

Hon. Mr. Ward.

POST OFFICE.

ANALYSIS.

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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, 1895." Short Title.
- 2. In this Act, if not inconsistent with the context,— Interpretation.
 - "Australasian Colonies" means and includes any of the Australian Colonies, Tasmania, and Fiji: "Australasian Colonies."
 - 10 "Customs Acts" includes "The Customs Laws Consolidation Act, 1882," and its amendments, and all other Acts relating to the Customs, and all orders and regulations made under any of such Acts: "Customs Acts."
 - 15 "Foreign parcel" means any package or parcel which may be or be intended to be conveyed by means of the Post Office under this Act, and either posted in the colony and sent to a place out of the colony, or posted in a place out of the colony and sent to a place in the colony: "Foreign parcel."
 - 20 "Foreign port" means any port not included within the boundaries of the colony: "Foreign port."
 - "Letter" includes letters, packets, post-cards, letter-cards, newspapers, books of every kind, New Zealand parcels, and foreign parcels, and also every packet or paper which by any regulation is directed to be treated as a letter or a post-letter: "Letter."
 - 25 "Mail" means letters collected for conveyance by means of the Post Office under this Act from one place to another, whether in mail-bags, baskets, hampers, boxes, parcels, 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."
 - 30 "Mail-bag" means a mail of letters, and includes every basket, hamper, box, parcel, or other covering in which post-letters are conveyed, whether it does or does not contain post-letters: "Mail-bag."
 - 35 "Master" of a vessel means the person for the time being having or taking the charge or command of a vessel: "Master."
 - "Newspaper" means— "Newspaper." 1881, No. 7, s. 3.
 - 40 (1.) Any publication consisting wholly or in great measure 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: Provided—
 - 45 (a.) That it is printed and published in New Zealand;

(b.) That it is published in parts or numbers, at intervals of not more than thirty days;

(c.) That it is printed on a sheet or sheets;

(d.) That it has the full title and date of publication printed at the top of the first page, and the whole or portion of the title and the date of publication printed at the top of every subsequent page: 5

(2.) Every such part or number shall be deemed to be a separate newspaper:

“Newspaper supplements.”

(3.) And the following shall, for the purposes of this Act, be deemed a supplement to a newspaper, that is to say,— 10

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: 15

Provided that such publication is published with the newspaper, and has 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: 20

Provided further that a handbill, poster, or inset shall not be deemed to be a supplement to a newspaper. 25

“Newspaper exchanges.”

“Newspaper exchanges” means newspapers (as hereinbefore defined) forwarded from the office of one newspaper in the colony to the office of any other newspaper in the colony: 30

“New Zealand Parcel.”

“New Zealand Parcel” means any package, packet, book, or parcel conveyed or intended to be conveyed by means of the Post Office under this Act, and posted within any place in the colony, and addressed to some other place therein: 35

“Officer.”

“Officer” includes the person for the time being executing the functions of that officer: 35

“Person.”

“Person” includes firm and corporation.

“Port.”

“Port” includes any harbour, river, or roadstead, being a port of entry, and any other navigable water: 40

“Postage.”

“Postage” means the duty chargeable for the transmission of letters by post: 40

“Postage-stamp, &c.”

“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 for the purpose of denoting any of the rates or duties of postage to be charged under this Act: 45

“Post-letter.”

“Post-letter” means any letter transmitted by post under this Act. 50

(1.) A letter is 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;

(2.) Delivery to a letter-carrier or other person authorised to receive letters for the Post Office is a delivery to the Post Office;

(3.) Delivery to the house or office of the person to whom a post-letter is addressed, 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, is a delivery to the person addressed :

10 "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 :

15 "Post-officer" includes any person employed in or for the purposes of 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, and includes also any person who contracts for the carriage of mails, and any person employed by him in connection therewith :

20 "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 this Act :

25 "Postal-note" means a postal-note issued under this Act :

"Postal service" means the administration of the Post Office under this Act :

"Prescribed" means prescribed by regulations made under this Act by the Governor in Council :

30 "Public institution" includes athenæum, hospital, lunatic asylum, public library or reading-room, sailors' home, and such other places as the Governor from time to time declares to be public institutions for the purposes of this Act. If any doubt arises as to whether any place comes within any of the descriptions aforesaid the Postmaster-General shall decide :

35 "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 :

40 "Regulations" means regulations made under this Act, and, except where otherwise provided, means regulations made by the Governor in Council :

45 "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 :

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

PART I.

GENERAL POSTAL SERVICES.

3. The Governor may from time to time—
- (1.) Establish posts or postal communications within the colony, and may alter or abolish the same: 5
- (2.) Establish such post-offices throughout the colony as may be required, and at any time abolish any post-office:
- (3.) Appoint a member of the Executive Council to be Postmaster-General, who shall have the administration of this Act: 10
- (4.) 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.) By writing under his hand, delegate, from time to time, 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 except also such powers as are by this Act conferred upon the Governor in relation to the opening, detaining, and delaying of post-letters. 15
4. (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 *First Schedule* to this Act. 20
- (2.) Every person appointed under this Act may be required by the Governor to give such security as he directs for the due and faithful discharge of the duties of the office to which such person is appointed. 25
- (3.) Every person appointed under any Act hereby repealed, and in office at the time of the passing of this Act, shall be deemed to have been appointed under this Act. 30
5. The Postmaster-General may, in his official name, enter into any contract with any person for or in respect of the carriage or conveyance of mails by sea and by land, subject to such terms and conditions as the Governor thinks fit. 35
6. The Governor in Council from time to time may make regulations—
- (a.) For the conduct of post-officers;
- (b.) For the managing of the several post-offices; 40
- (c.) For the receiving, despatching, conveying, and delivering of letters (including the imposition of fees for private boxes, bags, or deliveries);
- (d.) For the detaining, opening, and return or other disposal of irregularly posted, unclaimed, and refused or rejected 45 letters, or such as from any cause whatever cannot be delivered or forwarded, and of the contents thereof, and for the publication of the lists of the same;
- Governor may establish posts. 1881, No. 7, s. 4.
- May establish post-offices.
- Appoint a Postmaster-General.
- May appoint Postmasters and other officers.
- Power of delegation.
- Postmasters and other officers to take declaration. *Ib.*, s. 5.
- First Schedule.
- Security from officers. *Ib.*, s. 6.
- Postmaster-General may make contracts or mails. *Ib.*, s. 8.
- Governor in Council may make rules for regulating post-office service. *Ib.*, s. 9.

- (e.) For the destroying of any letter the destruction of which is authorised by this Act ;
- (f.) For the receiving and paying of money in connection with the Postal Service ;
- 5 (g.) For the transmission by post of newspapers and newspaper exchanges ;
- (h.) For the posting or re-posting within the colony of foreign newspapers ;
- (i.) For the making, custody, and sale of postage-stamps ;
- 10 (j.) For licensing persons to sell postage-stamps ;

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

And may impose penalties.

7. Subject to such regulations, the Governor in Council may exempt from payment of postage—

Governor in Council may exempt from postage newspapers sent to public institutions. 1881, No. 7, s. 10.

15 (1.) All newspapers addressed to any person as the manager, secretary, librarian, or other person having the charge of any public institution in the colony ; or to any such institution without the addition of the name or description of any person :

20 (2.) All newspapers addressed to any person as the editor, proprietor, publisher, or manager of any newspaper within the colony in respect whereof the particulars required by any law for the time being in force for that purpose are duly registered :

And newspaper exchanges.

25 Provided that not more than one copy of any issue or number of any newspaper posted to any such institution or person shall be exempted from postage.

8. (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 this Act ;

Postage-stamps to be made and sold. *Ib.*, s. 11.

35 (2.) Notwithstanding anything in this Act contained, any Postmaster, or any other officer authorised by the Postmaster-General in that behalf, 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 9. (1.) The Postmaster-General may from time to time make and issue envelopes or wrappers of various sizes and forms, bearing thereon printed, engraved, or lithographed stamps, of such denominations of value as he thinks fit.

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

(2.) Every such stamp 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 other obliterating mark.

(3.) All such envelopes or wrappers shall be deemed to be post-letters, and may be transmitted by post between places within the colony.

50 (4.) All the provisions of this Act relating to postage-stamps shall extend and apply to such envelopes or wrappers, and to any die, plate, or stamp made or used under therefor this Act.

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

1893, No. 19, s. 4.

10. (1.) The Postmaster-General may furnish and issue post-cards and letter-cards for transmission by post between places either within or beyond the colony.

(2.) 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 thinks fit. 5

(3.) The postage rate for such cards, respectively,—

(a.) When transmitted to places within the colony, shall be such as is fixed from time to time by the Governor in Council; and, 10

(b.) When transmitted to places beyond the colony, shall be such as is fixed pursuant to arrangements which the Postmaster-General, with the consent of the Governor in Council, makes from time to time with any postal authority for the reciprocal transmission of post-cards and letter-cards by means of the Post Office. 15

Private cards may be issued, subject to regulations.

1881, No. 7, s. 14.

11. Private cards may be furnished and issued, subject to such regulations as the Governor in Council from time to time makes as to the size and weight thereof, the manner of impressing or printing the same, and any other conditions which may be necessary; and such cards shall be deemed to be post-cards. 20

POSTAGE RATES, REGISTRATION, AND OTHER MATTERS.

Postage payable on letters and newspapers.

Second Schedule. 1891, No. 29, s. 2.

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

12. (1.) The postage payable within the colony upon any letter and newspaper, as respectively specified in the *Second Schedule* hereto, shall be levied according to the scale and at the rate set forth in that schedule. 25

(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 from time to time determines, posted within the colony for transmission beyond the colony, shall be levied according to such scale and at such rates as are fixed from time to time by the Governor in Council. 30

13. Notwithstanding anything in the *last-preceding* section contained, the Governor in Council may from time to time— 35

(1.) Reduce the postage within the colony payable on country letters, and on newspapers posted within the colony for transmission beyond the colony; and

(2.) Declare that—

(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 that— 40

(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. 45 50

Power to reduce postage on country letters, &c.

1891, No. 29, s. 2, and Schedule.

14. In respect of places beyond the colony, the Governor in Council may from time to time—

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

Fix the rates of postage payable within the colony for the transmission of letters by post to or from places beyond the colony, and appoint at what time the same shall be paid.

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

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

(2.) Every person who so sends any letter, or carries it or takes charge of it for the purpose of its being so carried, is liable for every such letter to a penalty not exceeding *twenty* pounds.

(3.) The sending, carrying, or taking charge of any letter to be carried, otherwise than by post shall be deemed to be done for hire or reward, until the contrary is shown :

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

Exceptions.

- (a.) Exceeding sixteen ounces avoirdupois in weight ; or
- (b.) Concerning goods, and sent with such goods and to be delivered therewith ; or
- 20 (c.) Containing any writ or proceeding out of any Court of Justice, or any legal instrument of any kind ; or
- (d.) Sent by any person concerning his or her private affairs by any special messenger ; or
- (e.) *Bonâ fide* sent or carried to or from the nearest post-office—

25 nor to any newspaper or book of any kind.

16. Every person sending any letter by post shall be entitled to have the same registered at such post-office as the Governor at any time appoints in that behalf, upon the payment of such registration-fee, in addition to the ordinary postage, as the Governor in Council from time to time directs :

Letters may be registered. 1881, No. 7, s. 18.

Provided that such registration shall not confer on any person any right to compensation or otherwise, or impose upon Her Majesty any liability, for the loss of any such letter or of the contents thereof.

17. Notwithstanding anything contained in the *last-preceding* section, the Postmaster-General may in his discretion, and subject to prescribed regulations, pay out of the Post Office Account 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.

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

18. (1.) Every person bringing any letter to any post-office to be forwarded by post shall be entitled to a receipt therefor in the prescribed form upon payment of the prescribed fee.

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

(2.) The letter for which such receipt is given shall be delivered to and from the post-office under prescribed conditions.

45 (3.) But the giving of such receipt shall not confer on any person any right to compensation or otherwise, or impose upon Her Majesty any liability, for the loss of any such letter or of the contents thereof.

19. (1.) Every telegram or post-letter addressed to any person at any premises licensed or chartered under "The Licensing Act, 1881," or at any shipping office or public or private lodging-house, and delivered to or received by the licensee of such premises, or the per-

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

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

son apparently in charge of such office or lodging-house, or any one acting as the agent or servant of any such licensee or person, shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same is addressed.

(2.) If the same is not so delivered within two months after the receipt thereof by or on behalf of such licensee or other person as aforesaid, and if instructions to the contrary are not received from the person to whom the same is addressed, the licensee or other person as aforesaid shall return the same to the nearest post-office for transmission to the Dead-letter Office. 5

(3.) Every such telegram or post-letter shall be transmitted to the Dead-letter Office and shall be there dealt with as undelivered. 10

(4.) Every licensee who omits or fails to return any such telegram or post-letter as aforesaid is liable to a penalty not exceeding five pounds. 15

Power to compel senders of rejected letters to pay the postage. 1881, No. 7, s. 20.

20. If the postage of any letter is not paid by the sender thereof, and the person to whom such letter is addressed refuses to receive it, or upon receiving it rejects it, the sender of such letter is liable to pay such postage, and also the additional postage (if any) of returning the letter : 20

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

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

21. Every person is liable to a penalty not exceeding twenty pounds who knowingly 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 to transmission at a lower than the ordinary rate of postage, but which is not so entitled. 25

Post-office stamp to be evidence of letters being rejected, &c. *Ib.*, s. 22.

22. In any suit or other proceeding for the recovery of any postage,— 30

(1.) The production of any letter in respect of which such postage is claimed, having thereupon a post-office stamp or mark denoting that such letter has been refused or rejected, or that the person to whom such letter was 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 of the said post-office stamp or mark : 35

Who deemed to be sender of letter. *Ib.*, s. 23.

(2.) The person from whom such letter purports to have come shall be deemed the sender thereof, and the onus shall be on the defendant to prove that such letter was not sent by such person : 40

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

(3.) The post-office mark upon such letter shall be evidence of the liability of such letter to postage, and that the sum marked thereupon is payable for the postage thereof. 45

OPENED OR DETAINED LETTERS, ETC.

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

23. 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 every such direction shall be duly obeyed. 50

24. (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.

5

(a.) In receiving any money or valuable thing as the consideration for any assurance, or agreement, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency relating to any horse-race or other race, fight, game, sport, or exercise, or as 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

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

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

(d.) In any fraudulent business or undertaking,—

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then the Postmaster-General may, by notification under his hand in the *Gazette*, order 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.

(2.) Such notification shall specify every such name, whether real, fictitious, or assumed, and every such address in respect of which such order is made ; and no such letter shall be registered, forwarded, or delivered until such order is cancelled by the Postmaster-General.

25

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

Power to examine newspapers, &c., sent as exempt from postage.

1881, No. 7, s. 26.

30

(2.) Every question which arises whether any such newspaper, printed paper, parcel, or packet is entitled to be sent free or at a reduced rate of postage may be referred to the Postmaster-General, whose decision shall be final.

Questions as to exemptions from postage.

35

26. (1.) Every letter which is opened under the provisions of this Act (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.

Opened letters and packets containing anything, how to be disposed of.

Ib., s. 27.

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(2.) The Postmaster-General shall cause notice of such letter, and of its contents, to be sent to the person to whom the same is addressed, if he is known, or otherwise to the writer thereof, if he is known.

45

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

(4.) If neither of such persons is known, or if no demand is made within six months after the sending of such notice, such letter shall be destroyed and its contents forfeited.

50

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

Opened newspapers, how dealt with.

Ib., s. 28.

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

28. (1.) Whenever the Postmaster-General, or any Postmaster, has reason to believe—

That any newspaper, printed paper, parcel, or packet 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 enclosure of any kind, which is of a blasphemous, indecent, or immoral nature, or likely to have an indecent or immoral effect,—

he may cause such newspaper, printed paper, parcel, or packet to be detained and opened, and if it is found to contain any such matter or enclosure, he shall cause the same and the contents thereof to be destroyed.

(2.) If any Postmaster has any doubt as to whether the provisions of this section should be enforced in any particular case, he shall refer the matter to the Postmaster-General, whose decision shall be final.

(3.) No person whomsoever shall have any right to compensation or otherwise, nor shall any liability be imposed upon Her Majesty, by reason of the exercise of any of the powers hereby conferred.

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

29. If any Postmaster has reasonable cause to suspect—

That any letter has been posted or contains any enclosure in fraud or violation of this Act, or the Customs Acts, he may detain such letter, with its enclosures, and the same shall be opened and examined in manner hereinafter mentioned.

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

30. Every letter which is opened and examined under the provisions of this Act shall be opened at a post-office—

(1.) By two post-officers specially nominated for that purpose by the Postmaster-General; or

(2.) 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 *First* Schedule hereto, before any such letter is opened.

First Schedule.

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

31. If on any such examination such letter or enclosures are 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 proper postage, or the proper Customs duties, such letter shall be destroyed, and such enclosures shall be forfeited and may be sold as hereinafter mentioned:

Unless redeemed
by owner.

Provided that in lieu of an immediate sale the Governor, if he thinks fit, may direct—

(1.) That notice of the detention, opening, and examination of such letter be sent to the person to whom such letter was addressed, and also to the sender thereof, and

(2.) That at any time within two months after the date of such notice, and on payment of all charges of Customs duties and postage rates due thereon, the enclosures be delivered to such person, if he claims the same, or if not, then to the sender thereof, if he claims the same;

If, upon such notice being sent, such charges are not duly paid within the said period of two months such enclosures shall be sold.

32. (1.) If the enclosures of any letter opened and examined as aforesaid are to be sold, they shall be sold or converted into money in such manner as the Postmaster-General directs, and the proceeds thereof, and such of the enclosures as consist of money, shall be paid into the Post Office Account and form part of the postal revenue.

Disposal of money enclosures. 1881, No. 7, s. 32.

(2.) Any such enclosure which consists of any security or order for money shall, for the purpose of procuring payment thereof, be deemed to be the property of the Postmaster-General.

33. Except as by this Act expressly provided, no letter whatever shall be returned to the writer or sender thereof, without the authority of the Governor :

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

Ib., s. 33.

PROVISIONS REGARDING VESSELS.

34. (1.) The Governor in Council may from time to time determine 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.

Gratuities to masters of vessels for conveyance of mails.

Ib., s. 24.

(2.) Such gratuities may be either a fixed sum or at such rate as the Governor in Council from time to time determines.

35. (1.) The master or agent of every vessel which is about to proceed from any one port to any other port—

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

Ib., s. 35.

(a.) Shall give at the post-office at such first-mentioned port at least twenty-four hours' previous notice in writing of the intended departure of such vessel ; and

1893, No. 19, s. 6.

(b.) Shall also give the like notice at the post-office aforesaid in case of any alteration in the time of such departure.

(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:

Notices to expire during working-hours.

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

(3.) Every such master or agent who refuses, fails, or neglects to duly give any such notice, is liable to a penalty not exceeding one hundred pounds.

36. (1.) The post-officer to whom any notice is given under the last-preceding section shall, on demand, deliver to the person giving such notice a certificate in writing of the day and hour when such notice was given.

Officer of Customs may refuse clearance unless notice given.

1881, No. 7, s. 36.

(2.) The proper officer of Customs may refuse a clearance of the vessel in respect of which no such certificate is produced to him, or when it appears to him from any such certificate that any such notice has not been duly given.

37. (1.) The master or agent of every vessel which is about to proceed from any place within three miles of any post-office—

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.

(a.) To any other place in the colony, whether such last-mentioned place is within three miles from any other post-office in the colony or not, or

1881, No. 7, s. 37.
1893, No. 19, s. 6.

(b.) 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. 5

Penalty.

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

Provided that the Postmaster may exempt any vessel from the operation of this section for such time or on such conditions as he thinks fit. 10

Masters of vessels bound to carry mails.

1881, No 7, s. 38.

38. (1.) The master of every vessel about to sail from any place within the colony—

(a.) Shall receive on board such vessel any mail which is tendered to him by any post-officer ; and 15

(b.) Shall, if required, give a written receipt for such mail ; and

(c.) Shall cause a description of such mail to be entered upon the Customhouse manifest ; and

(d.) Shall carefully deposit such mail on board such vessel in some place which is secure, dry, and vermin-proof, wherein it shall be locked up, and carried apart and separate from all other things ; and 20

(e.) Shall convey such mail upon the then intended voyage.

Penalty for refusing.

(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. 25

Delivery of mails on arrival of vessel. Ib., s. 39.

39. (1.) All mails, mail-bags, and all loose letters, (other than such as are described among the exceptions enumerated in section *fifteen* hereof,) 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. 30

(2.) Every master or other person belonging to any such vessel— 35

Who, having charge of any such mail, mail-bag, or letter, 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 is in his charge,— 40

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

Penalty for detention of mail or letter.

Ib., s. 40.

40. 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 such vessel,— 45

commits an offence, and is liable to a penalty not exceeding *ten* pounds for each mail, mail-bag, or letter so detained, delayed, or kept as aforesaid, and if such offence is committed after demand made as mentioned in section *thirty-nine* hereof, then he is liable to a penalty
 5 not exceeding *one hundred* pounds for each such mail, mail-bag, or letter.

41. (1.) The master of every 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
 10 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
 15 C.D., the person duly authorised to receive delivery thereof, every mail, 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.

20 (2.) Such person shall thereupon grant a certificate under his hand of the making and delivery of such declaration.

(3.) 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.

25 (4.) 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.

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

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

(1.) For the establishment of mail communication and trans-
 35 mission of mails between the colony and such kingdom, possession, or country, or through the colony or such kingdom, possession, or country, to or from any part of the world, as the case may be, and for the payment of the expenses thereof, not exceeding such sums as from time to time is appropriated by the General Assembly for the purpose ;

1881, No. 7, s. 42.

40 (2.) For the fixing and collection of postage fees or other dues upon letters and mails transmitted as aforesaid ;

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

45 (4.) For the prepayment, in full or otherwise, of the postage due on any letters.

43. In the event of any of the Australasian Colonies not agreeing with the Government of New Zealand or the Postmaster-General thereof to contribute to the maintenance of any line of mail vessels
 50 plying between New Zealand and the United Kingdom, or any British possession or foreign country, and subsidised by the Government of New Zealand (hereinafter called “ subsidised mail vessels ”), the Postmaster-General may from time to time order that such colony (here-

Postmaster-General may prohibit colony refusing to join in subsidy from using line of vessels for transmission of mails.
 Ib., s. 43.

inafter called a "prohibited 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 shall be gazetted.

All mails on board subsidised vessel arriving in New Zealand to be given up to post-officer on demand.
1881, No. 7, s. 44.

44. (1.) All mails, mail-bags, and loose letters, which at the time of the arrival within any port in New Zealand of any subsidised mail vessel are on board such vessel, whether 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. 5

(2.) This and the *six* 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. 15

Penalty on masters and others neglecting or refusing to give up mails.
Ib., s. 45.

45. Every master or other person belonging to any subsidised mail vessel—

Who, having charge of any mail, mail-bag, or letter, knowingly or negligently detains or keeps in his possession, or neglects or refuses to deliver the same or any of them after such demand made as aforesaid,— 20

is liable to a penalty not exceeding *two hundred* pounds for every mail, mail-bag, or letter so detained, kept, or not delivered.

Provisions as to letters on board subsidised vessels arriving from non-contributing colony.
Ib., s. 46.

46. The provisions of sections *forty* and *forty-one* hereof shall apply to all mails, mail-bags, and letters on board any subsidised mail vessel arriving in New Zealand from any prohibited colony, whether they are directed to any person in New Zealand or not. 25

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

47. 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 contrary to the provisions of this Act, and may seize the same and forward them to the nearest post-office; and the officer who so seizes and forwards them shall be entitled to such part of any penalty recovered for any such offence as the Postmaster-General in each case determines. 30

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

48. Whenever any subsidised mail vessel arrives from any British possession or foreign country with any mails, mail-bags, or letters on board, addressed to any person in any prohibited colony, or intended to be carried to or to be delivered at any port or place in such colony, the Postmaster-General may, if he thinks fit, instead of permitting the transmission of such mails, mail-bags, or letters to such colony, send back the same by the first convenient opportunity to the Post Office of the possession or country from which they were brought. 40

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

49. Whenever any subsidised mail vessel arrives from any prohibited colony 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 the same to such country, send back the same by the first convenient opportunity to the Post Office of the colony from which they were brought. 45

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

50. The Governor in Council may, from time to time, make regulations for the purpose of preventing and prohibiting any person 50

from posting any letters to be sent by post, in any of the cases following: that is to say, if any person in New Zealand—

- 5 (1.) Receives any letters from any place beyond New Zealand for the purpose of posting them to be sent by any subsidised mail vessel to any prohibited colony; or
 - (2.) Posts any letters in order that they may be sent to any such colony by any such vessel; or
 - 10 (3.) Receives any letters from any such colony by any such vessel for the purpose of posting them to be sent to any place beyond New Zealand; or
 - (4.) Posts any 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 penalty not exceeding *one hundred* pounds for any offence against
15 any of such regulations.

PART II.

PARCELS POST.

51. New Zealand parcels and foreign parcels may be sent by post subject to the provisions of this Act, and also to the terms or
20 conditions of any contract or arrangement that may be made by the Postmaster-General under the powers hereinafter contained.

52. The Postmaster-General may from time to time in his official name enter into, alter, revoke, or renew any convention, agreement, or arrangement with any postal authority for the conveyance of foreign parcels subject to the provisions of this Act.
25

53. Subject to any exceptions and modifications made under this Act, the provisions of 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
30 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.

54. With respect to foreign parcels the following provisions shall apply:—
35

- (1.) The Postmaster-General shall have the same right of recovering any sums payable in pursuance of the Customs Acts or this Act in respect of any foreign parcel as he would
40 have if the sum so payable were a rate of postage.
- (2.) A breach of any 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.
45
- (3.) The Governor in Council may from time to time make all such regulations as he thinks fit, for the purposes of—
 - (a.) Modifying or excepting the application of any of the Customs Acts to foreign parcels; and

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.

Provisions respecting foreign parcels.

Right of recovering Customs duties. Ib., s. 6.

Breach of regulations a breach of Customs Acts. Ib., s. 7.

Regulations for application of Customs Acts. b., s. 8.

(b.) Securing, in the case of such parcels, the observance of the Customs Acts; and

(c.) 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; and

(d.) Carrying into effect any convention, agreement, or arrangement with any postal authority with reference to foreign parcels; and

(e.) Punishing any breach of the Customs Acts or of the regulations in this section provided for.

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

(4.) Nothing in this Act 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," or any amendment thereof.

Postmaster-General may enter into contracts for conveyance of parcels. 1886, No. 14, s. 4.

55. The Postmaster-General may from time to time exercise the following powers, or any of them, for the purpose of giving effect to this Act:—

(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 New Zealand parcels or foreign parcels:

(2.) May, with or without any contract as aforesaid, require the master of any vessel to convey any New Zealand parcel, or foreign parcel, from any place in New Zealand to any other part thereof:

(3.) In like manner may require any person who has entered into a contract with the Postmaster-General for the carriage of mails to carry New Zealand parcels and foreign parcels:

(4.) May agree to pay or allow such sums or remuneration as the Governor in Council thinks fair and reasonable for any such service as aforesaid:

(5.) May, in any contract, insert such conditions and terms as he thinks necessary in order to secure the performance of the services provided for:

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

56. (1.) Until the making of any contract with any railway authority under this Act, 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; that is to say, from time to time, and as occasion requires,—

(a.) Convey, by any train by which passengers or goods are conveyed, all such New Zealand parcels and foreign parcels as are tendered on behalf of the Post-office for conveyance by such train, whether such parcels respectively are 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 thereof;

(b.) Afford all reasonable facilities for the receipt and delivery of the sacks, hampers, boxes, or other receptacles containing the New Zealand parcels or foreign parcels, at any of its stations, without interposing any delay ;

5 (c.) Transfer such sacks, hampers, boxes, or other receptacles to and from the vehicles of the Postmaster-General at the outwards and inwards railway-stations ;

10 (d.) Accept as remuneration for the services so rendered such rate or scale of payment as is from time to time fixed by the Governor in Council ;

15 (e.) Convey free of charge, but in a manner so as not to interfere with the custody of the New Zealand 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 regulations prescribing the respective duties to be performed by post-officers, and by the officers and servants of any railway authority, in respect of the receipt or delivery of New Zealand parcels and foreign parcels.

25 57. (1.) Every railway authority shall have full power to enter into any contract for the purposes of this Part of this Act, 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 lawful contract of such railway authority.

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

30 (2.) In respect of any railways belonging to Her Majesty, the Governor shall, on behalf of Her Majesty, have full power to enter into, vary, or alter any such contract.

35 58. 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, or by its by-laws be forbidden, to carry.

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

40 59. Subject to the terms of such contract as aforesaid, if any, and except so far as such contract expressly provides, all and singular the provisions of sections *thirty-four* to *forty-one* hereof shall extend and apply to every railway authority, and every officer and servant thereof, and to every vessel, and the master or other person belonging thereto, in respect of the conveyance and delivery of New Zealand parcels and foreign parcels.

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

45 60. The Governor may, from time to time, make regulations for the following purposes, or any of them :—

Power to make general regulations. Ib., s. 10.

(1.) Prescribing what New Zealand parcels or foreign parcels may be carried or conveyed by means of the Post Office under this Act, and the weight, contents, mode of packing, receipt, and despatch of such parcels :

50 (2.) Prescribing what kinds of New Zealand parcels or foreign parcels may not be carried or conveyed, and providing for the sale, destruction, or other disposal of any parcel sent in breach of such regulations or of this Act :

- (3.) Prescribing the rates to be paid for the carriage or conveyance of New Zealand parcels or foreign parcels, but so that all such rates shall be prepaid in postage-stamps :
- (4.) Providing for the due insurance of New Zealand parcels and foreign parcels, and the payment of premiums in respect thereof, and for the payment of the amount of such insurance : 5
- (5.) Providing for the forfeiture and sale, or for the forfeiture and destruction, of undelivered or unclaimed New Zealand parcels or foreign parcels, and the mode and terms upon which such forfeiture, sale, and destruction shall be effected : 10
- (6.) Limiting the liability to be incurred by Her Majesty in respect of all or any such New Zealand parcels or foreign parcels, or providing that Her Majesty shall be so liable, upon payment 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 Part of this Act. 15

PART III.

20

MONEY-ORDERS AND POSTAL-NOTES.

61. Subject to the provisions of this Act, money may be transmitted, either within or beyond the colony, through the medium of the Post Office by means of money-orders and postal-notes.

62. The Governor may from time to time—

25

- (1.) Make arrangements with any postal authority for the transmission through the medium of the Post Office, by means of money-orders and postal-notes, of any money to or from any place whatsoever, and for the reciprocal delivery and payment of the same ; 30
- (2.) Establish rates of charges for such transmission, delivery, and payment ;
- (3.) 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 he deems expedient in order to give full effect to any such arrangements ; 35
- (4.) Make such regulations as he deems expedient for carrying all such arrangements into effect.
- (5.) Make such regulations as he thinks fit—
- (a.) Prescribing the forms of money-orders and postal-notes ; 40
- (b.) Authorising the issue thereof and the payment thereof at any post-office ;
- (c.) Prescribing the manner in which and the conditions subject to which money-orders and postal-notes may be issued and paid ; 45
- (d.) Prescribing the mode of accounting for all moneys received and paid in respect of money-orders and postal-notes.

Transmission of money through Post Office.
1881, No. 7, s. 7.

Power to issue money-orders and postal-notes for transmission of money.
1885, No. 10, s. 4.

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

- 5 63. (1.) All such arrangements and regulations shall be binding and conclusive upon the persons in favour of whom such money-orders and postal-notes are issued, and on all persons interested through or claiming under them, and upon all holders of money-orders and postal-notes, and shall have the same force and effect in all respects as if contained in this Act.
 - Regulations to have same force as if in Act. 1885, No. 10, s. 4.
- 10 (2.) All such regulations shall be published in the *Gazette*, and, within fourteen days thereafter, shall be laid before both Houses of the General Assembly if then in session, and, if not, within fourteen days after the commencement of the then next session thereof.
 - Regulations to be laid before Parliament. Ibid., s. 6.
- 15 64. (1.) No person whomsoever shall have any claim or right to compensation or otherwise, nor shall any liability be imposed on Her Majesty, by reason of any default, delay, omission, or loss in consequence of payment of the amount of any money-order or postal-note being 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. Ib., s. 7.
- 20 (2.) After any money-order or postal-note has been once paid to any one whomsoever, Her Majesty shall not be liable for any further claim in respect thereof.
- (3.) No interest or stamp duty shall be payable in respect of a money-order or postal-note.

PART IV.

SAVINGS-BANKS.

- (1.) *Appointment and Conduct of Post-Office Savings-Bank.*
- 25 65. (1.) The Postmaster-General may from time to time appoint post-offices to be offices of the Post-Office Savings-Bank for the purposes of this Part of this Act, and may authorise and direct post-officers to receive deposits, and to repay any such deposits, together with the interest accruing thereon.
 - Postmaster-General may appoint Post-Office Savings-Banks. 1867, No. 77, s. 3.
- 30 (2.) Except in the case of the societies mentioned in section *seventy-four* hereof, no deposit shall be of less amount than one shilling, nor of any sum not a multiple thereof.
- 35 66. (1.) The officer receiving a deposit shall, at the time when he receives it, enter the amount thereof in the depositor's book, and attest the entry by his initials and the dated stamp of his office.
 - Deposits to be entered in books, &c. Ibid., s. 4.
- (2.) He shall also report the amount of such deposit to the Chief Postmaster under whose control he is, and the Chief Postmaster shall report the same to the Postmaster-General.
- 40 67. The acknowledgment of the Postmaster-General, signified by the officer whom he appoints for that purpose, shall be forthwith transmitted to the depositor.
 - Title of depositors to repayment. Ibid.
- 45 68. (1.) A depositor desiring the repayment of his deposit, or any part thereof, shall give notice in the prescribed form to the Chief Postmaster of the postal district in which the account is kept, and in such notice shall name the Savings-Bank office at which he desires such repayment to be made.
 - How deposits may be withdrawn. 1867, No. 77, s. 5.

(2.) Forthwith upon the expiration of such notice (or earlier if the Postmaster-General thinks fit) the depositor, upon presentation of his deposit-book at the Savings-Bank office where the deposit is payable, shall be entitled to receive payment of the amount thereof.

(3.) Subject to prescribed regulations the repayment of deposits may be made by telegraph. 5

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.

Exception.

69. Any depositor whose account has been opened in any Savings-Bank office for at least three months may in the prescribed manner transfer his account from that Savings-Bank office to another.

70. (1.) The officers 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 are appointed to assist in carrying this Act into operation. 10

(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. 15

Moneys received to be paid into Post Office Account.

Ib., s. 8.

71. All deposits 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 paid to them out of the said account. 20

Security to depositors.

Ib., s. 9.

72. If at any time the funds paid into the Post Office Account under this Part of this Act, and the interest arising therefrom, are insufficient to meet the lawful claims of all depositors, it shall be the duty of the Colonial Treasurer to issue the amount of such deficiency out of the Consolidated Fund without further appropriation than this Act, and to report such deficiency to the General Assembly. 25

Disputes to be referred to arbitration.

1858, No. 52, s. 47.

73. If any dispute arises between the Postmaster-General, or any person acting on his behalf, and any depositor or any person claiming in right of such depositor, the matter in dispute shall be referred to arbitration, and for that purpose this section shall be deemed to be a submission within the meaning of "The Arbitration Act, 1890." 30

(2.) *Interest to be allowed.*

Rate of interest allowed.

1867, No. 77, s. 10.

74. The interest payable to depositors shall be at a rate per annum to be from time to time determined by the Colonial Treasurer, not exceeding,—

- (1.) *Five* per centum on sums up to two hundred pounds ; 40
- (2.) *Four* per centum on the excess over two hundred pounds up to five hundred pounds :

Provided that no interest shall be allowed to any depositor on more than five hundred pounds, except in the case of savings-banks under "The Savings-Bank Act, 1858," and legally-constituted friendly, charitable, or provident societies, and such other non-mercantile societies as the Governor in Council specifies from time to time.

Limit of amount.

5

75. (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 they are withdrawn :

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

10

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.

15

(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.

20

76. The moneys paid into the Post Office Account under this Part of this Act, and the interest accruing thereon, or such part thereof as the Governor in Council directs, shall be from time to time invested in the manner prescribed in "The Public Revenues Act, 1891," for the investment of moneys lying to the credit of the Post Office Account.

Moneys accruing under this Act may be invested.
Ib., s. 12.

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

25

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

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

78. The trustees of any savings-bank constituted under "The Savings-Bank Act, 1858," may, at any time they think fit, close the savings-bank for the transaction of all business except that of winding-up, and for such purpose shall give public notice of such closing—

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

30

- (1.) By letter through the Post Office prepaid to each depositor at his residence when known ; and, also,
- (2.) By advertisement in one or more newspapers circulating in the district where such savings-bank is situate ; and, also,
- (3.) By affixing such notice on the outer door of the building in which the business of the savings-bank is carried on.

35

79. The savings-bank shall be closed for the receipt or payment of deposits on and from the date of the first insertion of such advertisement, and the Trustees shall, with all convenient speed, proceed to convert its assets into money, and wind up its affairs.

Date of closing.

Conversion of assets.

40

80. From and after the closing of a savings-bank in manner prescribed by this Act, no action, suit, or proceeding shall be commenced, or, if previously commenced, shall be continued against the Trustees in respect of anything relating to the savings-bank without the consent in writing of the Governor.

Actions, &c., stayed after closing.

45

81. For the purpose of facilitating the conversion of the assets and securities of the savings-bank, and the winding-up of its affairs, the Public Trustee may, in his discretion, invest moneys available for that purpose in the purchase of such of its securities as he is authorised by law to invest money upon.

Public Trustee may purchase securities.

50

Moneys to be paid into Post-Office Savings-Bank.

82. With the exception of a sum to be fixed from time to time by the Public Trustee not exceeding at any time *one hundred* pounds, which may be kept in hand for current expenses, and for which they shall duly account to the Public Trustee, all money held by the Trustees on the day of closing as aforesaid, and all moneys subsequently received by them, shall be forthwith paid into the Post-Office Savings-Bank to the credit of an account to be called "The Savings-bank in liquidation." 5

Certified statement to be prepared by Trustees.

83. Within fourteen days after the day of closing as aforesaid, the Trustees shall forward to the Colonial Treasurer and also to the Postmaster-General a statement, certified under their hands, setting forth in detail,—

(1.) A list containing the full name, occupation, and address of every depositor, and the amount owing to him for principal and (separately) for interest accrued up to the date of the closing of the bank; 15

(2.) A full list of every other liability;

(3.) A full list of every asset and security, with an estimate of the then value thereof;

(4.) Such further information as the Colonial Treasurer requests. 20

Accounts to be opened for depositors in Post-Office Savings-Bank.

84. (1.) As soon as the amount to the credit of the aforesaid account of the savings-bank in liquidation is sufficient to meet the claims of all the depositors and other creditors of the savings-bank, the Postmaster-General shall open a separate account in the Post-Office Savings-Bank in the name of each depositor, and shall transfer to the credit of such account the principal sum owing to such depositor; 25

Effect thereof.

(2.) Such depositor shall thereupon be deemed to be a depositor in the Post-Office Savings-Bank, and entitled to the sum so transferred, together with the accrued interest owing by the Savings-Bank up to the date of closing, on proving his identity to the satisfaction of the Postmaster-General. 30

(3.) Such accrued interest shall be added to the principal on the thirty-first day of December next after the opening of the account.

How Public Trustee to apply balance of funds.

85. The balance remaining in the aforesaid account of the savings-bank in liquidation, after transferring all deposits and accrued interest as aforesaid, shall be paid over to the Public Trustee, who shall apply the same, together with all moneys received by him from the Trustees under section *eighty-two* hereof,— 35

First, in paying the expenses of liquidation; 40

Secondly, in satisfying the claims of other creditors;

And the surplus, if any, shall be disposed of in such manner as the Governor in Council directs.

Governor may declare savings-bank in liquidation.

86. (1.) Notwithstanding anything hereinbefore contained the Governor may at any time, by notification in the *Gazette*, declare any savings-bank (whether or not then already closed) to be in liquidation, and such notification shall operate in like manner as a winding-up order under "The Companies Act, 1882," in the case of a company registered under that Act. 45

Liquidator.

(2.) By the same or any subsequent notification, the Governor may appoint one or more fit persons to liquidate and wind up the affairs of the savings-bank. 50

His powers.

(3.) The person so appointed shall have all the powers of a liquidator, and the savings-bank shall for all purposes be deemed to

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be a company in course of being wound up under the supervision of the Court.

(4.) The liquidator shall, as far as practicable, wind up the affairs of the savings-bank in the same manner as is hereinbefore prescribed in the case of Trustees.

Mode of winding up.

87. In any case where the Colonial Treasurer is satisfied that the assets of a closed savings-bank are sufficient to meet all its liabilities, the following provisions shall apply :—

Provisions where assets sufficient to meet liabilities.

(1.) The Governor, if he thinks fit, may by notice in the *Gazette* declare such assets to be vested in the Public Trustee. All such assets shall thereupon, by force of such *Gazette* notice, and without the necessity of any instrument of transfer or assurance, pass to and vest in the Public Trustee for the same estate and interest, and subject to the same equities, as those for and subject to which such assets were respectively held by the Trustees of the savings-bank immediately prior to the gazetting of such notice.

Assets to be vested in Public Trustee.

(2.) Thereupon the Public Trustee, either alone or in conjunction with such other persons (if any) as the Governor, by the same or any subsequent *Gazette* notice, appoints in that behalf, shall administer such assets, and convert them into money in such manner and at such times in all respects as he, either alone or in conjunction with such other persons (if any) as aforesaid, thinks fit, and shall apply the proceeds thereof in manner hereinafter provided.

Administration and conversion.

(3.) As soon as the aforesaid assets are vested in the Public Trustee, the Colonial Treasurer shall create and issue debentures under the authority of this Act to an extent which, with the addition of the amount (if any) standing to the credit of the aforesaid account of the savings-bank in liquidation, equals the total claims of all the depositors of the savings-bank.

Debentures to be issued.

(4.) Such debentures shall be redeemable by the Public Trustee on demand, as hereinafter provided, and, subject thereto, shall have such currency (not exceeding ten years) and carry interest at such rate (not exceeding four per centum per annum, payable half-yearly) and be in such form, as the Colonial Treasurer directs.

Currency and interest.

(5.) Such debentures shall be delivered to the Postmaster-General, who shall thereupon place to the credit of the aforesaid account of the savings-bank in liquidation post-office moneys to an amount equal to the total sum represented by the face value of such debentures, and shall treat the debentures as securities upon which such moneys are invested.

How debentures to be dealt with.

(6.) The Public Trustee shall have the right, on demand, at any time and from time to time, to redeem all or any of the debentures by paying to the Postmaster-General the amount thereof, together with the interest thereon up to the day of the redemption.

Debentures may be redeemed.

And cancelled.

How Public Trustee
to apply moneys
received.

- (7.) All debentures redeemed by the Public Trustee shall by him be forthwith delivered to the Colonial Treasurer, who shall cause the same to be cancelled.
- (8.) All moneys received by the Public Trustee in respect of the administration and conversion of the assets vested in him as aforesaid shall, as and when received, be forthwith applied by him in manner and priority following, that is to say:—

Firstly, in defraying the cost of such administration and conversion (including his own usual and proper charges), and of winding-up the affairs of the savings-bank ;

Secondly, in satisfying the claims of the creditors of the savings-bank other than claims in respect of the said debentures ;

Thirdly, in repaying to the Consolidated Fund whatever sums may have been paid thereout for interest in respect of the said debentures, together with interest on every such sum at the rate of five per centum per annum, computed from the date of such payment up to the date of the repayment thereof ;

Fourthly, in redeeming the said debentures to the extent of the moneys in his hands and available for that purpose.

- (9.) When the affairs of the savings-bank have been finally wound up, and all debentures have been redeemed, the Public Trustee shall apply the surplus funds (if any) of the savings-bank in such manner as the Governor in Council directs.

Application of
surplus.

(4.) *General.*

88. (1.) The Governor in Council may from time to time make regulations for,—

- (a.) Superintending, inspecting, and regulating the mode of keeping the accounts of depositors in the Post-Office Savings-Bank ;
- (b.) Prescribing the mode of making and withdrawing deposits and interest, and the notice to be given in the case of withdrawals ;
- (c.) The substitution of Post-Office Savings-Bank deposit-books for deposit-books held by depositors in savings-banks closed under this Part of this Act ;
- (d.) The method of winding up the affairs of a closed savings-bank ;
- (e.) All other matters incidental to the carrying this Part of this Act into execution.

(2.) Copies of all such regulations shall be laid before both Houses of the General Assembly within fourteen days from the date thereof if the General Assembly is then sitting, and, if not, then within fourteen days from the commencement of the next session.

89. (1.) An annual account of all deposits received and paid by the Post-Office Savings-Bank and of interest paid thereon, and of the expenses incurred in carrying this Part of this Act into operation

Governor in Council
may make regu-
lations.

1867, No. 77, s. 13.
1869, No. 39, s. 6.

Copies of regulations
to be laid before
General Assembly.

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

during each year ending on the thirty-first day of December in so far as concerns the Post-Office Savings-Bank, together with a statement of the total amount due at the close of the year to all depositors in the Post-Office Savings-Bank, shall be laid by the Postmaster-General

5 before both Houses of the General Assembly not later than the thirty-first day of March in every year if the General Assembly is then sitting, and, if not, then within fourteen days from the commencement of the next session.

(2.) All expenses incurred as aforesaid shall, without further

10 appropriation by Parliament, be paid out of the moneys received under the authority of this Part of this Act and available for that purpose.

Expenses of executing Act. 1867, No. 77, s. 15.

PART V.

OFFENCES AND PENALTIES.

15 90. Every person who wilfully defaces, breaks, injures, or defiles any pillar or box for the receipt of letters shall pay to the Postmaster-General compensation for the value of the injury done (including injury done to the contents of such pillar or box), to be assessed by the adjudicating Justices, and is also liable to a penalty

20 not exceeding *twenty* pounds.

Penalty for injury to post-office pillars or boxes. *Ib.*, s. 70.

91. 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 post, any letter containing any explosive, dangerous, or destructive substance or liquid—

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

25 is liable to imprisonment for any term not exceeding *two* years with or without hard labour, or to a penalty not exceeding *fifty* pounds, or both; and no such letter shall be forwarded by post.

92. Every person who—

30 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—

Penalty for putting explosive substances or other things into post-offices or pillars. 1881, No. 7, s. 52.

35 is liable to imprisonment for any term not exceeding *seven* years with or without hard labour.

93. (1.) Every person who—

(a.) Makes, knowingly utters, uses, deals in, sells, or exposes for sale any fictitious postage-stamp, or knowingly uses for any postal purpose any fictitious postage-stamp; or

40 (b.) Has in his possession, without lawful excuse, the proof whereof shall lie upon him, any fictitious postage-stamp; or

(c.) Without lawful excuse (the proof whereof shall lie upon him), makes, or has in his possession, any die, plate, instrument, or materials capable of making any fictitious postage-stamp, or any impression thereof—

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

45 is liable, on summary conviction on a prosecution by order of the Postmaster-General, to a penalty not exceeding *fifty* pounds, or to imprisonment for any term not exceeding *six* months with or without

50 hard labour.

(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 forfeited.

(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 or of any other part of Her Majesty's dominions or of any foreign country.

Penalty for fraudulently removing stamp, &c.

94. (1.) Every person is liable to a penalty not exceeding *fifty* pounds who—

- (a.) Fraudulently gets off or removes from any letter, cover, paper, or other material any postage-stamp which has been previously used, or the stamp or impression of any die, plate, or instrument provided, made, or used for any postal purpose under this Act, with intent that any use should be made of such postage-stamp, stamp, or impression; or 10
- (b.) Fraudulently fixes or places upon any letter, cover, paper, or other material any such postage-stamp, stamp, or impression as aforesaid, which has been got off or removed from any other letter, cover, paper, or other material; or 15
- (c.) Fraudulently mutilates any such postage-stamp, stamp, or impression, with intent that any use should be made of any part thereof; or
- (d.) Fraudulently erases, cuts, scrapes, discharges, or otherwise either really or apparently removes from any letter, cover, paper, or other material any name, sum, date, or other matter or thing thereon written, printed, impressed, or otherwise marked, with intent that any use should be made of any stamp or mark upon such letter, cover, paper or other material, or that the same may be used to defraud Her Majesty of any of the rates or duties under this Act; or 25
- (e.) Makes, does, or practices, or is concerned in any other fraudulent act, contrivance, or device whatsoever, for which no specific penalty is provided, with intent to defraud Her Majesty of any of the rates or duties under this Act. 30

Onus of proof on defendant.

(2.) In any proceeding in respect of any offence under this section, the onus shall lie on the defendant to prove the absence of fraud or of the intent to defraud. 40

Stamp purporting to describe rate of postage to be deemed a postage-stamp until contrary proved.
1887, No. 3, s. 3.

95. 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 by the defendant. 45

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

96. Every person who—

With intent to defraud, obliterates, adds to, or alters any such lines or words on a money-order or postal-note as would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any money-order or 50

postal-note with such fraudulent obliteration, addition, or alteration,—

is liable to the like punishment as if such money-order or postal-note were a cheque :

5 Provided always that any person, being a banker, 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 money-order or postal-note, or of any document purporting to be a money-order or postal-note, shall not incur
10 liability to any one except such principal by reason of having received such payment or allowance, or having held or presented such order or note or document for payment. But this section shall not relieve any principal for whom such order, note, or document has been so held or presented of any liability in respect of his possession of the
15 same or of the proceeds thereof.

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

Fraud, forgery, and theft of postal-notes, &c.
1885, No. 10, s. 9 (4).

(2.) A money-order and a postal-note shall be deemed to be—

20 (a.) A bank-note within the meaning of any law for the time being in force relating to forgery ; and
(b.) An order for the payment of money and a valuable security within the meaning of any law for the time being in force relating to theft.

25 98. (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,—

Illegally opening or delaying letters.
1881, No. 7, s. 55.

30 is liable to imprisonment for any term not exceeding *two* years with or without hard labour, or to a penalty of *fifty* pounds, or to both.

(2.) Nothing herein contained shall extend to the opening, or detaining, or delaying of a post-letter under any special provision of this Act.

35 99. 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 contains therein any chattel or money whatsoever, or any valuable security, he is liable to imprisonment for any term not exceeding *fourteen* years with hard labour.

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

40 100. (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 post any printed newspaper, or any other printed paper whatever sent by post, without covers or in covers open at the sides,—

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

45 is liable to imprisonment for any term not exceeding *two* years, with or without hard labour, or to a penalty of *fifty* pounds, or to both.

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

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

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

Stealing mail-bags
or letters.

1881, No. 7, s. 58.

102. 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—

5

is liable to imprisonment for any term not exceeding *fourteen* years with hard labour.

Unlawfully
opening mail-bags.
Ib., s. 59.

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

10

Receivers of pro-
perty sent by the
post and stolen &c.
Ib., s. 60.

104. 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 this Act with *fourteen* years' imprisonment with hard labour, 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 for any term not exceeding *fourteen* years with hard labour.

15

Post-officer issuing
money order with
fraudulent intent.

Ib., s. 61.

1885, No. 10, s. 9 (3)

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

20

(2.) Every post-officer who reissues a money-order or postal-note previously paid is deemed to have issued the note with a fraudulent intent.

25

Fraudulently secret-
ing or detaining
misdelivered mail-
bag or letter.

1881, No. 7, s. 62.

106. Every person who—

(1.) Fraudulently retains, or wilfully secretes or keeps or detains, or being required by a post-officer to deliver up 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 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; or

(2.) Fraudulently states that he posted a letter containing money or other valuable enclosure, whereas in fact he did not so post it,—

30

is liable to imprisonment for any term not exceeding *two* years with or without hard labour, or to a penalty of *fifty* pounds, or to both.

Obtaining letters
under false pre-
tences.

Ib., s. 63.

107. 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 to a penalty not exceeding *fifty* pounds.

40

Penalty on post-
officer for detention
of mail or letter.

Ib., s. 71.

Penalty for negli-
gently losing letters.

Ib., s. 72.

108. 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.

45

109. 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 is or is not afterwards recovered, is liable to a penalty not exceeding *twenty* pounds.

50

110. 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)—

Penalty on mail-carriers, &c., for delay.
1881, No. 7, s. 62.

5 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,—
10 is liable to a penalty not exceeding *fifty* pounds.

111. Every person who—

Exhibiting without authority post-office sign, or Royal mail emblem.
1881, No. 7, s. 74.

15 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 to be placed or erected, or permits to continue after the original authority has been revoked, any sign, placard, writing, or painting—

20 (a.) On or near to his house or premises, bearing the words "Post Office," "Post Office Letter-box," or "Telegraph 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 telegraph office; or

25 (b.) 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,—
is liable to a penalty not exceeding *fifty* pounds.

30 112. Every person who, without due authority—

Penalty for affixing notice, &c., on, or disfiguring post-office, &c.
Section 5, Imperial "Post Office (Protection) Act, 1884," but penalty only two pounds.

35 Affixes or attempts to affix any placard, advertisement, notice, list, document, board, or thing on, or paint or disfigure, any post-office, post-office letter-box, telegraph post, or other real or personal property whatsoever belonging to or used by or on behalf of Her Majesty or the Postmaster-General,—
is liable to a penalty not exceeding *twenty* pounds for every such offence.

113. Every person who, without due authority,—

Penalty for imitation of post-office envelopes, forms, stamps, or marks.
Section 6, Imperial "Post Office (Protection) Act, 1884."

40 (a.) Makes, issues, or sends by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued under the authority of this Act, or of any postal authority, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe, that a post-letter bearing the same is sent on Her Majesty's service; or

45 (b.) Makes on any envelope, wrapper, card, form, or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of, or similar to, or purporting to be any stamp or mark of any post-office under this Act or under any foreign or colonial postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a post-letter bearing the same is sent on Her Majesty's service; or
50

(c.) Issues or sends by post or otherwise any envelope, wrapper, card, form, or paper so marked—
is liable to a penalty not exceeding *fifty* pounds.

Penalty for con-
travening provisions
of this Act.
1881, No. 7, s. 75.

114. Every post officer who—

Offends against or wilfully neglects or omits to comply with
any of the provisions of this Act, in respect of which no
penalty is hereinbefore specifically provided,—
is liable to a penalty not exceeding *one hundred* pounds.

Endeavouring to
procure the commis-
sion of any offence.
Ib., No. 7, s. 65.

115. Every person who solicits or endeavours to procure any
other person to commit any offence punishable under this Act is
liable to imprisonment for any term not exceeding *two* years, with or
without hard labour.

Abettors of offences
punishable on sum-
mary conviction.
Ib., s. 76.

116. Every person who aids, abets, or counsels or procures the
commission of an offence under this Act is liable to the same penalty
and punishment as that to which the principal offender is liable.

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

117. Nothing in this Act contained shall be construed to
exempt any person from any proceeding for any offence which is
punishable by any Act other than this, provided that he is not
punished twice in respect of the same offence.

Provisions regulat-
ing proceedings in
respect of offences.
Ib., ss. 66, 67.

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

(1.) To lay any property in the Postmaster-General's name with-
out alleging or proving it to be of any value :

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

(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 what-
soever :

(4.) To allege (if the offender is 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.

MISCELLANEOUS PROVISIONS.

No claim to lie
against Her Majesty
for loss of letters,
&c
1881, No. 7, s. 77.

119. (1.) No claim or demand against Her Majesty or the Post-
master-General shall arise by reason of any default, delay, omission,
or loss in relation to any letter posted or received under this Act.

(2.) No claim or demand against any post officer shall arise by
reason of anything lawfully done by him under this Act.

(3.) The Postmaster-General shall incur no personal liability
under any contract or arrangement entered into by him under this
Act ; and all the rights and liabilities under any such contract or
arrangement shall vest in and devolve upon the Postmaster-General
for the time being, who may sue and be sued in respect thereof in his
official name.

Limitation of
actions.
Ib., s. 78.

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

- 5

121. 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 this Act may be laid at any time within, but not later than, three years next after the date of the offence.

Limitation of summary proceedings. 1881, No. 7, s. 79.
- 10

122. (1.) All fines and penalties imposed by this Act are recoverable in a summary way before any two Justices of the Peace.
 (2.) All moneys received under or by virtue of this Act 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.

Penalties recoverable in a summary way. Ib., s. 80.
 Application of moneys paid under this Act.
- 15

123. In all cases in which any fine or penalty is paid under this Act, the Governor may, when any person appears to have been active in or towards the procuring of the 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.
- 20

124. (1.) The several Acts and enactment enumerated in the *Third* Schedule hereto are hereby repealed.
 (2.) But this repeal shall not affect the past operation of the said Acts, or anything done or any right accrued thereunder respectively.
 (3.) 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.

Repeals. *Third* Schedule.
 Proclamations, &c., heretofore made to remain in force. Ib., s. 85.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

I, A.B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter which shall come into my hands, power, or custody by reason of my employment in the Postal Service, except with the consent of the person to whom such letter shall be directed, or in such cases as are or may be provided for by the Post Office Acts, or by any rules or regulations to be made in pursuance thereof.

1891, No. 29, Sched. Sections 5, 33.
 1881, No. 7, Sched. 2.

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.

SECOND SCHEDULE.

Section 14.

POSTAGE RATES WITHIN THE COLONY.

Letters.

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.

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.”