

Hon. Mr. Ward.

POST OFFICE.

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A BILL INTITULED

AN ACT to consolidate the Law regulating the Postal Service.

Title.

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

1. The Short Title of this Act is "The Post Office Act, 1894."

Short Title.

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

Interpretation.

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

1881, No. 7, s. 2.  
 1886, No. 14, s. 2.  
 1898, No. 18, s. 2.  
 1893, No. 19, s. 2.

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

"Athenæum," &c.

"Australasian Colonies" means and includes any of the Australian Colonies, Tasmania, and Fiji:

"Australasian Colonies."

"Foreign parcel" means any package or parcel which may be or be intended to be conveyed by means of the Post Office under the Post Office Acts, and either posted in New Zealand and sent to a place out of New Zealand, or posted in a place out of New Zealand and sent to a place in New Zealand:

"Foreign parcel."

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

"Foreign port."

"Is liable" means is liable on conviction:

"Is liable."

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

"Letter."

"Mail" means letters collected for conveyance by means of the Post Office under the Post Office Acts from one place to another, whether in mail-bags or otherwise, and 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."

"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:

"Mail-bag."

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

"Master."

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

"Newspaper exchanges."

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

"Officer."

"Parcel" means any package, packet, book, or parcel which may be or be intended to be conveyed by means of the

"Parcel."

- Post Office under the Post Office Acts, and posted within any place in New Zealand, and addressed to some other place therein: "parcel" is included in "letter":
- "Port" includes any harbour, river, or roadstead, being a port of entry, and any other navigable water: 5
- "Postage" means the duty chargeable for the transmission of letters by post:
- "Postage-stamp" and "stamp" mean 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: 10
- "Post letter" means any letter, as herein defined, 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 authorised to receive letters for the Post Office shall be a delivery to the Post Office; and a delivery to 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 authorised to receive the letters according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed: 15 20 25
- "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-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: 30
- "Post Office Acts" mean and include this and all or any other Acts or Act relating to the Postal Service, and all rules and regulations made under such Acts, or any of them: 35
- "Postal authority" means the Postmaster-General of the United Kingdom, or of any British possession, and includes any constituted authority in any foreign country or place by or with whom any convention, agreement, or arrangement may be made under the Post Office Acts: 40
- "Postal note" means a postal note issued under the Post Office Acts:
- "Prescribed" means prescribed by the Post Office Acts: 45
- "Railway authority" means any company, association, or person working, owning, or managing any railway or tramway for the public conveyance of passengers and goods, or passengers only or goods only, and includes any railway belonging to or worked or managed by or on behalf of Her Majesty the Queen: 50
- "Regulations" means regulations made under the Post Office Acts:

“ This Act ” includes regulations made thereunder :

“ This Act.”

“ Valuable security ” includes the whole or any part of any order, money-order, postal note, or other security, and every document forming the title or evidence of the title to any property of any kind whatever :

“ Valuable security.”

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

“ Vessel.”

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. 1881, No. 7, s. 3.

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That it be printed and published in New Zealand ;

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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 ;

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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.

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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 a piece of paper, or consisting wholly or in part of engravings, prints, or lithographs or any other sort of picture, 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, lithograph, or picture appears.

Supplements to newspapers.

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## PART I.

35

### GENERAL POSTAL SERVICES.

4. The Governor may from time to time—

(1.) Establish posts or postal communications within the colony, and may alter or abolish the same :

Governor may establish posts. Ib., s. 4.

May establish post-offices.  
1881, No. 7, s. 4.

(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 :

May appoint Postmasters and other officers.

(3.) 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 : 5

Power of delegation.

(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. 10

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

5. (1.) 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 authorised and required to administer, in the form in the *Second Schedule* to this Act. 15

Second Schedule.  
Security from officers.  
Ib., s. 6.

(2.) 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. 20

Postmaster-General may make contracts for mails.  
Ib., s. 8.

6. 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 : 25 30

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

Governor in Council may make rules for regulating post-office service.  
Ib., s. 9.

7. The Governor in Council from time to time may make, alter, and revoke regulations— 35

For the managing of the several post-offices :

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

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 : 40

For the destroying any letter, packet, or newspaper having anything blasphemous or obscene written or drawn on the outside thereof, or any obscene enclosure found in any newspaper : 45

For the receiving and paying of money in connection with the said Postal Service : 50

For the conduct of post officers :

And may impose penalties.

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

8. 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 for the posting or reposting within the colony of foreign newspapers, 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. 1881, No. 7, s. 10. And newspaper exchanges.

10 (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, public reading-room, or lunatic asylum in New Zealand; or to any such athenæum, mechanics' institute, library, reading-room, hospital, or lunatic asylum without the addition of the name or description of any person:

15 (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:

20 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, public reading-room, or lunatic asylum, or to any such editor, proprietor, publisher, or manager.

25 9. (1.) The Postmaster-General shall from time to time cause all such postage-stamps 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-stamps to be made and sold. *Ib.*, s. 11.

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

35 (3.) 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-stamps deposited with him by the Postmaster-General for sale.

Postmasters may sell stamps without license.

40 10. (1.) The Postmaster-General may from time to time make and issue to the public envelopes or wrappers of various sizes and forms, bearing thereon printed, engraved, or lithographed stamps, of such denominations of value as he may think fit. Every stamp so printed, engraved, or lithographed shall be so placed on the envelope or wrapper as to permit of the address thereon being written on or across the face of the stamp, and every stamp on or across which the address is so written shall be deemed sufficiently defaced without any stamp or other obliterating mark.

Engraved stamps may be used on envelopes, &c. 1891, No. 29, s. 5.

45 (2.) Subject to this enactment all such envelopes or wrappers shall be deemed to be post letters, and may be transmitted by post between places within New Zealand; and all the provisions of the

Post Office Acts for the making and sale of postage-stamps, and all other provisions of the Post Office Acts, shall extend and apply to such envelopes or wrappers, and to any die, plate, or stamp made or used by or under the direction of the Postmaster-General for the purposes of the Post Office Acts.

Power to issue post-cards and letter-cards for post either within or beyond colony.

1893 No. 19, s. 4.

11. The Postmaster-General may furnish and issue post-cards and letter-cards to the public, for transmission by post between places either within or beyond New Zealand.

Such cards, respectively, shall have a stamp of the postage rate impressed, engraved, or printed upon them, and be manufactured of paper of such quality, form, and size as the Postmaster-General shall deem best adapted for general use.

(1.) The postage rate for the said cards, respectively, when transmitted to places within the colony, shall be such amount as may be fixed from time to time by the Governor in Council; and, with respect to the said cards respectively which may be transmitted to places beyond the colony, the Postmaster-General, with the consent of the Governor in Council, may from time to time make arrangements with the constituted authorities in England, or in any of Her Majesty's colonies or possessions, or in any foreign country, for the reciprocal transmission of post-cards and letter-cards by means of the Post Office, subject to the payment of such rate of postage in respect of the same as may be mutually arranged in each case.

(2.) Letter-cards shall, for the purpose of the Post Office Acts, be deemed to be letters.

Private cards may be issued, subject to regulations.

1881, No. 7, s. 14.

12. 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, REGISTRATION, AND OTHER MATTERS.

Postage payable on letters and newspapers.

First Schedule.

1891, No. 29, s. 2.

Postage on book-packets, &c., to be fixed by Governor in Council.

13. (1.) The postage payable within the colony upon any letter and newspaper, as respectively specified in the *First Schedule* hereto, shall be levied according to the scale and at the rate set forth and indicated in and by the said schedule.

(2.) The postage payable within the colony upon packets of all kinds, book-packets, books, circulars, and such other articles or things as the Governor in Council may from time to time determine, and also upon newspapers posted within the colony for transmission beyond the colony, otherwise than to any of the Australasian Colonies, shall be levied according to such scale and at such rates as shall be fixed by the Governor in Council, who may from time to time vary, alter, or abolish the same.



14. Notwithstanding anything in the *last-preceding* section contained, the Governor may, by Order in Council, reduce the postage within the colony payable on country letters, and on newspapers posted within the colony for transmission to any of the Australasian Colonies, as from and after a day to be stated in such Order in Council or any subsequent Order in Council, and declare that—

Power to reduce postage on country letters, &c. 1891, No. 29, s. 2, and Schedule.

10 (a.) The postage payable on every letter posted at any post-office within the colony for delivery at or from any other post-office within the colony shall be at the same rate as that payable on letters posted at any post-office within the colony for delivery at or from such post-office; and

15 (b.) The postage on every newspaper posted within the colony to be transmitted to any of the Australasian Colonies shall be at the same rate as that payable on every newspaper posted within the colony for delivery therein.

15 15. 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.

Governor to fix other rates of postage. 1881, No. 7, s. 16.

16. (1.) No letter shall be carried for hire or reward otherwise than by post.

Letters not to be carried for hire except by post. *Ib.*, s. 17.

25 (2.) If any letter shall be so 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 authorised 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 be liable to a penalty not exceeding *twenty* pounds.

30 (3.) 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:

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

Exemptions.

(1.) Exceeding sixteen ounces avoirdupois in weight:

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

40 (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:

(5.) *Bonâ fide* sent or carried to or from the nearest post-office:

45 (6.) Or to any newspaper or book of any kind.

17. Every 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. *Ib.*, s. 18.

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

such letter or the contents thereof, except in case of his fraud or wilful misbehaviour.

Compensation for loss of contents of registered letter. 1893, No. 19, s. 5.

18. Notwithstanding anything contained in the *last-preceding* section, the Postmaster-General may pay out of the postal revenue any sum not exceeding two pounds, as compensation for the loss of any registered letter, on production of evidence which will satisfy him of such loss, and subject to such regulations as may be made by the Governor in Council from time to time for carrying into effect the provisions of this section. 5

Receipts to be given for letters. 1881, No. 7, s. 19.

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. 10 15

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.

Telegrams, letters, &c., delivered at an hotel, unclaimed for two months to be returned to Post Office.

"Post Office Act, 1890," (Victoria), sec. 49.

20. (1.) All telegrams, letters, parcels, and newspapers sent by post addressed to any person at any inn, hotel, or premises licensed under the Licensing Acts for the time being in force, and delivered to or received by the owner, occupier, or manager of such inn, hotel, or licensed premises, or by any person acting as the agent or servant of such owner, occupier, or manager, shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom such telegrams, letters, parcels, or newspapers are addressed; and if the same are not so delivered within two months after the receipt of the same by such owner, occupier, or manager, or agent, or servant, and if instructions to the contrary are not received from the person to whom the same are addressed, they shall be returned to the nearest post-office, and thence transmitted to the Dead-letter Office. 25 30 35

(2.) All such telegrams, letters, parcels, and newspapers transmitted to the Dead-letter Office under the provisions of this section shall be there dealt with as undelivered telegrams, letters, parcels, and newspapers respectively. 40

(3.) Every such owner, occupier, and manager omitting or failing to return any such telegram, letter, parcel, or newspaper as aforesaid shall on conviction thereof before two Justices forfeit and pay any sum not exceeding *five* pounds. 45

Power to compel senders of rejected letters to pay the postage.

1881, No. 7, s. 20.

21. 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: 50

Provided that nothing herein contained shall operate to release the party to whom any such letter shall be originally addressed from 55

his liability to pay the postage thereof upon the delivery of such letter to him.

22. Every person who sends to or puts into, or causes 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 is not so entitled, shall be liable to a penalty not exceeding *twenty* pounds.

Knowingly sending as exempt letters not entitled to exemption. 1881, No. 7, s. 21.

23. In any suit or other proceeding for the recovery of any postage, the production of any letter in respect of which such postage is 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. 22.

24. In any suit or other proceeding for the recovery of any postage, the person from whom any letter in respect of which any postage is 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. 23.

25. In all suits or other 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 such letter to such postage, and that the sum marked thereupon is payable as and for the postage thereof.

Evidence of postage due. *Ib.*, s. 24.

OPENED OR DETAINED LETTERS, ETC.

26. 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 authorised and required to act in obedience to such warrant.

Governor may direct letters to be opened, detained, or delayed. *Ib.*, s. 25.

27. (1.) If the Postmaster-General has, at any time, reasonable ground to suppose any person to be engaged—

Letters and money-orders for keepers of lotteries, gamblers, fortune-tellers, &c., need not be registered or issued. 1885, No. 12, s. 4.

(a.) In receiving any money or valuable thing as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse-race or other race, fight, game, sport, or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid; or

(b.) In promoting or carrying out any scheme connected with any such assurance, undertaking, promise, or agreement as aforesaid, or any lottery, scheme of chance, or unlawful game; or

(c.) In receiving money under pretence of foretelling future events; or

(d.) In any fraudulent business or undertaking,—  
then the Postmaster-General may, if he think fit, order and declare, by notification under his hand duly published in the *Gazette*, that no

letter addressed to any such person (either by his own or any fictitious or assumed name), or to any address without a name, shall be either registered, forwarded, or delivered to any such person.

(2.) Such notification shall specify every such name, whether real, fictitious, or assumed, or any address in respect of which such order is made, and such order shall, upon such notification thereof, be of full force and effect, notwithstanding anything contained in the Post Office Acts, until such order is cancelled by the Postmaster-General, which he is hereby empowered to do. 5

Power to examine newspapers, &c., sent as exempt from postage. 1881, No. 7, s. 26.

28. (1.) The Postmaster-General and every Postmaster shall be entitled to examine any newspaper, printed paper, or parcel sent by the post as exempt from postage, or as entitled to be sent at less than the ordinary letter-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.

(2.) Every question which shall arise whether any such newspaper, printed paper, or parcel 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. *Ib.*, s. 27.

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

(2.) The Postmaster-General or officer in immediate charge of the Post Office Department shall cause notice of such letter, 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

(3.) Upon demand by the first-mentioned person if known, and, if unknown, by the last-mentioned person if known, the said letter and its contents shall be delivered to the party so making such demand. 30

(4.) 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 shall be destroyed and its contents forfeited.

Opened newspapers, how dealt with. *Ib.*, s. 28.

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

Newspapers, &c., containing indecent matter may be destroyed. 1893, No. 19, s. 3.

31. (1.) Whenever the Postmaster-General, or any Postmaster, has reason to believe that any newspaper, printed paper, or parcel addressed to any person (either by his own or any fictitious name or assumed name), or to any address without a name, posted in New Zealand or elsewhere, contains, or is supposed to contain, any printed or written matter of any kind, or any print, photograph, lithograph, engraving, card, letter, circular, placard, handbill, or supplement, whether forming part of such newspaper, printed paper, or parcel or not, which is of an indecent, or immoral, or obscene nature, or which the Postmaster-General or Postmaster is satisfied has, or is likely to have, an indecent, immoral, prurient, or obscene effect, he may cause such newspaper, printed paper, or parcel to be detained in any post-office, and refuse to forward or deliver the same, and may cause the same to be opened in such office, and, if found to contain 40 45 50

matter which is in contravention of the Post Office Acts, shall cause the same and the contents thereof to be completely destroyed.

(2.) If any Postmaster has any doubt as to whether the provisions of this section should be enforced in any particular case, he may refer  
5 the matter to the Postmaster-General for his decision; and the decision of the Postmaster-General shall be final and conclusive; and no person whomsoever shall have any claim or demand against Her Majesty the Queen, the Postmaster-General, or any Postmaster,  
10 officer, or person for or by reason of the exercise of any of the powers hereby conferred.

32. Any Postmaster may detain any letter, 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  
15 under the authority thereof respectively, and the said letter shall be opened and examined in manner hereinafter mentioned :

Suspected letters may be detained and opened.  
1881, No. 7, s. 29.

33. If on any such examination the said enclosures 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  
20 postage as aforesaid, the said letter shall be destroyed, and anything which shall be enclosed in or with or accompany such letter, or the cover thereof, shall be forfeited, and may be sold as hereinafter mentioned :

Contents, if in fraud of Post Office or Customs, to be forfeited,  
Ib., s. 30.

Provided that the Governor may direct notice to be sent to the  
25 person to whom such letter was addressed of the detention and examination thereof, and may direct that the enclosures be delivered to such person at any time within two months after the date of such notice on payment of all charges of Customs duties and postage rates due thereon; if such charges are not paid within the said period of  
30 two months the said enclosures shall be sold, unless the Governor shall direct that they be restored to the writer or sender of the said letter, if he be known.

Unless redeemed by owner.

34. Every letter which shall be opened under the provisions of this Act shall be opened by not less than two officers of the Post  
35 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 or other officer or person shall take the declaration set forth in the *Second* Schedule  
40 hereto, before any such letter shall be opened.

Mode of opening suspected letters, &c.  
Ib., s. 31.

35. (1.) If the enclosures of any letter opened or examined 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  
45 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.

Second Schedule.  
Disposal of money enclosures.  
Ib., s. 32.

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

36. No letter whatever shall, except as hereinafter provided,  
50 be returned to the writer or sender thereof, unless 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 of an official character sent from or to any department of the Government, or sent by any such depart-

Ib., s. 33.

ment to any person, may be so returned, under the authority in writing of the Postmaster-General.

PROVISIONS REGARDING VESSELS.

Gratuities to masters of vessels for conveyance of mails.

1881, No. 7, s. 34.

Masters or agents of vessels to give timely notice of intended departure.

Ib., s. 35.

1893, No. 19, s. 6.

Notices to expire during working-hours.

Officer of Customs may refuse clearance unless notice given.

1881, No. 7, s. 36.

Master or agent of vessel proceeding from any place within colony to other place, or to any vessel lying in any port, to give notice of departure.

Ib., s. 37.

1893, No. 19, s. 6.

Penalty.

Masters of vessels bound to carry mails.

1881, No. 7, s. 36.

37. 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, mail-bags, or letters, and the several Postmasters throughout the colony shall pay such gratuities accordingly. 5

38. (1.) The master or agent of every vessel, or other person acting as agent for the master of every vessel which is about to proceed from any one port to any other port, shall give at the post-office at such one port at least twenty-four hours' previous notice in writing of the intended departure of such vessel. And such master, agent, or other person shall also from time to time give the like notice at the post-office aforesaid in case of any alteration in the time of such departure. 10 15

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

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. 20

(3.) Every such master, agent, or other person, who refuses, fails, or neglects to give any such notice, is liable to a penalty not exceeding *one hundred* pounds for every such offence.

39. 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 person giving 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. 25 30

40. (1.) The master or agent of every vessel, or other person acting as agent for the master of every vessel, which is 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 such 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. 35 40

(2.) Every master, agent, or other person who refuses, fails, or neglects to give such notice is liable to a penalty not exceeding *one hundred* pounds for every such offence: 45

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

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. 50

41. (1.) Every master of any vessel about to sail from any place within the colony shall receive on board any mail which shall be 55

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.

(2.) Every master who offends against any of the provisions of this section is liable to a penalty not exceeding *one hundred pounds* for every such offence.

Penalty for refusing.

42. All mails, mail-bags, and all loose letters, other than such as are described among the exceptions enumerated in section *sixteen*, which at the time of the arrival of any vessel at any port or place within the colony are 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 authorised to give a receipt for the same; and any master or other person belonging to any such vessel having charge of any such mail, mail-bag, or letter, who refuses or neglects to deliver the same on demand as aforesaid, or detains or permits the detention of the same on board such vessel, or does not use due diligence in the delivery thereof, or does not take due care for the secure and dry custody of the same so long as it shall be in his charge, is liable to a penalty not exceeding *one hundred pounds* for every such offence.

Delivery of mails on arrival of vessel.  
1881, No. 7, s. 39.

43. Every master, passenger, or other person who knowingly or negligently detains or delays on board such vessel, or keeps in his possession, any mail or mail-bag or any letter (liable to postage) after the master has sent to the post-office any of the mails, mail-bags, or letters brought by his vessel, is liable to a penalty not exceeding *ten pounds* for every such mail, mail-bag, or letter so delayed, detained, or kept; and if the same be so delayed, detained, or kept as aforesaid after demand made as mentioned in section *forty-two*, then such master, passenger, or other person is liable to a penalty not exceeding *one hundred pounds* for every such mail, mail-bag, or letter so delayed, detained, or kept.

Penalty for detention of mail or letter.  
Ib., s. 40.

44. 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 and attested by a witness in the form or to the effect following, that is to say:—

Declaration of masters of vessels on arrival.  
1893, No. 19, s. 7.

“ 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 authorised 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 shall deliver such declaration to the person duly authorised to receive the mail-bags for the Postmaster or post officer at such port, or the town or place adjacent thereto, who, on receipt of the said declaration, shall grant a certificate under his hand of the making thereof; and, until such certificate is produced to the Collector or other proper officer of Customs at such port, he shall not permit such vessel to report; and every master who fails or refuses to make such declaration, or makes a false declaration, is liable to a penalty not exceeding *one hundred pounds*.

## PROVISIONS REGARDING FOREIGN MAILS.

Postmaster-General may arrange with postal departments of other places for transmission of mails.

1881, No. 7, s. 42.

45. 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,—

- (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 :
- (2.) For the appointment, determining, and collection of postage fees or other dues upon letters 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 :
- (4.) For the purposes above mentioned in the case of letters 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.

Postmaster-General may prohibit colony refusing to join in subsidy from using line of vessels for transmission of mails.

Ib., s. 43.

46. 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 subsidised by the Colony of New Zealand (hereinafter called "subsidised mail vessels"), the Postmaster-General of New Zealand may from time to time order that such colony shall be prohibited from availing itself of such line of subsidised mail vessels for the purpose of transmission of mails, and every such order (hereinafter called a "prohibitory order") shall be gazetted.

All mails on board subsidised vessel arriving in New Zealand to be given up to post officer on demand.

Ib., s. 44.

47. (1.) All mails, mail-bags, and every loose letter, which at the time of the arrival within any port in New Zealand of any subsidised mail vessel shall be on board such vessel, whether they be directed to any person in New Zealand or not, shall be delivered on demand to any Postmaster, Customs officer, or Harbour officer of such port, or to any other person duly authorised in writing under the hand of the Postmaster-General or officer in immediate charge of the post-office at such port.

(2.) 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.

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

Ib., s. 45.

48. Every master or other person belonging to any subsidised mail vessel having charge of any mail, mail-bag, or letter, and every other person, who knowingly or negligently detains or keeps in his possession, or neglects or refuses to deliver, any mail, mail-bag, or letter, after such demand made as aforesaid, is liable to a penalty not exceeding *two hundred* pounds.



49. After the issue of a prohibitory order as to any colony with respect to any subsidised mail vessels, the provisions of sections *forty-two*, *forty-three*, and *forty-four* hereof shall, with respect to any such vessel, and on its arrival in any port in New Zealand, apply to  
 5 all mails, mail-bags, and letters on board thereof, whether they be directed to any person in New Zealand or not.
50. The principal officer of Customs at every port in New Zealand may search any subsidised mail vessel for mails, mail-bags, and letters on board or supposed to be on board such vessel contrary  
 10 to the provisions of the Post Office Acts, and may seize all such mails, 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.
- 15 51. Whenever any subsidised mail vessel shall arrive from any British possession or foreign country with any mails, 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-  
 20 General may, if he thinks fit, instead of permitting the transmission of such mails, 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.
- 25 52. Whenever any subsidised mail vessel shall arrive from any colony as to which any prohibitory order is issued, with any mails, 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 mails, mail-  
 30 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 53. The Governor in Council may from time to time make, alter, or revoke regulations for the purpose of preventing and prohibiting any person from posting any letters to be sent by the post, in any of the cases following, that is to say, if any person in New Zealand—
- (1.) Receives any such letters from any place beyond New Zealand for the purpose of posting them to be sent by any subsidised mail vessel to any colony as to which any prohibitory order is issued; or
  - (2.) Posts any such letters in order that they may be sent to any such colony by any such vessels; or
  - (3.) Receives any such letters from any such colony by any such vessels for the purpose of posting them to be sent to any place beyond New Zealand; or
  - (4.) Posts any such letters 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  
 50 penalty not exceeding *one hundred* pounds for any offence against any of such regulations.

Provisions as to letters on board subsidised vessels arriving from non-contributing colony. 1881, No. 7, s. 46.

Principal officer of Customs may search for and seize letters, &c., on board contrary to Act. Ib., s. 47.

Postmaster-General may send back to foreign country letters arriving in New Zealand by such vessels for delivery in any such colony. Ib., s. 48.

And may send back to colony letters brought from there for delivery in any foreign country by any such vessel. Ib., s. 49.

Penalty for receiving letters to be posted in the colony. Ib., s. 50.

## PART II.

## PARCELS POST.

Parcels deemed to be "letters."

1888, No. 18, s. 4.  
1891, No. 29, s. 4.

Parcels may be sent by post.

1886, No. 14, s. 3.  
1888, No. 18, s. 9.

Power to make contracts for conveyance of foreign parcels.

Ib., s. 3.

Application of Customs Acts to foreign parcels.

Ib., s. 4.

Right of recovering Customs duties.

Ib., s. 6.

Breach of regulations & breach of Customs Acts.

Ib., s. 7.

Regulations for applications of Customs Acts.

Ib., s. 8.

54. Every parcel and foreign parcel shall be deemed to be a letter within the meaning of this Act.

55. Any person shall be entitled to send by means of the Post Office any parcel or foreign parcel for delivery to the person to whom the same shall be addressed :

Provided that all parcels and foreign parcels so sent or addressed shall be subject to the provisions of this Act, and shall also be subject to the terms or conditions of any contract or arrangement that may be made by the Postmaster-General under the powers hereinafter contained.

56. The Postmaster-General may from time to time enter into any convention, agreement, or arrangement with any postal authority for the conveyance of foreign parcels under and subject to the terms of the Post Office Acts, and any such convention, agreement, or arrangement may alter, revoke, or renew as occasion shall require.

57. Subject to any exceptions and modifications made under the Post Office Acts, the provisions of the Acts for the time being in force relating to the Customs (in this Act referred to as "the Customs Acts") shall apply to goods contained in foreign parcels in like manner, so far as is consistent with the tenor thereof, as they apply to any other goods ; and persons may be punished for offences against the Customs Acts, and goods may be examined, seized, and forfeited, and the officers examining them and seizing them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly under the Customs Acts.

(1.) The Postmaster-General shall have the same right of recovering any sums payable in pursuance of the Customs Acts or the Post Office Acts in respect of any foreign parcel as he would have if the sum so payable were a rate of postage.

(2.) A breach of the regulations hereinafter authorised to be made for the purposes of the Customs Acts shall be deemed to be a breach of the Customs Acts, and shall involve the like punishment of persons guilty thereof, and the like forfeiture of goods.

(3.) The Governor in Council may from time to time make, alter, and revoke regulations for the purpose of modifying or excepting the application of any of the Customs Acts to foreign parcels, and for the purpose of securing, in the case of such parcels, the observance of the Customs Acts, and for enabling the officers of the Post Office to perform for the purpose of those Acts all or any of the duties of the exporter and importer, or for carrying into effect any convention, agreement, or arrangement with any postal authority with reference to foreign parcels, and for punishing any breach of the Customs Acts or of the regulations in this section provided for.

The Governor in Council may also in and by any such regulations as last aforesaid provide for the due insurance of any foreign parcels, the payment of premiums in respect thereof, and for the payment of the amount of such insurance, as to him may seem fit.

(4.) Nothing in the Post Office Acts shall be deemed to authorise the making of any contract, convention, agreement, or arrangement which would have the effect of imposing differential Customs duties, or interfering with the operation of the Act of the Imperial Parliament known as "The Australian Colonies Duties Act, 1873."

Act not to authorise differential duties. 1888, No. 18, s. 10.

58. The Postmaster-General may from time to time exercise the following powers, or any of them, for the purpose of giving effect to the Post Office Acts:—

Postmaster-General may enter into contracts for conveyance of parcels.

- 10 (1.) May enter into any contract with any railway authority, or with the owner or master of any vessel, or with any other person for the conveyance and delivery, or for the conveyance only, of all or any parcels or foreign parcels:
- 15 (2.) May agree to pay or allow such sums or remuneration as the Governor in Council thinks fair and reasonable for any such service:
- 20 (3.) May, with or without any contract as aforesaid, require the master of any vessel to convey any parcel, or foreign parcel, from any place in New Zealand to any other part thereof in like manner as he may now be required to carry mails; and in like manner may require any person who has entered into a contract with the Postmaster-General for the carriage of mails to carry parcels and foreign parcels under the Post Office Acts; and in either
- 25 of such cases the Governor in Council may from time to time fix and prescribe what sums of money shall be paid in respect of such service, and such sums may be so fixed generally, or in respect of any particular service:
- 30 (4.) May, in any contract, insert such other conditions and terms as may be thought fit and necessary in order to secure the performance of the services provided for:
- (5.) May employ all such officers, clerks, and servants as may be necessary in order to carry out this Part of this Act:
- 35 (6.) May sue or be sued under or in respect of any such contract: Provided that, upon any Postmaster-General ceasing to hold his office, all benefit and advantage of any such contract, and all liability in respect thereof, shall vest in his successor in office, as the case requires, without any transfer or assignment whatever; and no such Postmaster-General shall be personally liable in respect of any such contract.
- 40

1886, No. 14, s. 4.

59. (1.) Until the making of any contract with any railway authority under the Post Office Acts, every such authority shall be bound to render and perform for the Postmaster-General the services hereinafter set forth, and upon such terms and conditions, and for such rate of remuneration, as may be fixed by the Governor in Council from time to time; and accordingly every railway authority carrying on its operations in the colony shall from time to time, and as occasion requires,—

Obligations imposed on railway authorities to carry parcels. *Ib.*, s. 6.

(a.) Convey, by any train by which passengers, goods, or parcels are conveyed, all such parcels and foreign parcels as may

be tendered for conveyance by such train, whether such parcels or foreign parcels respectively be under the charge of a person appointed by the Postmaster-General or not, and notwithstanding that no notice has been given to the railway authority with respect to the conveyance of any such parcels; 5

(b.) Afford all reasonable facilities for the receipt and delivery of the sacks, hampers, boxes, or other receptacles containing the parcels or foreign parcels at any of its stations, without interposing any delay, and shall perform the service of transferring such sacks, hampers, boxes, or other receptacles to and from the vehicles of the Postmaster-General at the outwards and inwards railway stations; 10

(c.) Accept as remuneration for the services so rendered such rate or scale of payment as may be fixed and determined by the Governor in Council; 15

(d.) Convey free of charge, but in a manner so as not to interfere with the custody of the parcels or foreign parcels, any officer or servant of the Postmaster-General appointed to take charge of such parcels during their conveyance by railway; 20

(2.) The Governor in Council may from time to time make, alter, and revoke regulations prescribing the respective duties to be performed by the officers or servants of the Postmaster-General, and of any railway authority, in respect of the receipt or delivery of parcels and foreign parcels under this Part of this Act. 25

60. (1.) Every railway authority shall have full power to enter into any contract for the purposes of this Part of this Act, which shall be sufficient authority for that purpose, notwithstanding such contract may be beyond the scope of or not included within the objects or purposes of any such railway authority; and any such contract shall be made and executed, and may be varied or altered, in like manner as any other contract of such authority may by law be made, executed, varied, or altered. 30 35

(2.) In respect of any railways belonging to Her Majesty the Queen, the Railway Commissioners shall, on behalf of the Queen, have full power to enter into, vary, or alter any such contract as hereinbefore mentioned.

61. No railway authority shall be required to carry, under this Act, or any contract made in pursuance thereof, any explosive or dangerous article, or any other article or parcel which, independently of this Act, such authority might refuse to carry, or which, under the by-laws of such authority, it may be prohibited from carrying. 40

62. Subject to the terms of any such contract, and except so far as such contract shall expressly provide, or in case there shall be no contract under this Part of this Act, then all and singular the provisions of sections *thirty-seven* to *forty-four* shall extend and apply to every vessel, and the master or other person affected thereby, in respect of the conveyance of parcels or foreign parcels, as effectually as if such parcels or foreign parcels were mails carried or conveyed, or liable to be carried or conveyed. 45 50

Power to enter  
into contracts.  
1886, No. 14, s. 7.

Not to carry  
dangerous goods.  
Ib., s. 8.

Notices by masters  
of vessels.  
Ib., s. 9.

63. The Governor in Council may from time to time make, alter, and revoke regulations for the following purposes, or any of them:—

Power to make general regulations. 1886, No. 14, s. 10.

- 5 (1.) Prescribing what parcels or foreign parcels may be carried or conveyed by means of the Post Office, under the Post Office Acts, and the weight, contents, mode of packing, receipt, and despatch of such parcels:
- 10 (2.) Prescribing what kinds of parcels or foreign parcels may not be carried or conveyed, and providing for the sale or other disposal or destruction of any parcel which may be prohibited from being carried or conveyed under the Post Office Acts:
- 15 (3.) Prescribing the rates to be paid for the carriage or conveyance of parcels or foreign parcels, but so that all such rates shall be prepaid in postage-stamps; and may provide for the due insurance of parcels and the payment of a premium in respect thereof, and for the payment of the amount of such insurance:
- 20 (4.) Providing for the forfeiture and sale, or for the forfeiture and destruction, of undelivered or unclaimed parcels or foreign parcels, and the mode and terms upon which such forfeiture, sale, and destruction shall respectively be carried into effect:
- 25 (5.) Limiting the liability to be incurred by the Postmaster-General or any officer or servant of the Post Office in respect of all or any such parcels or foreign parcels, or providing that the Postmaster-General or such officers or servants as aforesaid shall be so liable, upon payment by the sender of any parcel or foreign parcel of such additional or further rates of postage as may be prescribed; and generally all such regulations as may be necessary to give full effect to this Act.
- 30

64. All moneys to be paid or expended by or on behalf of the Postmaster-General under this Part of this Act, whether for the performance of any contract, the salary or remuneration of officers, clerks, or servants, or otherwise for the purpose of carrying out this Part of this Act, shall be paid out of funds appropriated for that purpose from time to time by the General Assembly.

Moneys to be expended must be appropriated. 1b., s. 5.

### PART III.

#### MONEY ORDERS AND POSTAL NOTES.

40 65. (1.) The Governor may from time to time make, alter, and revoke regulations to be applicable within the colony, and may make or cause to be made arrangements with the constituted authorities in the United Kingdom or in any of the British possessions, or in any foreign country, for the transmission through the medium of the Post Office, by means of money orders or otherwise, 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.

Governor may make arrangements for transmission of money through post. 1881, No. 7, s. 7.

50 (2.) 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 issue postal notes for transmission of sums within the colony.  
1885, No. 10, s. 3.  
1893, No. 19, s. 8.

66. Subject to the provisions of this Act, and in addition to the money orders already authorised, the Postmaster-General, with the consent of the Governor in Council,— 5

(1.) May, for the purpose of the transmission of sums of money through the Post Office, authorise his officers, or any of them, to issue postal notes in such form as the Governor, by Order in Council, may from time to time by regulations prescribe; and such postal notes shall be paid in the manner and subject to the conditions set forth in such regulations, and shall be deemed to be money orders, and shall, like other money orders, be exempt from stamp duty; and 10 15

Payable at any post-office in the colony.  
1889, No. 9, s. 3.

(2.) May from time to time make, alter, and revoke regulations authorising the payment of postal notes at any post-office, and prescribing the conditions to which such payments shall be subject, and the mode of accounting for all moneys so paid; and any Postmaster paying a postal note under such regulations shall be amenable to the same extent and in the same manner as if he were an officer of a money-order office paying such note; and 20

Power to issue postal notes for transmission of sums abroad.  
1885, No. 10, s. 4.

(3.) May from time to time make arrangements with the constituted authorities in the United Kingdom, or in any of the British possessions, or in any foreign country, for the reciprocal payment of postal notes by means of the Post Office, and for the accounting and transmission of moneys connected therewith. 25

Regulations to have same force as if in Act.  
Ibid.

67. All such regulations and arrangements shall be binding and conclusive upon the persons in favour of whom such postal notes are issued, and on all persons interested through or claiming under them, and upon all holders of postal notes, and shall have the same force and effect in all respects as if contained in the Post Office Acts. 30

Conditions attaching to issue of postal notes.  
Ib., s. 5.  
1891, No. 29, s. 3.  
1893, No. 19, s. 9.  
Poundage and commission.

68. The issue of postal notes shall be subject to the following conditions, that is to say:— 35

- (1.) No postal note shall be issued for any amount exceeding five pounds :
- (2.) There shall be paid in respect of every postal note issued such poundage, varying with the amount of the note, as the Governor in Council may fix from time to time : 40
- (3.) No such note shall be issued until the amount of the note and the poundage have been paid to the officer issuing the same :
- (4.) The currency of all postal notes shall be unlimited in time : 45
- (5.) No interest shall be payable in respect of a postal note.

Regulations to be laid before Parliament.  
1885, No. 10, s. 6.

69. All regulations under the Post Office Acts made in relation to postal notes shall be published in the *Gazette*, and shall be laid before both Houses of the General Assembly within fourteen days after they are made if the General Assembly be then in session, and, if not, within fourteen days after the commencement of the then next session thereof. 50

70. (1.) No action, claim, or demand against the Postmaster-General or any officer of the Post Office shall arise by reason of any default, delay, omission, or loss in consequence of payment of the amount of any money order or postal note being refused or delayed, or on account of any accidental neglect, omission, or mistake, or of any other cause whatsoever.

Protection of postal officers in respect of delay or non-payment of orders or notes.  
1885, No. 10, s. 7.

(2.) After any money order or postal note has been once paid to any one whomsoever, the Postmaster-General shall not be liable for any further claim in respect thereof.

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PART IV.

POST-OFFICE SAVINGS-BANKS.

(1.) *Appointment and Conduct of Post-Office Savings-Banks.*

71. (1.) The Postmaster-General may from time to time appoint post-offices to be offices for the purposes of this Part of this Act, and may authorise and direct such of his officers as he shall think fit to receive deposits, and to repay any such deposits, together with the interest accruing thereon, under such regulations as may be prescribed in that behalf under the authority of the Post Office Acts.

Postmaster-General may appoint Post-Office Savings-Banks.  
1867, No. 77, s. 3.

(2.) Such deposits shall not be of less amount than one shilling, nor any sum not a multiple thereof.

72. Every deposit received by any officer of the Postmaster-General appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by the said officer and by the dated stamp of his office, and the said officer shall report the amount of such deposit to the Chief Postmaster under whose control such officer is, who shall report the same to the Postmaster-General.

Deposits to be entered in books, &c.  
Ib., s. 4.

73. The acknowledgment of the Postmaster-General, signified by the officer whom he shall appoint for that purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with the interest thereon upon demand made by him in the manner hereinafter provided.

Title of depositors to repayment.  
Ibid.

74. In order to allow a reasonable time for the receipt of such acknowledgment the entry in the depositor's book shall also be conclusive evidence of title for six weeks from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within one month, and the depositor shall before or upon the expiry thereof demand the said acknowledgment from the Postmaster-General, then the entry in his book shall be conclusive evidence of title during another term of one month and *toties quoties*.

Progressive evidence of title.  
Ibid.

75. (1.) Subject to the provisions of the next following section, on demand of the depositor, or party legally authorised to claim on account of a depositor, made upon the Chief Postmaster of the postal district in which the depositor's account is kept, in such form as the said regulations shall prescribe, for repayment of any deposit or part thereof, the authority of the said Chief Postmaster for such repayment shall be transmitted to the depositor forthwith:

How deposits may be withdrawn.  
Ib., s. 5.

(2.) And the depositor shall be absolutely entitled to such re-

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Provision in case of  
commercial crisis.

payment within one week at furthest after the lapse of the time when such warrant for payment could, by ordinary post, be received by the depositor at the post-office named in his demand.

76. (1.) The Governor may from time to time, as he thinks fit, by Proclamation under his hand and published in the *Gazette* and in at least three newspapers in the colony, suspend the operation of the *last-preceding* section of this Act for such time as he shall think fit, and either in respect of the whole colony or any part thereof, and may declare the following provision of this Act to be in force in such parts of the colony as are affected by the said Proclamation, and, during the whole of the time of the subsistence in force of the said Proclamation in the aforesaid parts, the provision following shall have effect in such parts until the same is rescinded, that is to say:—

(a.) The depositor or party legally authorised to claim on account of a depositor may make a claim upon the Chief Postmaster of the postal district in which the depositor's account is kept, in such form as the said regulations shall prescribe, for repayment of any deposit or any part thereof upon the conditions following, that is to say,—

(b.) If the sum so required to be repaid do not exceed five pounds, the claimant thereof shall, on some day appointed for the receiving of deposits, deliver or cause to be delivered to the Postmaster a notice, signed with his name, declaring his intention to withdraw such sum from the bank at the expiration of seven days from the date of the said notice;

(c.) If the sum to be withdrawn exceed five pounds, but be not more than twenty pounds, then fourteen days' notice shall be given in like manner;

(d.) If the sum to be withdrawn exceed twenty pounds, but be not more than fifty pounds, then twenty-one days' notice shall be given in like manner;

(e.) And if the sum to be withdrawn exceed fifty pounds, then twenty-eight days' notice shall be given in like manner:

(2.) And the Governor may from time to time, in like manner, revoke any such Proclamation either in whole or in part; and upon such revocation the operation of the *last-preceding* section shall be revived in such parts of the colony as are affected by such revocation.

77. Any depositor may transfer his account from the post-office in any one part of the colony to the post-office in any other part thereof. But he shall not be entitled to withdraw any deposit except from the post-office in which his account is for the time being actually kept, nor to transfer any such account unless the same has been opened for at least three calendar months.

Amounts may be  
transferred from one  
post-office to  
another.

1867, No. 77, s. 6.

Names of depositors,  
&c., not to be  
disclosed.

Ib., s. 7.

78. (1.) The officers of the Postmaster-General engaged in the receipt or payment of deposits shall not disclose the name of any depositor, nor the amount deposited or withdrawn, except to the Postmaster-General or to such of his officers as may be appointed to assist in carrying the Post Office Acts into operation.



(2.) But this provision shall not be deemed to exempt any officer from disclosing in evidence any such matters as in this section mentioned in obedience to the process of any Court of justice, or upon an examination before any person having authority to take evidence in any proceeding under any law for the time being in force relating to bankruptcy.

Exception.

79. All moneys so deposited shall be paid into the Post Office Account, and all sums withdrawn by depositors, or by parties legally authorised to claim on account of depositors, shall be repaid to them out of the said account.

Moneys received to be paid into Post Office Account. 1867, No. 77, s. 8.

80. If at any time the funds paid into the Post Office Account under the authority of this Part of this Act, and the interest arising therefrom, shall be insufficient to meet the lawful claims of all depositors, it shall be the duty of the Colonial Treasurer to issue, upon the warrant of the Governor, the amount of such deficiency out of the Consolidated Fund, and to certify such deficiency to the General Assembly.

Security to depositors. *Ib.*, s. 9.

81. If any dispute shall arise between the Postmaster-General, or any person acting on his behalf, and any individual depositor in a Post-Office Savings-Bank, or any executor, administrator, next of kin, or creditor of any deceased depositor, or any person claiming to be such executor, administrator, next of kin, or creditor, then and in every such case the matter so in dispute shall be referred to the arbitration of two indifferent persons, one to be chosen and appointed by the Postmaster-General and the other by the party with whom the dispute arose.

Disputes to be referred to arbitration. 1858, No. 52, s. 47.

82. In case the arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to an umpire, having no interest in such matter or in the said bank, to be elected by the said arbitrators previously to entering upon the consideration of the matter referred to them ;

Procedure thereon. *Ibid.*

And whatever award, order, or determination shall be made by the said arbitrators, or by the said umpire, shall be binding and conclusive on all parties, and shall be final to all intents and purposes without any appeal.

(2.) *Interest to be allowed.*

83. The interest payable to the parties making such deposits shall be at a rate to be from time to time determined by the Colonial Treasurer, not exceeding five per centum on sums of not more than two hundred pounds, and not exceeding four per centum on sums over two hundred pounds and not more than five hundred pounds, provided that no interest shall be allowed on more than five hundred pounds.

Rate of interest allowed. 1867, No. 77, s. 10.

84. Notwithstanding the limitation in the *last preceding* section, interest may be allowed to legally-constituted friendly societies, charitable and provident societies, and savings-banks, in the manner prescribed, on sums exceeding five hundred pounds deposited in Post-Office Savings-Banks.

Interest may be allowed to friendly societies, &amp;c., on sums exceeding £500. 1869, No. 39, s. 7.

85. (1.) Interest shall be computed from the first day of the month next following the day on which a complete pound, either in one sum or in several sums of less amount, has been deposited, and shall cease as to moneys withdrawn on the first day of the month in which such moneys are withdrawn.

Interest, how calculated. 1867, No. 77, s. 11.

Provided, however, that when any such deposit is duly made on the first day of any month, interest for that month shall be computed and allowed in respect of such deposit.

(2.) Interest on deposits shall be calculated to the thirty-first day of December in every year, and shall then be added to and become part of the principal money. 5

Moneys accruing under this Act may be invested.  
1867, No. 77, . 12.

86. The moneys paid into the Post Office Account under the authority of the Post Office Acts, and the interest accruing thereon, or such part thereof as the Governor in Council shall direct, shall be from time to time invested in the manner prescribed in "The Public Revenues Act 1891," or any Acts amending the same, for the investment of moneys lying to the credit of the Post Office Account. 10

(3.) *Closed Savings-Banks under "The Savings Bank Act, 1858."*

No savings-bank under Act of 1858 to be established.

87. After the commencement of this Act no savings-bank shall be constituted or established under "The Savings-Bank Act, 1858." 15

Trustees may close savings-bank.  
1869, No. 39, s. 5; altered.

88. The trustees of any savings-bank constituted under "The Savings-Bank Act, 1858," may close the savings-bank for the receipt of deposits, and for such purpose shall give public notice of such intention by letter through the Post Office prepaid to each depositor at his residence when known, by advertisement in some one newspaper circulating in the district where such savings-bank is situate, and by affixing such notice on the outer door of the building in which the business of the savings-bank is carried on. 20

May pay moneys of bank to Colonial Treasurer.  
Ibid.

89. At the expiration of one month after the first insertion of the aforesaid advertisement in the newspaper such trustees may, if they think fit, transmit under their hands to the Colonial Treasurer a certified list of such depositors as have not applied to them to receive their deposits, and of the amount due to them respectively. 25

Colonial Treasurer may receive moneys and give discharge.  
Ibid.

90. The Colonial Treasurer may thereupon receive from the said trustees all moneys remaining in their hands, and, if such money, together with the proceeds of the sale and conversion into money of the other property and securities belonging to the said savings-bank as referred to in section *ninety-two*, shall be sufficient to discharge the whole of the liabilities of such trustees to the depositors as set forth in the said list, then the certificate of the Colonial Treasurer shall be a sufficient discharge to such trustees in respect of all such money so paid over. 30 35

Into what fund same shall be paid, and how held.  
Ibid.

91. All such moneys shall be paid into the Post Office Account, and shall be subject to the rights and claims of the depositors named in such list, who shall thenceforth be considered to be depositors in a Post-Office Savings-Bank; and such depositors, on complying with the regulations for the time being in force with respect to the withdrawal of deposits and interests from Post-Office Savings-Banks, so far as the same are applicable to the case of such depositors, shall be entitled to claim payment of the sums due to them respectively, and of the interest accrued thereon, and on establishing their claim shall be paid out of the moneys so paid over by the trustees under this and section *ninety-three*. 40 45

On closing savings-banks, funds, &c., to be paid to Treasury.  
Ib., s. 2.

92. Upon the final closing of any savings-bank constituted as aforesaid, or where any such savings-bank has already closed, the trustees for the time being thereof shall notify the same in writing to the Colonial Treasurer, and shall, with his consent in writing, 50

convert into money any property and securities not being money held by the said trustees or by any person as trustee for the savings-bank, and, after paying the expenses of such conversion and any claims thereon, shall account for the residue to the Colonial Treasurer.

5 93. Such residue shall be placed to the credit of the Public Trust Office Account with the privity of the Colonial Treasurer; and the moneys so paid to such account, and also all moneys which shall be paid to the said account under section *ninety-one*, shall be subject to any claim that may thereafter be substantiated on account of any  
10 depositor in the savings-bank so closed.

Disposal of same.  
1869, No. 39, s. 2.

94. (1.) The receipt in writing of the vice-president of any savings-bank, or of any one trustee of any savings-bank, together with that of the manager or accountant of any savings-bank already closed or hereafter to be closed, for any money paid to them by any mortgagor,  
15 or purchaser, or other person shall be an effectual discharge for the same :

What receipts to be a discharge for such moneys.  
Ib., s. 3.

(2.) And the mortgagor, purchaser, or other person shall not be obliged to see to the application, or be accountable or answerable for the loss, misapplication, or non-application thereof, or be bound to  
20 inquire whether the consent in writing of the Colonial Treasurer has been obtained to any sale, reconveyance, assignment, or release whatsoever.

95. Trustees of savings-banks which have already closed, and shall be brought under the provisions of this Act, and of savings-banks hereafter to be closed, shall have power to compensate their  
25 officers out of any separate surplus fund that may belong to such savings-bank, with the consent of the Colonial Treasurer.

Power to compensate officers of closed banks.  
Ib., s. 4.

96. (1.) The Governor, if he shall think it expedient so to do, may require the trustees of any savings-bank constituted as aforesaid to  
30 close the said bank in manner aforesaid; and if such trustees fail, neglect, or delay to take proceedings as aforesaid for closing the said bank forthwith, or if there be no trustees or not a sufficiency of trustees, and no vice-president of the bank, to permit the bank being closed in manner aforesaid, then and in either of such cases the  
35 Governor may by Order in Council dissolve the said bank, and by the same or any subsequent order may appoint such two or more persons as he shall think fit to wind up its affairs, who for such purpose shall have and may exercise all the powers contained in sections  
40 *eighty-eight* to *ninety-five* inclusive, and shall be deemed trustees of the said bank for the purpose of winding up its affairs.

Governor in Council may dissolve bank and wind up its affairs.

(2.) The receipt of any two such persons shall be as effectual for all purposes as if it were a receipt by a Vice-President of a savings-bank, or of any trustee of a savings-bank, together with that of the manager or accountant of a savings-bank.

45 (4.) *General.*

97. (1.) The Governor in Council may from time to time make, alter, or revoke regulations for superintending, inspecting, and  
regulating the mode of keeping the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits  
50 and interest, the substitution of Post-Office Savings-Bank deposit-books for deposit-books held by depositors in savings-banks closed

Governor in Council may make regulations.  
1867, No. 77, s. 13.  
1869, No. 39, s. 6.

under this Part of this Act, and to all other matters incidental to the carrying this Act into execution.

Copies of regulations to be laid before General Assembly.

(2.) Copies of all regulations issued under the authority of this Part of this Act shall be laid before both Houses of the General Assembly within fourteen days from the date thereof if the General Assembly shall be then sitting, and, if not, then within fourteen days from the commencement of the next session. 5

Accounts to be laid before General Assembly.  
1867, No. 77, s. 14.

98. An annual account of all deposits received and paid and of interest paid thereon under the authority of this Part of this Act, and of the expenses incurred in carrying this Act into operation during each year ending on the thirty-first day of December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster-General before both Houses of the General Assembly not later than the thirty-first day of March in every year if the General Assembly shall be then sitting, and, if not, then within fourteen days from the commencement of the next session. 10

Expenses of executing Act.  
Ib., s. 15.

99. All expenses incurred in the execution of this Part of this Act shall be paid out of the moneys received under the authority of this Part of this Act. 15

## PART V.

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### OFFENCES AND PENALTIES.

Dangerous substances not to be sent by post.  
1881, No. 7, s. 51.

100. Every person who posts or causes to be posted, or sends or causes to be sent, or tenders or delivers in order to be sent, by the post, any letter containing any explosive, dangerous, or destructive substance or liquid, is liable to imprisonment with or without hard labour for any period not exceeding *two* years, or to a penalty not exceeding *fifty* pounds, or both; and no such letter shall be forwarded by the post. 25

Penalty for putting explosive substances or other things into post-offices or pillars.  
Ib., s. 52.

101. Every person who puts 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, is liable to imprisonment with or without hard labour for any term not exceeding *seven* years. 30

Prohibition of fictitious stamps.  
1887, No. 3, s. 2.

102. (1.) Every person who— 35  
(a.) Makes, knowingly utters, deals in, or sells any fictitious postage-stamp, or knowingly uses for any postal purpose any fictitious postage-stamp; or  
(b.) Has in his possession, unless he shows a lawful excuse, any fictitious postage-stamp; or 40  
(c.) Makes or, unless he shows a lawful excuse, has in his possession any die, plate, instrument, or materials for making any fictitious postage-stamp—

is liable, on summary conviction, on a prosecution by order of the Postmaster-General, to a penalty not exceeding *fifty* pounds, or to imprisonment with hard labour for any period not exceeding *six* months. 45

(2.) Every postage-stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section shall be seized, and shall be forfeited. 50

(3.) For the purposes of this section "fictitious postage-stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of any postage-stamp or other stamp for denoting any rate of postage of this colony, including any postage-stamp or other stamp for denoting a rate of postage of any other part of Her Majesty's dominions or of any foreign country.

103. Every postage-stamp or other stamp purporting to denote a rate of postage of any part of Her Majesty's dominions, or of any foreign country, shall be deemed to be a postage-stamp used for postal purposes in such part of the said dominions or of such foreign country respectively, unless the contrary be proved, the onus of which proof shall lie on the defendant.

Onus of proof to lie on defendant.  
1887, No. 3, s. 3.

104. Every person who, with intent to defraud, obliterates, adds to, or alters any such lines or words on a postal note as would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any postal note with such fraudulent obliteration, addition, or alteration, is liable to the like punishment as if such postal note were a cheque :

Forgery of crossing of postal notes.  
1885, No. 10, s. 8.

Provided always that any banker or corporation, or company acting as bankers, in the colony, who, in collecting in such capacity for any principal, has received payment or been allowed a credit by the Postmaster-General in account, in respect of any postal note, or of any document purporting to be a postal note, shall not incur liability to any one except such principal by reason of having received such payment or allowance, or having held or presented such note or document for payment. But this section shall not relieve any principal for whom such postal note or document has been so held or presented of any liability in respect of his possession of the same or of the proceeds thereof.

105. (1.) All enactments providing for the punishment of offences relating to stamp duties shall apply in like manner as if the poundage on postal notes were a stamp duty.

Fraud and forgery of postal notes.  
Ib., s. 9 (4).

(2.) A postal note shall be deemed to be—

(a.) A bank-note within the meaning of any law relating to forgery ; and

(b.) An order for the payment of money and a valuable security within the meaning of any law relating to theft which respectively for the time being may be in force in the colony.

106. Every person who commits any of the offences following is liable, on summary conviction, to a penalty not exceeding fifty pounds for each offence, namely, every person—

Penalties for removal, &c., of stamps already used.

(1.) Who fraudulently gets off or removes, or causes or procures to be gotten off or removed, from any letter or cover, or any paper or other substance or material, any postage-stamp, 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-stamp, stamp, or impression for, with, or upon any other letter, cover, paper, or other substance or material : or

1881, No. 7, s. 54.

(2.) Who fraudulently uses, joins, fixes, or places for, with, or upon any letter or cover, or any paper or other substance

or material, any such postage-stamp, stamp, or impression as aforesaid, which has been gotten off or removed from any other letter, cover, paper, or other substance or material: or

- (3.) Who fraudulently erases, cuts, scrapes, discharges, or gets out of or from, or causes or procures 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, impressed, or otherwise marked, 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: or 5 10 15
- (4.) Who makes, does, or practices, or is 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. 20

In any proceeding for a breach of the provisions of this section the onus of proof shall be upon the defendant.

Illegally opening or delaying letters.  
1861, No. 7, s. 55.

107. (1.) Every person who, contrary to his duty, opens or procures or suffers to be opened a post letter, or wilfully delays or detains, or procures or suffers to be detained or delayed, a post letter, is liable to imprisonment with or without hard labour for any term not exceeding *two* years, or to a penalty not exceeding *fifty* pounds, or to both. 25

(2.) 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. 30

Theft, &c., of letter by post officer.  
Ib., s. 56.

108. Every post officer who steals, or for any purpose whatever secretes, or destroys a post letter, is liable to imprisonment with hard labour for any term not exceeding *six* years; and if such post letter so stolen, secreted, or destroyed contains therein any chattel or money whatsoever, or any valuable security, every such offender shall be liable to imprisonment with hard labour for any term not exceeding *fourteen* years. 35

Stealing money, &c., from or out of letters.  
Ib., s. 57.

109. Every person who steals from or out of a post letter any chattel, or money, or valuable security is liable to imprisonment with hard labour for any term not exceeding *fourteen* years. 40

Persons stealing mail-bags or letters.  
Ib., s. 58.

110. Every person who steals a mail-bag or a post letter from a mail-bag, or steals a post letter from a post-office, or from a post officer, or from a mail, or stops a mail with intent to rob or search the same, is liable to imprisonment with hard labour for any term not exceeding *fourteen* years. 45

Persons unlawfully opening mail-bags.  
Ib., s. 59.

111. Every person who unlawfully opens any mail-bag is liable to imprisonment with hard labour for any term not exceeding *five* years. 50

Receivers of property sent by the post and stolen &c.  
Ib., s. 60.

112. Every person who receives any mail-bag, or post letter, or any chattel or money or valuable security, the stealing, or taking, or secreting whereof is punishable under the Post Office Acts with imprisonment with hard labour for any term not exceeding

*fourteen* years, knowing the same to have been stolen, taken, or secreted, or to have been sent or to have been intended to be sent by the post, is liable to imprisonment with hard labour for any term not exceeding *fourteen* years, and may be indicted and  
 5 convicted either as an accessory after the fact to the original offence or for a substantive offence, and in the latter case whether the principal offender shall or shall not have been previously convicted, or shall or shall not be amenable to justice.

113. (1.) Every post officer who grants or issues any post-office  
 10 money-order with a fraudulent intent is liable to imprisonment with hard labour for any term not exceeding *six* years.

Post officer issuing money order with fraudulent intent.  
 1881, No. 7, s. 61.  
 1885, No. 10, s. 9 (3).

(2.) Every post officer who reissues a postal note previously paid is deemed to have issued the note with a fraudulent intent, and is liable to imprisonment with hard labour for any term not exceeding  
 15 *six* years.

114. Every person who fraudulently retains, or wilfully secretes or keeps or detains, or being required to deliver up by a post officer neglects or refuses to deliver up, a post letter which ought to have been delivered to any other person, or a mail-bag or post letter which  
 20 has been sent, whether the same has been found by the person secreting, keeping, detaining, or neglecting or refusing to deliver up the same or by any other person, is liable to imprisonment with or without hard labour for any term not exceeding *two* years, or to a penalty not exceeding *fifty* pounds, or to both.

Fraudulently secreting or detaining misdelivered mail-bag or letter.  
 1881, No. 7, s. 62.

25 115. Every person who, by means of any false pretence or misstatement, induces any post officer to deliver to him any letter sent by post and not addressed or intended for such person, is liable, upon summary conviction thereof, to a penalty not exceeding *fifty* pounds.

Obtaining letters under false pretences.  
 Ib., s. 63.

30 116. (1.) Every post officer who steals, or for any purpose secretes, or destroys, or wilfully detains or delays in course of conveyance or delivery thereof by the post any printed newspaper, or any other printed paper whatever sent by post, without covers or in covers open at the sides, is liable to imprisonment with or without hard labour for any term not exceeding *two* years, or to a penalty not  
 35 exceeding *fifty* pounds, or to both.

Stealing newspapers or other printed paper.  
 Ib., s. 64.

(2.) No offence punishable under this section shall be punishable under any other of the provisions of the Post Office Acts.

40 117. Every person who solicits or endeavours to procure any other person to commit any offence punishable by the Post Office Acts is liable to imprisonment with or without hard labour for any term not exceeding *two* years.

Endeavouring to procure the commission of any offence.  
 Ib., s. 65.

118. In any indictment, information, or complaint against any person for any offence under the Post Office Acts, and upon the trial thereof, it shall be sufficient,—

Provisions regulating proceedings in respect of offences.  
 Ib., ss. 66, 67.

45 (1.) To lay any property in the Postmaster-General without alleging or proving it to be of any value :

(2.) To allege that any act, matter, or thing was done or committed with intent to injure or defraud the Postmaster-General :

50 (3.) 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 :

(4.) To allege (if the offender be a post officer) that he was employed in the postal service of New Zealand at the time of committing the offence, without stating further the nature or particulars of his employment.

Penalty for injury to post-office pillars or boxes.

1881, No. 7, s. 70.

119. Every person who wilfully defaces, breaks, or injures 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 is also liable to a penalty not exceeding *twenty* pounds. 5

Penalty on post officer for detention of mail or letter.

Ib., s. 71.

120. Every Postmaster or post officer who wilfully neglects or fails to deliver or who wilfully retards the delivery of any mail or letter is liable to a penalty not exceeding *one hundred* pounds for every such offence. 10

Penalty for negligently losing letters.

Ib., s. 72.

121. Every person employed in the carrying, conveying, or delivering of any mail or post letter, who negligently loses any such mail or post letter whilst in his charge, whether the same be or be not afterwards recovered, is liable to a penalty not exceeding *twenty* pounds for every such offence. 15

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

Ib., s. 73.

122. Every driver of any carriage or vehicle whatsoever used for the conveyance of a mail, and every person in charge of a mail (whether such mail be conveyed by a carriage or vehicle or on horseback or on foot), who loiters on the road or wilfully misspends or loses time so as to retard the arrival of the mail at the proper destination, or does not in all cases, unless prevented by unavoidable circumstances, convey such mail at the speed fixed by the Postmaster-General for the conveyance thereof, is liable to a penalty not exceeding *fifty* pounds for every such offence. 20 25

Exhibiting without authority post-office sign, or Royal mail emblem.

Ib., s. 74.

123. Every person who, without the authority of the Postmaster-General 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), places or erects, or permits or suffers to be placed or erected any sign, placard, writing, or painting— 30

(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 such house or premises to be a post-office; or 35

(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 such coach, carriage, or vehicle to be for the time being under engagement for the carriage of mails,— 40

is liable to a penalty not exceeding *fifty* pounds for every such offence.

Penalty for contravening provisions of Post Office Acts.

Ib., s. 75.

124. Every post officer who offends against or wilfully neglects or omits to comply with any of the provisions of the Post Office Acts is liable to a penalty not exceeding *one hundred* pounds for any such offence, neglect, or omission in respect of which no penalty is hereinbefore specifically provided. 45

Abettors of offences punishable on summary conviction.

Ib., s. 76.

125. Every person who aids, abets, or counsels or procures the commission of an offence under the Post Office Acts punishable on summary conviction is liable to the same penalty and punishment to which the principal offender is made liable. 50



126. Nothing in this Act contained shall be construed to exempt any person from any proceeding for an offence under the Post Office Acts which is punishable by any Act other than the Post Office Acts, provided that such person be not punished twice in respect of the same offence.

Saving of power to proceed under any other law.  
1887, No. 3, s. 4.

MISCELLANEOUS PROVISIONS.

127. No claim or demand against Her Majesty shall arise by reason of any default, delay, omission, or loss in relation to any letter posted or received under the Post Office Acts.

Indemnity to Her Majesty.  
1881, No. 7, s. 77.

128. No action or suit shall lie against any person for anything done in pursuance of the Post Office Acts unless such action is commenced within six months after the act committed, and unless notice in writing of such action, and of the cause thereof, is given to the defendant one month at least before the commencement of the action.

Limitations of actions.  
Ib., s. 78.

129. Notwithstanding anything to the contrary contained in "The Justices of the Peace Act, 1882," or any other Act, any information or complaint to be heard in a summary manner before a Justice or Justices of the Peace in respect of any offence under the Post Office Acts may be laid at any time within, but not later than, three years next after the date of the offence.

Limitation of summary proceedings.  
Ib., s. 79.

130. (1.) All fines and penalties imposed by the Post Office Acts shall be recoverable in a summary way before any two Justices of the Peace.

Penalties recoverable in a summary way.  
Ib., s. 80.

(2.) 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 Post Office Account, and form part of the postal revenue, unless otherwise directed by the Governor in Council in relation to fines imposed upon post officers for breaches of any office regulations.

Application of moneys paid under Acts.

131. In all cases in which any fine or penalty is paid under any conviction under the provisions of the Post Office Acts, the Governor may, when any person appears 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.

Rewards for activity in procuring conviction.  
Ib., s. 81.

132. (1.) The several Acts and enactment enumerated in the *Third Schedule* hereto are hereby repealed.

Repeals.  
*Third Schedule*.

(2.) But this repeal shall not affect the past operation of the said Acts, or anything done or any right accrued thereunder respectively.

All Proclamations, Orders in Council, regulations, rates, charges, appointments, 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.

Proclamations, &c., heretofore made to remain in force.  
Ib., s. 85.

Schedules.

## SCHEDULES.

1891, No. 29, Sched.

## FIRST SCHEDULE.

## POSTAGE RATES WITHIN THE COLONY.

*Letters.*

Section 14.

1. TOWN LETTERS.—On every letter 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.

2. COUNTRY LETTERS.—On every letter posted at any post office in the colony for delivery at or from any other post office within the colony, or into any private bag for delivery outside the limits of any post-office delivery,—

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.*

1. On every newspaper posted, or any foreign newspaper posted or reposted, within the colony for delivery within the colony: One halfpenny.
2. On every newspaper posted, or any foreign newspaper posted or reposted, within the colony for transmission beyond the colony: Such rates as may be fixed by the Governor in Council from time to time.

Sections 6, 33.

## SECOND SCHEDULE.

1881, No. 7, Sched. 2. 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.

## THIRD SCHEDULE.

## ACTS REPEALED.

- 1867, No. 77.—“The Post Office Savings-Bank Act, 1867.”  
 1869, No. 39.—“The Post Office Savings-Bank Act Amendment Act, 1869.”  
 1881, No. 7.—“The Post Office Act, 1881.”  
 1885, No. 10.—“The Post Office (Postal Notes) Act, 1885.”  
 1885, No. 12.—“The Gaming and Lotteries Act 1881 Amendment Act, 1885.”  
*In part*—namely, section four.  
 1886, No. 14.—“The Post Office Act 1881 Amendment Act, 1886.”  
 1887, No. 3.—“The Post Office Act 1881 Amendment Act, 1887.”  
 1888, No. 18.—“The Post Office (Foreign Parcels) Act, 1888.”  
 1889, No. 9.—“The Post Office Act, 1889.”  
 1891, No. 29.—“The Post Office Acts Amendment Act, 1891.”  
 1893, No. 19.—“The Post Office Acts Amendment Act, 1893.”