post Office Acts” mean and include this and all or any other Acts or Act relating to the postal service : “Post Office Acts.”

“Prescribed” means prescribed by the Post Office Acts or any regulation made thereunder : “Prescribed.”

30 “Regulations” means regulations made under the Post Office Acts : “Regulations.”

“This Act” includes regulations made thereunder : “This Act.”

35 “Valuable security” includes the whole or any part of any tally, order, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom of Great Britain and Ireland or of any one of Her Majesty’s colonies or possessions, or of any foreign State, or in any fund of any body corporate, company, or society, or to any deposit in any savings bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order, or other security whatsoever for money, or for payment of money, whether 40 of the United Kingdom of Great Britain and Ireland, or of this colony, or of any of Her Majesty’s colonies or possessions, or of any foreign State, or of any warrant or order for the delivery or transfer of any goods or valuable thing : “Valuable security.”

45 “Vessel” means every description of vessel employed on the high seas or on the coast, or on any navigable water. “Vessel.”

New clause.

50 3. Any publication coming within the following description shall, for the purposes of this Act, be deemed a newspaper—that is to say, any publication consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, and whether printed for sale or for gratuitous distribution, subject to these conditions :—

Certain publications to be deemed newspapers. 33 & 34 Vict., c. 79, s. 6. 1866, No. 53, s. 6.

That it be printed and published in New Zealand :

That it be published in parts or numbers, at intervals of not more than thirty days :

That it be printed on a sheet or sheets :

That it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page :

Every such part or number shall, for the purposes of the Post Office Acts, be deemed to be a separate newspaper.

And the following shall, for the purposes of this Act, be deemed a supplement to a newspaper—that is to say, a publication consisting wholly or in great part of matter like that of a newspaper, or of advertisements, printed on a sheet or sheets or a piece or pieces of paper, or consisting wholly or in part of engravings, prints, or lithographs illustrative of articles in the newspaper; such publication in every case being published with the newspaper, and having the title and date of publication of the newspaper printed at the top of every page, or at the top of every sheet or side on which any such engraving, print, or lithograph appears.

Supplements to newspapers.

GENERAL POSTAL SERVICES.

Governor may establish posts.
1858, No. 15, s. 7.

May establish post offices.
Ib., s. 2.

May appoint a Postmaster-General, Postmasters, and other officers.
Ib., s. 3.

Power of delegation.
Ib., s. 4.

Postmasters and other officers to take declaration.
Ib., s. 5.

Governor may require securities from persons appointed under this Act.
Ib., s. 6.
Governor may make arrangements for transmission of money through post.
Ib., s. 11.

4. The Governor may from time to time,—
 - (1.) Establish posts or postal communications within the colony, and may alter or abolish the same :
 - (2.) May establish such post offices throughout the colony as may be required, and at any time abolish any post office already established, or to be hereafter established :
 - (3.) Appoint and remove a Postmaster-General, and appoint and remove such Postmasters, officers, clerks, letter-carriers, servants, messengers, and other persons as may be required for the conduct of the business at the various post offices throughout the colony :
 - (4.) By writing under his hand, delegate to the Postmaster-General all or any of the powers vested in the Governor by this Act except such powers as are conferred upon the Governor in Council, and such powers as are conferred by this Act in relation to the opening, detaining and delaying of post letters, and such delegation from time to time alter or revoke as he shall think fit.
5. Every Postmaster and other post officer shall, before the exercise by him of the duties of his office, take and subscribe before a Justice of the Peace a declaration, which every Justice of the Peace is hereby authorized and required to administer, in the form in the First Schedule to this Act.
6. Every person appointed under the Post Office Acts may be required by the Governor to give such security as he may direct for the due and faithful discharge of the duties of the office to which such person may be appointed.
7. The Governor may make or cause to be made arrangements with the constituted authorities in England or in any of Her Majesty's colonies or possessions, or in any foreign country, for the transmission through the medium of the post of any money to or from any place whatsoever, and for the delivery and payment of the same, and may establish rates of payment for such transmission, and may make such regulations as may be expedient or necessary for carrying such arrangements into effect.

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The Governor also may appoint such agents to defray such expenses, and to make all such payments, and to do or cause to be done all such acts, as may be necessary to give full effect to any such arrangements.

Power to do all necessary acts to give effect to such arrangements.

8. The Postmaster-General may, under such instructions as he shall from time to time receive from the Governor, enter into any contract in writing from time to time on behalf of the Government of New Zealand, in the name of the Postmaster-General, for or in respect of the carriage or conveyance of mails by sea and by land, subject in all respects to such terms and conditions as he may think fit; and the Postmaster-General for the time being may sue or be sued on any such contract:

1858, No. 15, s. 12. Postmaster-General may make contracts for mails. Ib., s. 15.

Provided that no Postmaster-General shall be personally liable in respect of any such contract.

9. The Governor in Council from time to time may make, alter, and revoke regulations,—

15 For the managing of the several post offices:

For the receiving, dispatching, conveying, and delivering of letters (including the imposition of fees for private boxes or deliveries):

Governor in Council may make rules for regulating post office service.

20 For the detaining, opening, and return, or other disposal of irregularly posted, unclaimed, and refused or rejected letters, or such as from any cause whatever cannot be delivered or forwarded, and the contents thereof respectively, and for the publication of the lists of the same:

Ib., s. 9.

For the receiving and paying of money in connection with the said postal service:

25 For the conduct of post officers:

And by such regulations may impose any penalty not exceeding fifty pounds for any one offence against any of the same.

And may impose penalties. Ib., s. 10.

30 10. The Governor in Council from time to time may make, alter, and revoke regulations for the transmission by post of newspapers and newspaper exchanges, and, subject to such regulations and the conditions therein contained, may exempt from payment of postage,—

Governor in Council may exempt from postage newspapers sent to athenæums, &c.

35 (1.) All newspapers addressed to the manager, keeper, clerk, secretary, librarian, or other person having the charge of any athenæum, mechanics' institute, hospital, public library, or lunatic asylum in New Zealand; or to any such athenæum, mechanics' institute, library, hospital, or lunatic asylum without the addition of the name or description of any person:

1868, No. 33, s. 3. 1870, No. 44, s. 4.

40 (2.) All newspapers addressed to the editor, proprietor, publisher, or manager of any newspaper in respect whereof the particulars required by any law for the time being in force for that purpose shall be duly registered: Provided that such newspapers so to be exempted as aforesaid be addressed, indorsed, or certified as newspaper exchanges in the manner required by the regulations and conditions for the time being in force and made by the Governor in Council as aforesaid:

And newspaper exchanges.

45 Provided that it shall not be lawful by any such regulations to permit the delivery free of postage of more than one copy of any issue or number of any newspaper to any such athenæum, mechanics' institute, hospital, public library, or lunatic asylum, or to any such editor, proprietor, publisher, or manager.

50 11. The Postmaster-General shall from time to time cause all such postage labels to be made and sold as may be convenient for the prepayment of the rates of postage from time to time established under the Post Office Acts;

Postage labels to be made and sold. 1858, No. 15, s. 36.

New Clause.

33. & 34 Vict., c. 98,
s. 14.

See 1858, No. 15,
s. 9.

Postmasters may sell
labels without license.

Postmaster-General
authorised to issue
post-cards.

1876, No. 46, s. 2.

Post-cards to be
issued subject to
regulations.

Ib., s. 3.

Private cards may be
issued, subject to
regulations.

Ib., s. 4.

Postage on ordinary
letters, packets, and
newspapers.

Second Schedule.
1870, No. 3, s. 5.

Governor to fix other
rates of postage.

1866, No. 54, s. 4.

Letters not to be
carried for hire
except by post.

1858, No. 15, s. 16.

Exemptions.

Ib., s. 17.

And may from time to time make, alter, or revoke regulations for the making, custody, and sale of postage labels; and for licensing persons to sell postage labels; and may impose a penalty not exceeding *five* pounds for every breach of any such regulation :

Provided that, notwithstanding anything in this Act contained, any postmaster may, without any other license or authority than this Act, sell, at any post office, postage labels deposited with him by the Postmaster General for sale.

12. The Postmaster-General may furnish and issue post-cards to the public.

Such cards shall have a stamp of the value of ~~one~~ penny impressed upon them, and be manufactured of paper of such quality, form, and size as the Postmaster-General shall deem best adapted for general use.

13. The post-cards shall be furnished and issued subject to regulations, and shall be transmitted by post between places within New Zealand.

The post-cards may be transmitted by post to such places beyond New Zealand as the Governor in Council shall from time to time appoint, at the ordinary rates for the time being for letters, including the one penny impressed stamp.

14. The Postmaster-General may furnish and issue private cards, subject to such regulations as the Governor in Council may from time to time make, alter, or revoke, as to the size, weight, the manner of impressing or printing thereof, and any other conditions which may be necessary; and such cards shall, for the purpose of the Post Office Acts, be deemed post-cards.

POSTAGE RATES, EXEMPTIONS, ETC.

15. Within the colony, postage upon any letter and newspaper respectively specified in the *Second* Schedule hereto shall be levied according to the scale and at the rate set forth and indicated in and by the said Schedule.

16. In respect of places beyond the colony, the Governor in Council may from time to time fix, alter, and abolish the rates of postage payable within the colony for the transmission of letters by post, to or from places beyond seas, and appoint at what time the same shall be paid; and the postage so made payable shall be charged and paid accordingly.

17. No letter shall be carried for hire or reward otherwise than by post.

If any letter shall be carried or be sent or taken charge of for the purpose of being so carried or conveyed by any *master of a vessel, or carrier not authorized thereto by a post officer, or by any passenger or other person*, not being a post officer, the person so sending or conveying such letter, or taking charge of the same for such carriage or conveyance, shall for every such letter forfeit and pay a penalty not exceeding twenty pounds.

Every letter sent or carried, or taken charge of to be carried, otherwise than by post shall be deemed in any prosecution for this offence to have been for hire or reward, unless the contrary shall be shown by the defendant :

Provided that nothing herein contained shall extend to any letter,—

(1.) Exceeding sixteen ounces avoirdupois in weight :

(2.) Concerning goods, and sent with such goods and to be delivered there-
with :

(3.) Containing any writ or proceeding out of any Court of Justice, or any legal instrument of any kind :

(4.) Sent by any person concerning his or her private affairs by any special messenger :

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- (5.) *Bond fide* sent or carried to or from the nearest post office :
- (6.) Nor to any newspaper or book of any kind.

18. Any person who shall send any letter by post shall be entitled to have the same registered at such post offices as the Governor shall at any time appoint for that purpose, upon the payment of such registration rate, in addition to the other rates payable under or by virtue of the Post Office Acts, as the Governor in Council shall from time to time direct :

Letters may be registered. 1858, No. 15, s. 13.

Provided that such registration shall not render any post officer or the postal revenue in any manner liable for the loss of any such letter or the contents thereof.

19. In case a receipt for any letters brought to any post office to be forwarded by the post shall be required, a printed or written receipt shall be given for the same, in such form as the Postmaster-General shall appoint, at the expense of the person requiring the same ; and the charge for the receipt shall be fixed at such amount, and shall be collected or paid at such time and in such manner, as may be prescribed.

Receipts to be given for letters. Ib., s. 14

The letters for which such receipt may be required shall be delivered to the post office, and shall also be delivered from the post office, under and subject to any conditions which may be prescribed from time to time.

20. But the giving of such receipt shall not render any post officer, or the postal revenue, liable for the loss of any such letter or the contents thereof.

20. In all cases in which the postage of any letter is not paid by the sender thereof, and the person to whom such letter is addressed upon receiving the same rejects such letter, the Postmaster-General, subject to any regulations, may charge such postage to the sender of such letter, and also the additional postage (if any) of returning the same ; and in every such case the sender of such letter shall pay the postage of sending and also of returning the same, to be sued for and recovered in the name of the Postmaster-General :

Power to compel senders of rejected letters to pay the postage. Ib., s. 23.

Provided that nothing herein contained shall operate to release the party to whom any such letter shall be originally addressed from his liability to pay the postage thereof upon the delivery of such letter to him.

21. If any person shall send to or put into, or cause to be sent to or put into, any post office any letter purporting to be entitled to exemption from postage, or in respect of its contents to be entitled to be sent at a lower than the ordinary rate of postage, but which letter to the knowledge of such person shall not be so entitled, the person so offending shall forfeit and pay a fine not exceeding *twenty* pounds.

Knowingly sending as exempt letters not entitled to exemption. Ib., s. 19.

22. Upon any trial or hearing of any action or proceeding for the recovery of any postage, the production of any letter in respect of which such postage shall be sought to be recovered, having thereupon a post office stamp or mark denoting that such letter had been refused or rejected, or that the person to whom any such letter had been addressed was dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such letter, or that such person was dead or could not be found, according to the import and meaning of the said post office stamp or mark thereon.

Post-office stamp to be evidence of letters being rejected, &c. Ib., s. 24.

23. In any suit or other proceeding for the recovery of any postage under or by virtue of the Post Office Acts, the person from whom any letter in respect of which any postage shall be sought to be recovered shall purport to have come shall be deemed the sender thereof, and the onus shall be on the party proceeded against to prove that such letter did not come from or was not sent by him.

Who deemed to be sender of letter. Ib., s. 58.

24. In all proceedings whatsoever for the recovery of any postage, the post office mark upon any letter shall in all cases be evidence of the liability of

Evidence of postage due. Ib., s. 59.

such letters to such postage, and that the sum marked thereupon is payable as and for the postage thereof.

OPENED OR DETAINED LETTERS, ETC.

Governor may direct letters to be opened, detained, or delayed. 1858, No. 15, s. 22.

25. The Governor, by warrant under his hand, may direct the Postmaster-General or any postmaster, or any other post officer, to open, detain, or delay any post letter for any purpose in such warrant mentioned; and such Postmaster-General, postmaster, or other post officer, is hereby authorized and required to act in obedience to such warrant. 5

Power to examine newspapers or other papers sent as exempt from postage. Ib., s. 20.

26. The Postmaster-General and every Postmaster shall be entitled to examine any *newspaper or other printed* paper or any packet which shall be sent by the post as exempt from postage, or entitled to be sent at less than the ordinary rate of postage, without a cover or in a cover open at the sides, in order to discover whether it is in conformity with the regulations. 10

Questions as to exemptions from postage. Ib., s. 21.

Every question which shall arise whether any such *newspaper*, printed paper, or packet is entitled to the privilege of being sent free or at a reduced rate of postage, may be referred to the determination of the Postmaster-General, whose decision shall be final. 15

Opened letters and packets containing anything, how to be disposed of. 1866, No. 53, s. 3.

27. Every letter and packet which shall be opened under the provisions of the Post Office Acts, or any regulations, (if it contains any valuable or saleable enclosure,) shall be safely kept, and a list of such letters and packets together with a memorandum of such contents shall be made and preserved. 20

The Postmaster-General or officer in immediate charge of the Post Office Department shall cause notice of such letter or packet, and of the said contents, to be sent to the person to whom the same is addressed, if he be known, or otherwise to the writer thereof if he be known. 25

Upon demand by the first-mentioned person if known, and if unknown, by the last-mentioned person if known, the said letter or packet and its contents shall be delivered to the party so making such demand.

If neither of such parties can be found, or they fail to make such demand within six months after the sending of such notice, the said letter or packet shall be destroyed and its contents forfeited. 30

Opened newspapers how dealt with. Ib., s. 4.

28. Every newspaper which shall be opened under the provisions of this Act or any regulation made thereunder may be forthwith sold, destroyed, or used for any public purpose, unless before such sale, destruction, or use thereof the same shall be claimed, and the postage (if any) due thereon shall be paid by the person to whom the same is addressed. 35

Suspected letters may be detained and opened.

Victorian Act, 1873, No. 455, s. 7.

N.Z. Act, 1866, No. 53, s. 3.

29. *Any postmaster may detain any letter or packet, or newspaper, with its enclosures, if he has reasonable cause to suspect that the same has been posted or contains any enclosure in fraud or violation of the Post Office Acts, or any Act relating to the Customs, or of any regulation or order made under the authority thereof respectively, and the said letter, packet, or newspaper shall be opened in manner hereinafter mentioned.* 40

Contents, if in fraud of Post Office or Customs, to be forfeited.

Ib.

30. *If on any such examination the said contents shall be found to be in fraud or violation as aforesaid, or to have been posted in fraud or violation as aforesaid, or with intent to evade payment of the postage as aforesaid, the said letter, package, or newspaper, shall be destroyed, and anything which shall be enclosed in, or with, or accompany such letter, packet or newspaper, or the cover thereof, shall be forfeited, and may be sold as hereinafter mentioned:* 45

New Clause.

Unless redeemed by owner.

Provided that the Governor may direct notice to be sent to the person to whom the letter, packet, or newspaper was addressed of the detention and exami-

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nation thereof, and may direct the contents to be delivered to such person on payment of all charges of Customs duties and postage rates due thereon ; in which case the said contents shall not be sold until the expiration of two months after such notice given, if they then remain unredeemed, unless the Governor shall direct the said contents to be restored to the writer or sender of the said letter, packet, or newspaper if he be known.

31. Every letter, packet and newspaper which shall be opened under the provisions of the *twenty-ninth* section of this Act shall be opened by not less than two officers of the Post Office specially nominated for that purpose by the Postmaster-General at any Post Office, or by one post officer so nominated, if in the presence of an officer of the Customs or other officer or person ; in which case such officer of Customs other officer or person shall take the declaration set forth in the *First* Schedule hereto, before any such letter, packet, or newspaper shall be opened.

Mode of opening suspected letters, &c. (Victorian Act.) 1866, No. 298, s. 27.

32. If the contents of any letter or packet, or the enclosure or accompaniment to any newspaper, respectively opened as aforesaid, shall be money, or a security or order for money payable to bearer, the money or proceeds of such security or order shall be paid into the Post Office Account ; and, if not money, or a security or order for money payable to bearer, the same may be destroyed, sold, or converted into money in such manner as the Postmaster-General may direct, and the proceeds shall form part of the postal revenue.

Disposal of money enclosures. 1866, No. 53, s. 4.

For the purpose of suing, any security or order for money shall be deemed to be the property of the Postmaster-General.

New Clause.

33. No letter or packet whatever shall under any circumstances be returned to the writer or sender thereof, except under the authority of the Governor by warrant under his hand :

No letters to be returned to writers without express authority.

Provided always that letters or packets of an official character sent from or to any department of the Government may be so returned, under the authority in writing of the Postmaster-General.

PROVISIONS REGARDING VESSELS.

34. The Governor in Council may from time to time fix the amount of gratuities to be paid to the masters of vessels for the conveyance of mails or letters, and the several Postmasters throughout the colony shall pay such gratuities accordingly.

Gratuities to masters of vessels for conveyance of mails. 1858, No. 15, s. 32.

35. The master of every vessel about to proceed from any port to any other port shall give at least twenty-four hours' written notice at the post office at such port of his intended departure. And such master shall also from time to time give further notice at the post office aforesaid in case of any alteration in the time of his departure.

Masters of vessels to give timely notice of intended departure. *Ib.*, s. 25.

New Clause.

Every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon :

Notices to expire during working hours.

Provided that in special cases the notice hereby required to be given may be for such shorter time as may from time to time be prescribed by the post officer at the port.

If any such master shall refuse, fail, or neglect to give any such notice, he shall for every such offence forfeit and pay a penalty not exceeding one hundred pounds.

Officer of Customs may refuse clearance unless a certificate that notice has been given to the post office be produced. 1866, No. 53, s. 27.

36. The post officer at the post office at which any notice of intended departure or alteration thereof is given under the last preceding section shall, on demand, give to the master giving any such notice a certificate in writing of the day and hour when each such notice was given; and the proper officer of Customs may refuse a clearance of the vessel in respect of which no such certificate or certificates shall be produced to him, or when it shall appear to him from any such certificate that due notice, as required by this Act, has not been given at the post office. 5

Master of vessel proceeding from any place within three miles of a post office to any place in colony or to any vessel lying in any port or within six miles to give notice of departure. 1866, No. 54, s. 3.

37. The master of every vessel about to proceed from any place within three miles of any post office to any other place in the colony, whether such last-mentioned place be within three miles from any other post office in the colony or not, or to any other vessel lying or being in any port in the colony, or lying or being outside of any port in the colony but within six miles thereof, shall give timely notice at such first-mentioned post office of his intended departure, so as to enable the Postmaster to forward mails by such first-mentioned vessel to the place or other vessel to which such first-mentioned vessel is about to proceed. 10

If any master shall refuse, fail, or neglect to give such notice, he shall for every such offence be liable to a penalty not exceeding one hundred pounds. 15

Provided that the Postmaster may exempt any vessel from the operation of this clause for such time or on such conditions as he may think fit. 20

Provided, also, that the amount of the gratuities to be paid to the masters of vessels for the conveyance of mails and letters under this section shall not be fixed by the Governor in Council at a greater amount than one halfpenny for every letter.

Masters of vessels bound to carry mails. 1858, No. 15, s. 28.

38. Every master of any vessel about to sail from any place within the colony shall receive on board any mail which shall be tendered to him by any post officer, and shall if required give a written receipt for the same, and shall cause a description of such mail to be entered upon the Customhouse manifest, and shall carefully deposit such mail in some place on board such vessel which shall be secure, dry, and vermin proof, wherein it shall be locked up, and carried apart and separate from all other things, and shall convey the same upon the then intended voyage. 25

Penalty for refusing.

Every master who shall offend against any of the provisions of this section shall for every such offence be liable to a penalty not exceeding one hundred pounds. 30

Delivery of mails on arrival of vessel. *Ib.*, s. 29.

39. All mail-bags, and all loose letters, other than such as are described among the exceptions enumerated in section *seventeen*, which at the time of the arrival of any vessel at any port or place within the colony shall be on board such vessel directed to any person within the colony, shall be delivered on demand to the Postmaster or other post officer at such port or place, who is hereby authorized to give a receipt for the same; and any master or other person belonging to any such vessel having charge of any such mail or letter, who shall refuse or neglect to deliver the same on demand as aforesaid, or shall detain or permit the detention of the same on board such vessel, or shall not use due diligence in the delivery thereof, or shall not take due care for the secure and dry custody of the same so long as it shall be in his charge, shall forfeit and pay for every such offence a penalty not exceeding one hundred pounds. 35

Penalty for detention of mail or letter. *Ib.*, s. 30.

40. Any master, passenger, or other person who shall knowingly or negligently detain or delay on board such vessel, or keep in his possession, any mail-bag or any letter (liable to postage) after the master shall have sent any of the letters brought by his vessel to the post office, shall forfeit and pay for every such mail-bag and letter so delayed, detained, or kept, any sum not exceeding 40

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ten pounds, and if after such demand made as aforesaid, shall forfeit and pay for every such mail-bag and letter so delayed, detained, or kept, a penalty not exceeding one hundred pounds.

5 41. The master of any vessel arriving at any port in the colony at which there is any post office shall, as soon as practicable thereafter, subscribe a declaration in the presence of the Postmaster or post officer at such port, or the town or place adjacent thereto, in the form or to the effect following, that is to say:—

Declaration by masters of vessels on arrival. 1858, No. 15, s. 31.

10 "I, A.B., master of the [*State the name of the vessel*], arrived from [*State the place*], do solemnly declare that I have, to the best of my knowledge and belief, delivered to C.D., the person duly authorized to receive delivery thereof, every mail-bag and letter that was on board the said vessel, except such letters as are not required by law to be sent by post:—"

And thereupon the Postmaster or post officer taking such declaration shall grant a certificate under his hand of the making thereof; and until such certificate shall 15 have been produced to the Collector or other proper officer of Customs at such port, he shall not permit such vessel to report; and any master failing or refusing to make such declaration, or making a false declaration, shall forfeit and pay a penalty not exceeding one hundred pounds.

PROVISIONS REGARDING FOREIGN MAILS.

20 42. The Postmaster-General may from time to time make arrangements with the Postmaster-General in the United Kingdom, or with the proper authorities of any British possession or foreign country for the following purposes, that is to say,—

Postmaster-General may arrange with postal departments of other places for transmission of mails. 1870, No. 44, s. 5.

25 (1.) For the establishment of mail communication and transmission of mails between New Zealand and the United Kingdom or British possession or foreign country, as the case may be, and for the payment of the expenses thereof, not exceeding such sums as may from time to time be appropriated by the General Assembly and be applicable to the purpose.

30 (2.) For the appointment, determining, and collection of postage fees or other dues upon letters, packets, and newspapers conveyed between New Zealand and such kingdom, possession, or country.

(3.) For the division and mutual accounting for and payment of the money collected under such arrangement.

35 (4.) For the purposes above mentioned in the case of letters and newspapers transmitted through New Zealand or the said kingdom, possession, or country, to or from any part of the world.

(5.) For the prepayment (in full or otherwise) of the postage due on any letters and newspapers.

40 43. In the event of any of the Australasian colonies not agreeing with the Government of New Zealand or the Postmaster-General thereof to contribute to the maintenance of any line of mail vessels plying between New Zealand and any other British possession or foreign country, and subsidized by the Colony of New Zealand (hereinafter called "subsidized mail vessels") the Postmaster- 45 General of New Zealand may from time to time order that such colony shall be prohibited from availing itself of such line of mail vessels for the purpose of transmission of mails, and every such order (hereinafter called a "prohibitory order") shall be gazetted.

Postmaster may prohibit colony refusing to join in subsidy from using line of vessels for transmission of mails. Ib., s. 6.

50 44. All mail-bags, and every loose letter, which at the time of the arrival within any port in New Zealand of any subsidized mail vessel shall be on board such vessel, whether they be directed to any person in New Zealand or not, shall

All mails on board subsidized vessel arriving in New Zea-

land to be given up to post officer on demand.
1870, No. 44, s. 7.

be delivered on demand to any Postmaster, Customs Officer, or Port Officer of such port, or to any other person duly authorized in writing under the hand of the Postmaster-General or officer in immediate charge of the post office at such port.

This and the following sections shall not apply to letters concerning goods on board such vessel and to be delivered with such goods, or sent by way of introduction only, or concerning the bearer's private affairs. 5

Penalty on masters and others neglecting or refusing to give up mails.

Ib., s. 8.

45. Any master or other person belonging to any subsidized mail vessel having charge of any such mail-bag or letter, and any other person who shall knowingly or negligently detain or keep in his possession, or shall neglect or refuse to deliver any mail-bag or loose letter, after such demand made as aforesaid, shall on conviction thereof forfeit and pay any sum not exceeding two hundred pounds. 10

Provisions as to letters on board subsidized vessels arriving from non-contributing colony.
Ib., s. 9.

46. After the issue of a prohibitory order as to any colony, with respect to any line of subsidized mail vessels, the provisions of sections *forty* and *forty-one* hereof shall, with respect to any such vessel, and on its arrival in any port in New Zealand, apply to all mail bags and letters on board thereof, whether they be directed to any person in New Zealand or not. 15

Principal officer of Customs may search for and seize letters, &c., on board contrary to Act.
Ib., s. 10.

47. The principal officer of Customs at every port in New Zealand may search any subsidized mail vessel for mail-bags and letters which may be on board such vessel contrary to the provisions of the Post Office Acts, and may seize all such mail-bags and letters and forward them to the nearest post office; and the officer who shall so seize and send them shall be entitled to such part of any penalty which may be recovered for any such offence as the Postmaster-General shall in each case determine. 20

Postmaster may send back to foreign country letters arriving in New Zealand by such vessels for delivery in any such colony.
Ib., s. 11.

48. Whenever any subsidized mail vessel shall arrive from any British possession or foreign country with any mail bags or letters on board, addressed to any person in any colony as to which any prohibitory order has been issued, or intended to be carried to or to be delivered at any port or place in such colony, the Postmaster-General may, if he thinks fit, instead of permitting the transmission of such mail-bags or letters to such colony, send back the same by the first convenient opportunity to the post office of the country from which they were brought. 30

And may send back to colony letters brought from there for delivery in any foreign country by any such vessel.
Ib., s. 12.

49. Whenever any subsidized mail vessel shall arrive from any colony as to which any prohibitory order is issued, with any mail bags or letters on board addressed to any person in any country other than New Zealand, or intended to be carried to or delivered at any port or place in any such country, the Postmaster-General may, if he thinks fit, instead of permitting the transmission of such mail bags or letters to such country, send back the same by the first convenient opportunity to the post office of the colony from which they were brought. 35

Penalty for receiving letters to be posted in the colony.
Ib., s. 13.

50. The Governor in Council may from time to time make, alter, or revoke regulations for the purpose of preventing and prohibiting any person or persons from posting any letters or newspapers to be sent by the post, in any of the cases following, that is to say:— 40

If it shall appear to the Governor that any person or persons in New Zealand—

- Receive letters or newspapers from any place beyond New Zealand for the purpose of posting them to be sent by any subsidized mail vessel to any colony as to which any prohibitory order is issued; or 50
- Post any such letters or newspapers in order that they may be sent to any such colony by any such vessels; or

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Receive letters or newspapers from any such colony by any such vessels for the purpose of posting them to be sent to any place beyond New Zealand ; or

5 Post any such letters or newspapers as last aforesaid in order that they may be sent to any place beyond New Zealand :

And may provide by such regulations for the imposition of any penalty not exceeding one hundred pounds for any one offence against such regulations.

OFFENCES AND PENALTIES.

10 51. Every person who shall post or cause to be posted, or send or cause to be sent, or tender or deliver in order to be sent by the post, any letter containing any explosive, dangerous, or destructive substance or liquid shall be deemed guilty of a misdemeanour, and be liable to be punished by fine or imprisonment or both ; and no such letter shall be forwarded by the post. Dangerous substances not to be sent by post. 1858, No. 15, s. 18.

15 52. Every person who shall put into any post office, or into any pillar or box for the receipt of letters to be sent by post, any explosive, dangerous, or destructive substance or liquid, or any matter or thing likely to injure any letter or the person of any officer or servant of the post office, shall be deemed guilty of felony, and shall be liable at the discretion of the Court to penal servitude for any term not exceeding seven years, or to be imprisoned for any term not 20 exceeding three years, and with or without hard labour. Penalty for putting explosive substances or other things into post offices or pillars. 1866, No. 53, s. 7.

53. Every person who shall commit any one of the following offences shall on being convicted thereof be adjudged guilty of felony, and shall be liable at the discretion of the Court to be sentenced to penal servitude for any term not exceeding ten years or less than two : namely, every person— Offences relating to the use of false dies or stamps. 1858, No. 15, s. 37.

25 (1.) Who shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument, or any part of any die, plate, or other instrument, which has been or shall or may be provided, made, or used by or under the direction of the Postmaster-General, or by or under the direction of any person or persons legally 30 authorized in that behalf, for the purpose of expressing or denoting any of the rates or duties which shall be charged under or by virtue of the Post Office Acts :

(2.) Or who shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, the stamp, mark, or impression of 35 any such die, plate, or other instrument which has been or shall or may be provided, made, or used as aforesaid, upon any paper or other substance or material whatever :

(3.) Or who shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any false, 40 forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument, resembling or intended to resemble either wholly or in part any die, plate, or other instrument which has been, or shall or may be provided made or used as aforesaid :

(4.) Or who shall stamp or mark, or cause or procure to be stamped or 45 marked, any paper or other substance or material whatsoever with any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument :

(5.) Or who shall use, utter, sell, or expose to sale, or shall cause or procure to be used, uttered, sold, or exposed for sale, or shall knowingly and 50 without lawful excuse (the proof whereof shall be on the person accused) have in his possession any paper or other substance or material having thereon the impression or any part of the impression

of any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument as aforesaid, or having thereon any false, forged, or counterfeit stamp or impression resembling or representing either wholly or in part, or intended or liable to pass or be mistaken for any stamp, mark, or impression of any such die, plate, or other instrument, which has been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged, or counterfeit stamp, mark, or impression to be false, forged, or counterfeit :

- (6.) Or who shall, with intent to defraud Her Majesty, privately or fraudulently use, or cause to be privately or fraudulently used, any die, plate, or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, or shall with such intent privately or fraudulently stamp or mark, or cause or procure to be stamped or marked, any paper or other substance or material whatsoever with any such die, plate, or other instrument :
- (7.) Or who shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any paper or other substance or material so privately or fraudulently stamped or marked as aforesaid.

Penalties for removal, &c., of postage labels or stamps already used.

1858, No. 15, s. 38.

54. Every person who shall commit any one of the offences following shall, on being convicted thereof, be liable to a penalty not exceeding fifty pounds, namely, every person—

- (1.) Who shall fraudulently get off or remove, or cause or procure to be gotten off or removed, from any letter or cover, or any paper or other substance or material, any postage label, or the stamp or impression of any die, plate, or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, with intent to use, join, fix, or place such postage label, stamp, or impression for with or upon any other letter, cover, paper, or other substance or material :
- (2.) Or who shall fraudulently use, join, fix, or place for with or upon any letter or cover, or any paper or other substance or material, any such postage label, stamp, or impression as aforesaid, which shall have been gotten off or removed from any other letter, cover, paper, or other substance or material :
- (3.) Or who shall fraudulently erase, cut, scrape, discharge, or get out of or from, or shall cause or procure to be so erased, cut, scraped, discharged, or gotten out of or from, any letter or cover, or any paper or other substance or material, any name, date, or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark then impressed or being upon such letter or cover, or paper or other substance or material, or that the same may be used for the purpose of defrauding Her Majesty of any of the rates or duties which shall be charged under or by virtue of the Post Office Acts :
- (4.) Or who shall make, do, or practice, or be concerned in any other fraudulent act, contrivance, or device whatever not specially provided for, with intent or design to defraud Her Majesty of any of the rates or duties which shall be charged under or by virtue of the Post Office Acts.

Illegally opening or delaying letters. Ib., s. 39.

55. Every person who shall, contrary to his duty, open or procure, or suffer to be opened a post letter, or shall wilfully delay or detain, or procure or suffer

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to be detained or delayed, a post letter, shall be guilty of a misdemeanour, and being convicted thereof shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet.

Nothing herein contained shall extend to the opening, or detaining, or delaying of a post letter under any special provision of the Post Office Acts.

56. Every post officer who shall steal, or shall for any purpose whatsoever embezzle, secrete, or destroy a post letter shall be guilty of felony, and shall, at the discretion of the Court, be kept in penal servitude for any term not exceeding six years; and if such post letter so stolen or embezzled, secreted, or destroyed shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be kept in penal servitude for life.

Embezzlement of letter by post officer. 1858, No. 15, s. 40.

57. Every person who shall steal from or out of a post letter any chattel, or money, or valuable security, shall be guilty of felony, and shall be kept in penal servitude for life.

Stealing money, &c., from or out of letters. Ib., s. 41.

58. Every person who shall steal a mail-bag or a post letter from a mail-bag, or shall steal a post letter from a post office, or from a post officer, or from a mail, or shall stop a mail with intent to rob or search the same, shall be guilty of felony, and shall be kept in penal servitude for life.

Persons stealing mail-bags or letters. Ib., s. 42.

59. Every person who shall unlawfully open any mail-bag shall be guilty of felony, and shall be kept in penal servitude for any term not exceeding five years.

Persons unlawfully opening mail-bags. Ib., s. 43.

60. Every person who shall receive any mail-bag, or post letter, or any chattel or money, or valuable security, the stealing or taking or secreting or embezzling whereof shall amount to felony under the Post Office Acts, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, or to have been sent or to have been intended to be sent by the post, shall be guilty of felony, and 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 shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and every such receiver howsoever convicted shall be kept in penal servitude for life.

Receivers of property sent by the post and stolen or embezzled. Ib., s. 44.

61. Every post officer who shall grant or issue any post office money order with a fraudulent intent shall be guilty of felony, and shall be kept in penal servitude for any term not exceeding six years.

Post officer issuing money order with fraudulent intent. Ib., s. 45.

62. Every person who shall fraudulently retain, or shall wilfully secrete or keep or detain, or being required to deliver up by a post officer shall neglect or refuse to deliver up, a post letter which ought to have been delivered to any other person, or a mail-bag or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, detaining, or neglecting or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be punished by fine or imprisonment or both.

Fraudulently secreting or detaining misdelivered mail-bag or letter. Ib., s. 46.

New Clause.

63. Every person who shall, by means of any false pretence or misstatement, induce any post officer to deliver to him any letter sent by post and not addressed or intended for such person, shall be deemed guilty of a misdemeanour, and shall be liable, upon summary conviction thereof, to a penalty not exceeding fifty pounds.

Obtaining letters under false pretences. Queensland Act, 1871, No. 24, s. 77.

64. Every post officer who shall steal, or shall for any purpose embezzle, secrete, or destroy, or shall wilfully detain or delay in course of conveyance or delivery thereof by the post any printed newspaper, or any other printed paper

Stealing newspapers or other printed paper. 1858, No. 15, s. 47.

whatever sent by post, without covers or in covers open at the sides, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be punished by fine or imprisonment or both.

Every offence punishable under this section shall not be punishable under any other of the provisions of this Act. 5

Endeavouring to procure the commission of any felony or misdemeanour.

1858, No. 15, s. 51.

Property sent by the post to be laid in Postmaster-General. Ib., s. 55.

65. Every person who shall solicit or endeavour to procure any other person to commit a felony or misdemeanour punishable by the Post Office Acts shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years.

66. In every case where an offence shall be committed in respect of a mail-bag or post letter, or any chattel, money, or valuable security sent by the post, it shall be lawful to lay in the indictment to be preferred against the offender the property of the mail-bag, or of the post letter or chattel, money, or the valuable security sent by the post, in the Postmaster-General; and it shall not be necessary in the indictment to allege, or to prove upon the trial or otherwise, that such mail-bag, or post letter, or valuable security was of any value; and, in any indictment to be preferred against any post officer for any offence committed under the Post Office Acts, it shall be lawful to state and allege that such offender was employed in the postal service of New Zealand at the time of the committing of such offence, without stating further the nature or particulars of his employment. 10 15 20

Use of Postmaster-General's name in indictments.

Ib., s. 56.

67. In any indictment for any felony or misdemeanour under the Post Office Acts, it shall be sufficient to lay any property in, and to state or allege the same to belong to, and to state or allege any act, matter, or thing to have been done or committed with intent to injure or defraud, "Her Majesty's Postmaster-General for New Zealand;" and in all such indictments it shall be sufficient to name and describe the Postmaster-General as "Her Majesty's Postmaster-General for New Zealand," without any further or other name, addition, or description whatsoever. 25

Penal servitude for life, how to be construed.

Ib., s. 53.

1873, No. 8, s. 3.

68. Every person convicted of any offence for which the punishment of penal servitude is herein awarded shall be liable, at the discretion of the Court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour. 30

Imprisonment may be with or without hard labour.

1858, No. 15, s. 54.

69. Where a person shall be convicted of an offence punishable under the Post Office Acts for which imprisonment may be awarded, the Court may sentence the offender to be imprisoned, with or without hard labour, in any public prison. 35

Penalty for injury to post office pillars or boxes.

1866, No. 53, s. 8.

70. Every person who shall wilfully *deface*, break, or injure any pillar or box for the receipt of letters shall pay to the Postmaster-General compensation for the value of the injury done, to be assessed by the adjudicating Justices, and shall also be liable to a penalty not exceeding twenty pounds. 40

Penalty on post officer for detention of mail or letter.

1858, No. 15, s. 33.

71. If any Postmaster or post officer shall wilfully neglect or fail to deliver or shall retard the delivery of any mail or letter, he shall for every such offence be liable to a penalty not exceeding one hundred pounds. 45

Penalty for negligently losing letters. Ib., s. 34.

72. Any person employed in the carrying, conveying, or delivering of any mail or post letter, who shall negligently lose any such mail or post letter whilst in his charge, shall, whether the same shall or shall not be afterwards recovered, for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty on mail-carriers, &c., for delay.

Ib., s. 35.

73. If the driver of any carriage or vehicle whatsoever used for the conveyance of a mail, or any person in charge of a mail, whether conveyed by a carriage or vehicle, or on horseback or on foot, shall loiter on the road or 50

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wilfully miss-spend or lose time, so as to retard the arrival of the mail at its proper destination, or shall not in all possible cases convey such mail at the speed fixed by the Postmaster-General for the conveyance thereof, unless prevented by unavoidable circumstances, then and in every such case the driver or the person in charge (as the case may be) so offending shall be liable to a penalty not exceeding fifty pounds for every such offence.

74. If any person shall, without the authority of the Postmaster-General of the colony, or of some person deputed by him in that behalf (the proof of which authority shall rest on the person claiming to act under the same), place or erect, or permit or suffer to be placed, any sign, placard, writing, or painting,—
Exhibiting without authority post office sign, or Royal mail emblem. 1858, No. 15, s. 48.

(1.) On or near to his house or premises, bearing the words "Post Office," or any other words or mark which may imply or give reasonable cause to believe that such house or premises is or are a post office; or

New Clause.

(2.) On any coach, carriage, or vehicle, or attached thereto, bearing the words "Royal Mail," or any other words or mark which may imply or give reasonable cause to believe that such coach, carriage, or vehicle is for the time being under engagement for the carriage of mails;

he shall for every such offence be liable to a penalty not exceeding fifty pounds.

75. Any post officer who shall offend against or wilfully neglect or omit to comply with any of the provisions of the Post Office Acts, shall for any such offence, neglect, or omission, if not hereinbefore specifically provided for, be liable to a penalty not exceeding one hundred pounds.
Penalty for contravening provisions of this Act. Ib., s. 49.

76. Any person who shall aid, abet, or counsel, or procure the commission of, an offence under the Post Office Acts punishable on summary conviction, shall, on conviction thereof before any two Justices of the Peace, be liable to the same forfeiture and punishment to which the principal offender is made liable.
Abettors in offences punishable on summary conviction. Ib., s. 52.

MISCELLANEOUS PROVISIONS.

New Clause.

77. No claim or demand against Her Majesty shall arise by reason of any default, delay, omission, or loss in relation to any letter, packet, or newspaper posted or received under the Post Office Acts.
Indemnity to Her Majesty. Victorian Act, 1873, No. 455, s. 18.

78. If any action or suit shall be commenced against any person for anything done in pursuance of the Post Office Acts, the same shall be commenced within six calendar months after the act committed and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action.
Limitation of actions. 1858, No. 15, s. 60.

79. Notwithstanding anything to the contrary contained in "The Justices of the Peace Act, 1866," or any other Act, any information or complaint heard in a summary manner before a Justice of the Peace for or in respect of any offence against any of the Post Office Acts may be laid at any time within three years next after the date of the offence committed and not afterwards.
Limitation of summary proceedings. 1870, No. 38, s. 2.

80. All fines and penalties imposed by the Post Office Acts, or to be imposed by any regulation to be made in pursuance thereof, shall be recoverable in a summary way before any two Justices of the Peace.
Penalties recoverable in a summary way. 1858, No. 15, s. 61.

All moneys received under or by virtue of the Post Office Acts in respect of any rates, duties, fines or penalties, or on any other account whatsoever, shall be paid into the Public Account, and form part of the postal revenue.
Application of moneys paid under this Act. Ib., s. 62.

Rewards for activity
in procuring conviction.
1858, No. 15, s. 63.

81. In all cases in which any fine or penalty shall be paid under any conviction under the provisions of the Post Office Acts, the Governor may, when any person shall appear to have been active in or towards the procuring of any such conviction, award to such person such portion of such fine or penalty, not exceeding in the whole one-half thereof, as to the Governor shall seem meet. 5

New Clause.

Mails to be free from
tolls.
7 Will. IV, and 1
Vict., c. 33, s. 19.

82. No toll shall be demanded or taken by virtue of any Act or Acts on any road, bridge, or ferry for any horses or carriages of whatever description employed in carrying mails under the authority of the Postmaster-General, either when employed in conveying, fetching, or guarding such mails, or in returning back from conveying, fetching, or guarding the same. 10

Gazette to be evidence.
1858, No. 15, s. 57.

83. Any printed copy of the *Gazette*, printed or purporting to be printed under the authority of the New Zealand Government by the Government printer for the time being, shall be admitted as evidence by all Courts, Judges, Justices and others, of any regulations made or issued under or by virtue of the Post Office Acts, and contained in any such *Gazette*, and of the due making and issuing thereof, and of the contents of any such regulation, without any further or other proof. 15

New Clause.

References to
repealed Acts to
apply to this Act.

84. Wherever in any Act now in force reference is made to any Act hereby repealed, such first-mentioned Act shall take effect and operate as if reference had been made therein to this Act instead of to such repealed Act. 20

Repeals.
Third Schedule.

85. The several Acts enumerated in the Third Schedule hereto are hereby repealed.

But this repeal shall not affect the past operation of the said Acts, or anything done thereunder respectively. 25

All Proclamations, Orders in Council, regulations, rates, charges, and other things made or done under any of the Acts hereby repealed, and now subsisting and in force shall respectively remain, subsist, and be in force until altered or revoked under this Act. 30

Schedules.

SCHEDULES.

Secs. 5, 31.

FIRST SCHEDULE.

I, A.B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and 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 which shall come into my hands, power, or custody by reason of my employment in the postal service, except with the consent of the person to whom such letter shall be directed, or in such cases as are or may be provided for by the Post Office Acts, or by any rules or regulations to be made in pursuance thereof.

And I do further declare that I will not intentionally read the contents of any letters which I may lawfully open except so far as may be necessary for the purpose of ascertaining the name and address of the writer, or for any other lawful purpose, and that I will not divulge to any person whatever, except so far as lawfully required, any of the contents of any such letter which may have come to my knowledge in course of opening and examining the same for any such purpose as aforesaid.

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SECOND SCHEDULE.
POSTAGE RATES WITHIN THE COLONY.

LETTERS.

Sec. 15.
1870, No. 3.

I. Town letters posted at any post office within the colony for delivery at or from such post office—

- Not exceeding half an ounce One penny
- Exceeding half an ounce but not exceeding one ounce Twopence.
- For every half-ounce or fraction of half an ounce above one ounce One penny.

II. Country letters posted at any post office within the colony for delivery at or from any other post office within the colony—

- Not exceeding half an ounce Twopence.
- Exceeding half an ounce but not exceeding one ounce Fourpence.
- For every half-ounce or fraction of half an ounce above one ounce Twopence.

NEWSPAPERS.

On all newspapers posted within the colony for delivery within the colony:— 1872, No. 9.
One halfpenny each.

For transmission abroad.

On all other newspapers posted within the colony for transmission beyond the colony: an additional charge to be fixed by the Governor in Council. 1866, No. 53.

THIRD SCHEDULE.

ACTS REPEALED.

Sec. 85.

- 1858, No. 15.—“The New Zealand Post Office Act, 1858.”
- 1866, No. 53.—“The New Zealand Post Office Act Amendment Act, 1866.”
- 1866, No. 54.—“The New Zealand Post Office Act Amendment Act, 1866 (No. 2).”
- 1868, No. 33.—“The New Zealand Post Office Act Amendment Act, 1868.”
- 1870, No. 3.—“The New Zealand Post Office Act Amendment Act, 1870.”
- 1870, No. 44.—“The New Zealand Post Office Act Amendment Act, 1870 (No. 2).”
- 1872, No. 9.—“The New Zealand Post Office Act Amendment Act, 1872.”
- 1873, No. 8.—“The Post Office Act Amendment Act, 1873.”
- 1876, No. 46.—“The Post Office Act, 1876.” And
- 1870, No. 38.—“The Government Summary Prosecutions Act, 1870,” so far as it relates to the Post Office.