

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
26th September, 1900.

Hon. Mr. Ward.

POST OFFICE.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation. "Australasian Colonies." "Customs Acts." "Foreign parcel." "Foreign port." "Mail." "Mail-bag." "Master." "Money-order." "Newspaper." "Newspaper supplements." "Newspaper exchanges." "New Zealand parcel." "Officer." "Person." "Port." "Postage." "Postage-stamp." "Postal authority." "Postal note." "Postal-packet." "Postal Service." "Postmaster." "Post-office." "Post-officer." "Prescribed." "Public institution." "Railway or tramway authority." "Regulations." "Valuable security." "Vessel."</p> <p>3. Act divided into parts.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">GENERAL POSTAL SERVICES.</p> <p style="text-align: center;"><i>Administration.</i></p> <p>4. Postmaster-General to administer Act.</p> <p>5. Postmaster-General may make contracts for mails.</p> <p>6. Postal-packets subject to Act.</p> <p>7. Provisions as to transmission and delivery of postal-packets.</p> <p>8. Conveyance and collection of letters otherwise than by post.</p> <p>9. Governor may establish posts, also post-offices. May appoint Postmasters and other officers. Power of delegation.</p> <p>10. Postmasters and other officers to take declaration. <i>First Schedule.</i> Security from officers.</p> <p>11. Governor in Council may make regulations for post-office service. Postmasters may sell stamps without license.</p> <p style="text-align: center;"><i>Postage Stamps, Post-cards, &c.</i></p> <p>12. Postage stamps may be made and sold.</p> <p>13. Engraved stamps may be used on envelopes or wrappers.</p> <p>14. Power to issue post-cards and letter-cards for post either within or beyond New Zealand.</p> <p>15. Private cards may be issued, subject to regulations.</p> | <p style="text-align: center;"><i>Registration of Newspapers.</i></p> <p>16. Registration of newspapers on payment of fee.</p> <p style="text-align: center;"><i>Postage Rates, Registration, and other Matters.</i></p> <p>17. Postage on postal-packets to be fixed by Governor in Council.</p> <p>18. Power to exempt certain newspapers from postage.</p> <p>19. Letters not to be carried for hire except by post.</p> <p>20. Exceptions.</p> <p>21. Postal-packets may be registered. Compensation for loss of contents of registered postal-packet.</p> <p>22. Postal-packets delivered at an hotel, unclaimed for two months, to be returned to Post Office; also telegrams.</p> <p>23. Power to compel senders of rejected postal-packets to pay the postage.</p> <p>24. Knowingly sending as exempt postal-packets not entitled to exemption.</p> <p>25. Post-office stamp to be evidence. Who deemed to be sender. Evidence of postage due.</p> <p style="text-align: center;"><i>Opened or Detained Postal-packets.</i></p> <p>26. Governor may direct postal-packet to be opened, detained, or delayed.</p> <p>27. Postal-packets and money-orders for keepers of lotteries, gamblers, fortune-tellers, &c., need not be registered or issued.</p> <p>28. Power to examine certain postal-packets sent as exempt from postage. Questions as to exemptions from postage.</p> <p>29. Certain postal-packets containing indecent matter may be destroyed.</p> <p>30. Procedure when postage rate evaded or defaced stamps used.</p> <p>31. Suspected postal-packets may be detained and opened.</p> <p>32. Mode of opening suspected postal-packets. <i>First Schedule.</i></p> <p>33. Opened newspapers, how dealt with.</p> <p>34. Opened postal-packets containing anything, how to be disposed of.</p> <p>35. Contents, if in fraud of Post Office or Customs, to be forfeited. Unless redeemed by owner. Disposal of money enclosures.</p> <p>36. No postal-packet to be returned to sender without express authority.</p> <p>37. No right to compensation.</p> |
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50. Principal officer of Customs may search for and seize mails on board contrary to Act.
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88. Forgery of crossing of postal-notes, &c.
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- 101. Penalty for negligently losing postal-packet.
- 102. Penalty on mail-carriers for delay.
- 103. Exhibiting without authority post-office sign or Royal mail emblem.
- 104. Penalty for affixing notice, &c., on, or disfiguring post-office, &c.
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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, 1900;” and it shall come into operation on the *first* day of *January*, one thousand nine hundred and *one*.

Short Title.

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

Interpretation.

10 “Australasian Colonies” means any of the Australian Colonies, and includes Tasmania and Fiji:

“Australasian Colonies”

“Customs Acts” includes “The Customs Laws Consolidation Act, 1882,” and all other Acts relating to the Customs, and all orders and regulations made under any such Act:

“Customs Acts.”

15 “Foreign parcel” means any package or parcel conveyed or intended to be conveyed by means of the Post Office under this Act, and whether posted in New Zealand and sent to a place out of New Zealand, or posted in a place out of New Zealand and sent to a place in New Zealand:

“Foreign parcel.”

20 “Foreign port” means any port not included within the boundaries of New Zealand:

“Foreign port.”

“Mail” means postal-packets 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 loose or individual postal-packets and also every mail-bag, vessel, and conveyance of any kind by which postal-packets are carried, and also every person or animal employed in conveying or delivering mails or postal-packets:

“Mail.”

30 “Mail-bag” means a mail of postal-packets, and includes every basket, hamper, box, parcel, or other envelope or covering in which postal-packets in course of transmission by post are conveyed, whether it does or does not contain postal-packets:

“Mail-bag”

35 “Master” of a vessel means the person for the time being having or taking the charge or command of a vessel, but does not include the pilot:

“Master.”

“Money-order” means a money-order issued under this Act, or by any postal authority for payment under this Act:

“Money-order.”

"Newspaper."
1881, No. 7, s. 3.

"Newspaper" means—

(1.) Any publication consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, and whether printed for sale or for gratuitous distribution: Provided— 5

(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; 10

(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 part of the title and the date of publication printed at the top of every subsequent page; 15

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

(3.) And the following shall, for the purposes of this Act, be deemed a supplement to a newspaper, and may be transmitted with it, that is to say,— 20

A publication consisting wholly or in great part of matter like that of a newspaper, or of advertisements, printed on a sheet or sheets 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: 25

Provided that such publication is printed in New Zealand and 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: 30

Provided further that a handbill, poster, or inset shall not be deemed to be a supplement to a newspaper. 35

"Newspaper exchanges."

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

"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 New Zealand, and addressed to some other place therein: 40

"Officer."

"Officer" includes the person for the time being executing the functions of that officer: 45

"Person."

"Person" includes firm and corporation:

"Port."

"Port" includes any harbour, river, or roadstead, and any other navigable water:

"Postage."

"Postage" means the duty chargeable for the transmission of postal-packets by post: 50

- 5 "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 : "Postage stamp."
- 10 "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 : "Postal authority."
- 15 "Postal-note" means a postal-note issued under this Act, or by any postal authority for payment under this Act : "Postal-note."
- 20 "Postal-packet" means a letter, post-card, letter-card, newspaper, book-packet, pattern or sample packet or parcel, New Zealand parcel, foreign parcel, and every other packet or article transmissible by post, and includes a telegram : "Postal-packet."
- 25 "Postal Service" means the administration of the Post Office under this Act : "Postal Service."
- 30 "Postmaster" means the postal officer in charge of a post-office : "Postmaster."
- 35 "Post-office" means any house, building, room, or place where postal-packets are received or delivered, or where they are sorted, made up, or despatched, and includes a post-office letter-box and a pillar-box : "Post-office."
- 40 "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 such contractor in connection therewith : "Post-officer."
- 45 "Prescribed" means prescribed by regulations made under this Act by the Governor in Council : "Prescribed."
- 50 "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 question arises as to whether any place comes within any of the descriptions aforesaid the Postmaster-General shall decide : "Public institution."
- "Railway or tramway authority" means any company, association, or person owning, working, or managing any railway or tramway for the public conveyance of passengers and goods, or passengers only or goods only, and, in the case of any railway belonging to or worked or managed by or on behalf of Her Majesty, includes the Governor or the Minister for Railways : "Railway or tramway authority."
- "Regulations" means regulations made under this Act, and, except where otherwise provided, means regulations made by the Governor in Council : "Regulations."
- "This Act" includes regulations thereunder :

"Valuable security."	"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 :	
"Vessel."	"Vessel" means every description of vessel employed on the high seas or on the coast, or on any navigable water.	5
Act divided into parts.	3. The succeeding provisions of this Act are divided into six Parts, as follows :—	
	Part I.—General Postal Services. Sections <i>four to fifty-three</i> .	10
	Part II.—Parcels Post. Sections <i>fifty-four to sixty-two</i> .	
	Part III.—Money-orders and Postal-notes. Sections <i>sixty-three to sixty-six</i> .	
	Part IV.—Savings-banks. Sections <i>sixty-seven to eighty-one</i> .	
	Part V.—Offences and Penalties. Sections <i>eighty-two to one hundred and nine</i> .	15
	Part VI.—Miscellaneous Provisions. Sections <i>one hundred and ten to one hundred and seventeen</i> .	

PART I.

GENERAL POSTAL SERVICES.

20

Administration.

Postmaster-General to administer Act.	4. The Postmaster-General shall have the general administration of this Act.	
Postmaster-General may make contracts for mails. 1881, No. 7, s. 8.	5. (1.) The Postmaster-General may, from time to time, enter into any contract with any person for or in respect of the conveyance of mails by sea, inland waters, or land upon such terms and conditions in all things as the Postmaster-General thinks fit.	25
	(2.) In the case of a contract for the conveyance of mails by sea or inland waters, such terms and conditions may include provisions fixing maximum rates of freight and passenger fares to be charged in respect of cargo and passengers carried by the vessel conveying the mails.	30
Postal-packets subject to Act.	6. All postal-packets shall be posted, forwarded, conveyed, and delivered subject to the provisions, conditions, prohibitions, and restrictions contained in this Act.	35
Provisions as to transmission and delivery of postal-packets.	7. For the purposes of this Act the following provisions shall apply with respect to postal-packets of every description :—	
	(1.) A postal-packet shall be deemed to be in course of transmission by post from the time of its being delivered to a post-office to the time of its being delivered to the person to whom it is addressed ; and	40
	(2.) Delivery of a postal-packet of any specified description to a post-officer authorised to receive postal-packets of that description for the Post Office shall be deemed to be a delivery to the post-office ; and	45
	(3.) Delivery of a postal-packet at the house or office of the person to whom the postal packet is addressed, or to him or to his servant or agent, or other person considered to be authorised to receive postal-packets for the	

person addressed, according to the usual manner of delivering that person's postal-packets, shall be deemed to be a delivery to the person addressed.

8. Subject to such provisions, conditions, prohibitions, and re-
5 strictions as are specified in regulations by the Governor in Council, the Postmaster-General may from time to time, either generally or in the case of any particular person, authorise—

Conveyance and collection of letters otherwise than by post.

(1.) Postal-packets, or any specified description of postal-packets, to be sent, conveyed, and delivered otherwise
10 than by post; and

(2.) The collection otherwise than by a post-officer of postal-packets, or any specified description of postal-packets, whether to be sent, conveyed, and delivered by post or otherwise than by post.

9. The Governor may from time to time, as he thinks fit,—

(1.) Establish posts or postal communications within New Zealand :

Governor may establish posts, also post-offices. 1881, No. 7, s. 4.

(2.) Establish post-offices throughout New Zealand.

(3.) Appoint Postmasters, post-officers, servants, messengers, and
20 other persons as may be required for the conduct of the business of the Post Office and the purposes of this Act, and prescribe their functions, duties, and powers :

May appoint Postmasters and other officers.

(4.) By writing under his hand, delegate, from time to time, to the
25 Governor by this Act, except such powers as are conferred upon the Governor in Council, and except also such powers as are conferred upon the Governor in relation to the opening, detaining, and delaying of postal-packets.

Power of delegation.

10. (1.) Every Postmaster and other post-officer shall, before
30 the exercise by him of the duties of his office, take and subscribe a statutory declaration, in the form in the *First* Schedule to this Act.

Postmasters and other officers to take declaration. *First* Schedule.

(2.) Such declaration may be taken and subscribed before any
35 person empowered by law to take statutory declarations, or before any post-officer whom the Governor authorises to take declarations under this Act.

Ib., s. 5.

(3.) Every person appointed under this Act may be required by
40 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.

Security from officers. Ib., s. 6.

(4.) Every person appointed under any Act hereby repealed, and in office at the time of the coming into operation of this Act, shall be deemed to have been appointed under this Act.

11. The Governor in Council, from time to time, may make
45 regulations—

Governor in Council may make regulations for post-office service.

(1.) For the functions and duties of post-officers ;

(2.) For the managing of post-offices and the conduct of business
therein ;

Ib., s. 9, altered.

(3.) For the mode in which inquiries concerning postal-packets
50 may be made and dealt with (including the imposition of fees for such inquiries) ;

(4.) For the receiving, despatching, conveying, and delivering of postal-packets (including the imposition of fees for private boxes, bags, or deliveries) ;

- (5.) For the exempting of postal-packets on the public service from postage ;
- (6.) For the insurance of registered postal-packets of any description, whether for delivery within or beyond New Zealand, the payment of premiums in respect thereof, and the payment of the amount of the insurance : 5
 Provided that the maximum amount payable in respect of the insurance of any such postal-packet shall not exceed *fifty* pounds ;
- (7.) For the detaining, opening, and return or other disposal of irregularly posted, unpaid, insufficiently paid, unclaimed, refused, or rejected postal-packets, 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 ; 10 15
- (8.) For the destroying of any postal-packet the destruction of which is authorised by law ;
- (9.) For the receiving and paying of money in connection with the Postal Service ;
- (10.) For the registration of newspapers ; 20
- (11.) For the transmission by post of newspapers and newspaper exchanges ;
- (12.) For the posting or re-posting within New Zealand of foreign newspapers ;
- (13.) For the making, custody, sale, and use of postage stamps ; 25
- (14.) For the making, custody, sale, and use of special postage stamps for the payment of postal charges, or unpaid or insufficiently paid postal-packets ;
- (15.) For licensing persons to sell postage stamps :
 Provided that any Postmaster in charge of a post-office, or any post-officer employed therein and authorised by the Postmaster in that behalf, may, without any other license or authority than this Act, sell at that post-office postage stamps deposited with him by the Postmaster-General for sale. 30 35

Postmasters may sell stamps without license. 1891, No. 7, s. 11.

Postage Stamps, Post-cards, &c.

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

Engraved stamps may be used on envelopes or wrappers. 1891, No. 29, s. 5.

12. The Postmaster-General may from time to time cause to be made and sold postage stamps of such denominations of value as he thinks fit.

13. (1.) The Postmaster-General may from time to time cause to be made and sold envelopes or wrappers of various sizes and forms, bearing thereon printed, engraved, or lithographed stamps, of such denominations of value as he thinks fit. 40

(2.) Such stamp may 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 written shall be deemed sufficiently defaced without any other obliterating mark. 45

(3.) 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 therefor under this Act. 50

14. (1.) The Postmaster-General may from time to time furnish and issue post-cards and letter-cards for transmission by post between places either within or beyond New Zealand.

Power to issue cards and letter-cards for post either within or beyond New Zealand. 1893, No. 19, s. 4.

5 (2.) Such cards 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.

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

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

15 (b.) When transmitted to places beyond New Zealand, 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.

20 15. (1.) Private cards may be furnished and issued by the Postmaster-General, 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 stamps thereon, and any other conditions which may be necessary.

Private cards may be issued, subject to regulations. 1881, No. 7, s. 14.

(2.) Any person may use as a private card, and affix thereto an adhesive stamp of the proper value, any piece of paper which conforms to the aforesaid regulations as to size, weight, and otherwise.

25 (3.) All such private cards shall be deemed to be post-cards.

Registration of Newspapers.

30 16. (1.) On payment of a registration fee of five shillings the proprietor or printer of a newspaper, as defined in section *two* hereof, may register the same under this Act in such manner and subject to such conditions as are prescribed by regulations.

Registration of newspapers on payment of fee.

(2.) The Postmaster-General may from time to time revise the register and remove therefrom any publication which in his opinion is not a newspaper, or has ceased to be a newspaper as defined.

35 (3.) The decision of the Postmaster-General on the admission to or removal from the register of a publication shall be final, save that the Governor in Council may, on the application of any person, reverse or modify the decision.

(4.) Any publication for the time being on the register shall, for the purposes of this Act, be deemed to be a registered newspaper.

Postage Rates, Registration, and other matters.

Postage on postal-packets to be fixed by Governor in Council.

1881, No. 7, s. 15.
1891, No. 29, s. 2.
1881, No. 7, s. 16.

Power to exempt certain newspapers from postage.

1881, No. 7, s. 10.

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

Exceptions.
Ib., s. 17.

Postal-packets may be registered.
Ib., s. 18.

17. The postage and other charges payable within New Zealand upon postal-packets posted within New Zealand for delivery within or transmission beyond New Zealand shall be levied according to such respective scales and at such respective rates as are fixed from time to time by the Governor in Council. 5

18. The Governor in Council may from time to time, as he thinks fit, exempt from payment of postage—

(1.) All registered newspapers addressed to any person as the manager, secretary, librarian, or other person having the charge of any public institution in New Zealand; or to any such institution without the addition of the name or description of any person: 10

(2.) All registered newspapers addressed to any person as the editor, proprietor, publisher, or manager of any registered newspaper in New Zealand: 15

Provided that not more than one copy of any issue or number of any newspaper posted to any such person or institution shall be exempted from postage under this section. 20

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

(2.) Every person who so sends any letter, or carries it or takes charge of it for the purpose of its being so sent or carried, is liable to a penalty not exceeding *twenty* pounds in respect of every such letter. 25

(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:

20. Nothing in the *last preceding* section contained shall extend to any letter— 30

(1.) Exceeding sixteen ounces avoirdupois in weight; or

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

(3.) Containing any writ or proceeding out of any Court of Justice, or any legal instrument of any kind; or 35

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

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

21. Any person sending any postal-packet by post shall be entitled to have the same registered, and to obtain a receipt for the same, upon the payment of such registration-fee, in addition to the ordinary postage, as is prescribed: 40

Provided that such registration or 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 postal-packet or of the contents thereof:

Provided further that 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 postal-packet, on production of evidence which will satisfy him of such loss.

Compensation for loss of contents of registered postal-packet. 1893, No. 19, s. 5.

22. (1.) Every postal-packet addressed to any person at any premises licensed 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 person 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.

Postal-packets delivered at an hotel, unclaimed for two months, to be returned to Post Office; also telegrams. "Post Office Act, 1890" (Victoria), s. 49.

(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 with the reasons therefor.

(3.) Every such postal-packet shall be transmitted to the Dead-letter Office and shall be there dealt with as undelivered.

(4.) If any such licensee, or other person as aforesaid, omits or fails to return any such postal-packet as aforesaid he is liable to a penalty not exceeding five pounds.

(5.) The foregoing provision of this section shall extend and apply to telegrams transmitted by electric telegraph.

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

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

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

24. 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,—

Knowingly sending as exempt postal-packets not entitled to exemption. *Ib.*, s. 21.

(1.) Any postal-packet 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; or

(2.) Any postal-packet containing any other unstamped or insufficiently stamped postal-packet that if sent alone would be liable to postage.

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

Post-office stamp to be evidence. *Ib.*, s. 22.

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

addressed was dead or could not be found, shall be *prima facie* evidence of such refusal or rejection, or that such person was dead or could not be found, according to the import of such stamp or mark :

Who deemed the sender.
1881, No. 7, s. 23.

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

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

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

Opened or Detained Postal-packets.

Governor may direct postal-packet to be opened, detained, or delayed.
Ib., s. 25.

26. The Governor, by warrant under his hand, may direct the Postmaster-General or any post-officer, to open, detain, or delay any postal-packet for any purpose in such warrant mentioned ; and every such direction shall be duly obeyed.

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

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

- (a.) In receiving any money or valuable thing as the consideration for any assurance or agreement, express or implied, to pay or give 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
- (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
- (c.) In receiving money under pretence of foretelling future events ; or

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

then the Postmaster-General may, by notification under his hand in the *Gazette*, order that no postal-packet 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 by the post-office.

(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.

(3.) Until such order is in like manner revoked no such postal-packet shall be registered, forwarded, or delivered, nor shall any money-order be issued in such person's favour, or be paid to him.

Power to examine certain postal-packets sent as exempt from postage.
1881, No. 7, s. 26.

28. (1.) The Postmaster-General and every Postmaster shall be entitled to examine any postal-packet (other than a letter) sent by post as exempt from postage or as entitled to be sent at less than the proper rate of postage, without a cover or in a cover open at the side or end, in order to discover whether it is in conformity with law.

Questions as to exemptions from postage.

(2.) Every question which arises as to whether any such postal-packet is entitled to be sent free or at the rate of postage paid

for the same shall be decided by the Postmaster-General, whose decision shall be final.

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

Certain postal-packets containing indecent matter may be destroyed. 1893, No. 19, s. 3.

5 That any postal - packet (other than a letter) 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 postal-packet to be detained and opened, and if it is found to contain any such matter or enclosure, he shall cause the postal-packet 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.

30. Whenever the Postmaster-General or any Postmaster has reason to suspect that in respect of any postal-packet the proper postage rate is fraudulently evaded or avoided by the use of defaced or previously used stamps, he may refuse to deliver the postal-packet unless the person to whom it is addressed discloses the name, occupation, and address of the sender, and, after opening the postal-packet and retaining the enclosures, delivers up the envelope or wrapper containing the defaced or previously used stamps.

Procedure when postage rate evaded or defaced stamps used.

31. Whenever the Postmaster-General or any Postmaster has reason to suspect—

Suspected postal-packets may be detained and opened. 1881, No. 7, s. 29.

30 That any postal-packet has been posted or contains any enclosure in fraud or violation of this Act or the Customs Acts,—

he may detain such postal-packet, with its enclosures, and the same shall be opened, examined, and dealt with in manner hereinafter mentioned.

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

Mode of opening suspected postal-packets. First Schedule. *Ib.*, s. 31.

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

40 (2.) By one post-officer so nominated, if he opens and examines the same in the presence of any other person, being a post-officer or an officer of the Customs, who, before the postal-packet is opened, makes the declaration set forth in the *First* Schedule hereto.

45 33. 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.

50 34. (1.) Every postal-packet which is opened and examined under the provisions of this Act, and is found to contain any valuable or saleable enclosure, shall, together with its contents, be safely kept,

Opened postal-packets containing anything, how to be disposed of. 1881, No. 7, s. 27.

and a list of such postal-packets, together with a memorandum of such contents, shall be made and preserved.

(2.) The Postmaster-General shall cause notice of such postal-packet, and of its contents, to be sent to the person to whom the postal-packet is addressed, if he is known, or otherwise to the sender thereof, if he is known. 5

(3.) Upon demand by the first-mentioned person if known, or, if unknown, then by the last-mentioned person if known, and upon payment of all charges in respect of postage rates, Customs duties, and otherwise due and payable thereon, but subject in every case to the provisions of the *next succeeding* section hereof, such postal-packet and its contents shall be delivered to the person so making demand. 10

(4.) If neither of such persons is known, or if no demand is made within six months after the sending of such notice, such postal-packet shall be destroyed and its contents shall be forfeited, and sold as hereinafter mentioned. 15

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

35. (1.) If on any such examination such postal-packet or enclosures are found to be in fraud or violation, or to have been posted in fraud or violation of this Act or the Customs Acts, or with intent to evade payment of the proper postage, or the proper Customs duties, then, without affecting any liability to penalty or punishment to which the sender is thereby exposed, such postal-packet shall be destroyed or otherwise disposed of as the Postmaster-General directs, and such enclosures shall be forfeited and may be sold as hereinafter mentioned : 20 25

Unless redeemed by owner.

Provided that, in lieu of such forfeiture and sale, the Governor, if he thinks fit, may direct—

(a.) That notice of the detention, opening, and examination of such postal-packet be sent to the person to whom the postal-packet is addressed, and also to the sender thereof; and 30

(b.) That at any time within two months after the date of such notice, and on payment of all charges in respect of postage rates, Customs duties, fines, and penalties due and payable, 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; 35

(2.) If such notice is sent within the said period of two months, and such charges are duly paid, such enclosures shall be delivered up in terms of the notice to the person paying the same, but otherwise they shall be sold. 40

Disposal of money enclosures. *Ib.*, s. 32.

(3.) If the enclosures of any postal-packet 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. 45

(4.) Any such enclosure which consists of any valuable security or order for money shall, for the purpose of procuring payment thereof, be deemed to be the property of the Postmaster-General. 50

No postal packet to be returned to writer without express authority. 1881, No. 7, s. 33.

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

5 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, and also postal-packets (other than letters), by or to whomsoever sent, may be so returned, under the sole authority in writing of the Postmaster-General.

37. (1.) No person shall have any right to compensation or otherwise, nor shall any liability be imposed upon Her Majesty or the Postmaster-General, by reason of the detention, opening, or destruction of a postal-packet or its enclosure under the powers in that behalf conferred by this Act.

No right to compensation.

(2.) The detention or destruction of a postal-packet or its enclosure shall not relieve any person from his liability for any offence under this Act or any other Act.

Provisions regarding Vessels.

15 38. (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, and the several Postmasters throughout New Zealand shall pay such gratuities accordingly.

Gratuities to masters of vessels for conveyance of mails.

Ib., s. 34.

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

20 39. (1.) The master or agent of every vessel which is about to proceed from any one port to any other port in New Zealand or beyond New Zealand—

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

Ib., s. 35.

1893, No. 19, s. 6.

25 (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

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

30 (2.) Every such notice shall, when practicable, 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.

35 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*.

40 (4.) 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 the notice was given.

1881, No. 7, s. 36.

45 (5.) 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.

Officer of Customs may refuse clearance unless notice given.

40 (1.) The master or agent of every vessel which is about to proceed from any port situate 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.

Ib., s. 37.

1893, No. 19, s. 6.

50 (a.) To any other port in New Zealand, whether such last-mentioned port is within three miles from any other post-office in New Zealand or not; or

(b.) To any other vessel lying or being in or within six miles of any port in New Zealand,—

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 port or vessel to which such first-mentioned vessel is about to proceed.

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* : 5

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.

Masters of vessels bound to carry mails.
1881, No. 7, s. 38.

41. (1.) The master of every vessel about to sail from any port in New Zealand— 10

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

(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 15

(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*. 5

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

42. (1.) All mails (other than such as are included among the exceptions enumerated in section *twenty* hereof), which at the time of the arrival of any vessel at any port in New Zealand are on board such vessel directed to any person within New Zealand, shall be delivered on demand to the Postmaster or other post-officer at such place, who is hereby authorised to give a receipt for the same. 25

(2.) Every master or other person belonging to any such vessel— 30

Who, having charge of any such mail, 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 of the same, or does not take due care for the secure and dry custody of the same so long as it is in his charge,— 35

is liable to a penalty not exceeding *one hundred pounds*.

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

43. Every master, passenger, or other person—

Who knowingly or negligently detains or delays on board such vessel, or keeps in his possession, any such mail after the master has sent to the post-office any of the mails brought by such vessel,— 40

is liable in respect of each mail so detained, delayed, or kept as aforesaid, to a penalty not exceeding *ten pounds* if the offence is committed before demand made as mentioned in section *forty-two* hereof, and to a penalty not exceeding *one hundred pounds* if the offence is committed after such demand. 45

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

44. (1.) The master of every vessel arriving at any port in New Zealand at which there is any post-office shall, as soon as practicable thereafter, subscribe a declaration, in the presence of and attested by a witness, in the form or to the effect following, that is to say :— 50

“ I, A. B., master of the [*State the name of the vessel*], arrived

5 from [State the place], do solemnly declare that I have, to the best of my knowledge and belief, delivered to C. D., the person duly authorised to receive delivery thereof, every mail that was on board the said vessel, except such postal-packets 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 for the Postmaster or post-officer at such port.

10 (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.

15 (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.

45. The Postmaster-General may from time to time make arrangements with the postal authority of the United Kingdom, 20 or of any British possession or foreign country, for all or any of the following purposes, that is to say,—

Postmaster-General may arrange with postal authority of other places for transmission of mails. 1881, No. 7, s. 42.

25 (1.) For the establishment of mail communication and the transmission of mails between New Zealand and such kingdom, possession, or country, or through New Zealand 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 are appropriated by the General Assembly for the purpose ;

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

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

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

46. In the event of any of the Australasian Colonies not agreeing with the Postmaster-General to contribute to the maintenance of any line or mail vessels plying between New Zealand and the United Kingdom or any British possession or foreign country, and subsidised 40 by the Government of New Zealand (hereinafter called “ subsidised mail vessels ”), the Postmaster-General may from time to time order that such colony (hereinafter 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 45 be gazetted.

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

47. (1.) All mails which at the time of the arrival at 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, 50 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.

All mails on board subsidised vessel arriving in New Zealand to be given up to post-officer on demand. Ib., s. 44.

(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.

Penalty on masters and others neglecting or refusing to give up mails.
1881, No. 7, s. 45.

48. Every master or other person belonging to any subsidised mail vessel— 5

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

is liable to a penalty not exceeding *two hundred* pounds for every mail so detained, kept, or not delivered. 10

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

49. The provisions of sections *forty-three* and *forty-four* hereof shall apply to all mails 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. 15

Principal officer of Customs may search for and seize mails on board contrary to Act.

50. The principal officer of Customs at every port in New Zealand may search any subsidised mail vessel for mails on board or supposed to be on board in breach of the provisions of this Act, and may seize the same and forward them to the nearest post-office. 20

Ib., s. 47, altered.

Postmaster-General may send back mails arriving in New Zealand by such vessels for delivery in any prohibited colony.

51. Whenever any subsidised mail vessel arrives at any port in New Zealand from any British possession or foreign country with any mail 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 mail to such colony, send back the same by the first convenient opportunity to the Post Office of the possession or country from which the same was brought. 25

Ib., s. 48.

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

52. Whenever any subsidised mail vessel arrives at any port in New Zealand from any prohibited colony with any mail 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 the same was brought. 30

Regulations.
Ib., s. 50.

53. The Governor in Council may, from time to time, make regulations for the purpose of preventing and prohibiting any person from posting any postal-packet to be sent by post, in any of the cases following: that is to say, if any person in New Zealand— 40

- (1.) Receives any postal-packet from any place beyond New Zealand for the purpose of posting it to be sent by any subsidised mail vessel to any prohibited colony; or
- (2.) Posts any postal-packet in order that it may be sent to any such colony by any such vessel; or
- (3.) Receives any postal-packet from any such colony by any such vessel for the purpose of posting it to be sent to any place beyond New Zealand; or

(4.) Posts any postal-packet as last aforesaid in order that it 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 any of such regulations.

PART II.

PARCELS POST.

54. (1.) New Zealand parcels and foreign parcels may be sent by post subject to the provisions of this Act, and also to the terms or conditions of any contract or arrangement that may be made by the Postmaster-General under the powers hereinafter contained.
- 10
- (2.) The Postmaster-General may from time to time enter into any convention, agreement, or arrangement with any postal authority for the conveyance of foreign parcels subject to the provisions of this Act.
- 15
55. Subject to any exceptions or 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 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.
- 20
56. With respect to foreign parcels the following provisions shall apply :—
- 25
- (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 have if the sum so payable were a rate of postage under this Act.
- 30
- (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 :
- 35
- Provided that no person shall be punished twice for the same offence.
- (3.) The Governor in Council may from time to time make all such regulations as he thinks fit, for the purposes of—
- 40
- (a.) Modifying or excepting the application of any of the Customs Acts to foreign parcels ; and
- (b.) Securing, in the case of such parcels, the observance of the Customs Acts ; and
- 45
- (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 of the officers of Customs ; 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. 5.

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. *Ib.*, s. 8.

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

(e.) Punishing, by a penalty not exceeding *twice* the value of the goods in respect whereof the breach is committed, any breach of the Customs Acts or of the regulations in this section provided for. 5

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. 10

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

57. The Postmaster-General may from time to time exercise the following powers, or any of them, for the purpose of giving effect to this Part of this Act :— 15

(1.) He may enter into any contract with any railway or tramway 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, or for the delivery only, of New Zealand parcels or foreign parcels : 20

(2.) He 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 : 25

(3.) In like manner he 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 : 30

(4.) He may agree to pay or allow such remuneration as he thinks fair and reasonable for any such service as aforesaid :

(5.) He may, in any contract, insert such conditions and terms as he thinks necessary in order to secure the performance of the services provided for. 35

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

58. (1.) Until the making of any contract with any railway or tramway 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,— 40

(a.) Convey, by any train or tramway 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 or tramway, whether 45

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 or tramway authority with respect to the conveyance thereof;

5 (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;

10 (c.) Transfer all such receptacles to and from the vehicles of the Postmaster-General at the outwards and inwards railway-stations or tramway-stations;

(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 or tramway.

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 or tramway authority, in respect of the receipt, conveyance, or delivery of New Zealand parcels and foreign parcels.

25 59. (1.) Every railway or tramway authority shall have full power to enter into any contract for the purposes of this Part of this Act, notwithstanding that such contract may be beyond the scope of or not included within the objects or purposes of any such railway or tramway 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 or tramway 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 from time to time to enter into any such contract.

35 60. No railway or tramway 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 be required to carry dangerous goods.
Ib., s. 8.

40 61. Subject to the terms of such contract as aforesaid, if any, and except in so far as such contract expressly provides, all and singular the provisions of sections *thirty-eight* to *forty-four* hereof shall extend and apply to every railway or tramway 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 62. The Governor may from time to time make regulations for the following purposes, or any of them:—

Power to make general regulations.
Ib., s. 11.

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

(2.) Prescribing what kinds of New Zealand parcels or foreign

parcels may not be conveyed, and providing for the forfeiture, sale, destruction, or other disposal of any parcel sent in breach of such regulations or of this Act :

Provided that foreign parcels shall in every case be returned to the office of origin unless otherwise directed by that office : 5

- (3.) Prescribing the rates of postage to be paid for the 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 : 10
- (5.) Providing for the forfeiture, sale, destruction, or other disposal of undelivered or unclaimed New Zealand parcels, or foreign parcels, and the mode and terms upon which the same shall be effected : 15

Provided that foreign parcels shall in every case be returned to the office of origin unless otherwise directed by that office : 20

- (6.) Limiting the liability to be incurred by Her Majesty in respect of 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 : 25
- (7.) Generally for any purpose which the Governor deems necessary in order to give full effect to this Part of this Act.

PART III.

MONEY-ORDERS AND POSTAL-NOTES.

Transmission of money through Post Office.

1881, No. 7, s. 7.

63. Subject to the provisions of this Act, money may be transmitted, either within or beyond New Zealand, through the medium of the Post Office or the electric telegraph by means of money-orders and postal-notes. 30

Power to issue money-orders and postal-notes for transmission of money.

1885, No. 10, s. 4.

64. The Governor in Council may, from time to time,— 35
- (1.) Make arrangements with any postal authority for the transmission, through the medium of the Post Office or the electric telegraph, 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 ; 40
 - (2.) Fix rates of charges for such transmission, delivery, and payment ;
 - (3.) Appoint agents within or beyond New Zealand with such powers as to the defraying of expenses, the making of payments, and otherwise howsoever as he deems expedient in order to give full effect to any such arrangements ; 45
 - (4.) Make such regulations as he deems expedient for carrying all such arrangements into effect.
 - (5.) Make such regulations as he thinks fit— 50
 - (a.) Prescribing the forms and currency of money-orders and postal-notes ;

Regulations.

1893, No. 19, s. 8.

(b.) Authorising the issue thereof and the payment thereof at any post-office appointed for that purpose ;

(c.) Prescribing the manner in which and the conditions subject to which money-orders and postal-notes may be issued and paid ;

(d.) Prescribing the mode of accounting for all moneys received and paid in respect of money-orders and postal-notes ;

(e.) Prescribing the time for which paid money-orders and paid postal-notes shall be kept in the custody of the Postmaster-General, and the mode in which they shall thereafter be destroyed or otherwise disposed of.

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

Regulations to have same force as if in Act.
1885, No. 10, s. 4.

Protection of postal officers in respect of delay or non-payment of orders or notes.
Ib., s. 7.

65. All such arrangements and regulations shall be binding and conclusive upon the persons for whom or in favour of whom such money-orders and postal-notes are issued, and upon all persons interested through or claiming under those persons, and upon all holders of money-orders and postal-notes.

66. (1.) No person shall have any claim or right to compensation or otherwise, nor shall any liability be imposed on Her Majesty, by reason of the payment of any money-order or postal-note being delayed or refused, or by reason of any neglect, omission, or mistake in the issue or payment thereof.

(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.

POST-OFFICE SAVINGS-BANK.

Appointment and Conduct of Post-office Savings-bank.

67. The Post-Office Savings-Bank and all offices thereof, as constituted and appointed under any Act hereby repealed and subsisting at the commencement of this Act, shall be deemed to be constituted and appointed under this Act.

Existing Post-Office Savings-Bank retained.

68. 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 Act, and may authorise and direct post-officers to receive deposits, and to repay such deposits, together with the interest accrued thereon :

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

Provided that, except in the case of the savings-banks and societies mentioned in section *seventy-six* hereof, no deposit of less than one shilling, or a multiple of one shilling shall be received.

69. (1.) The post-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 and acknowledged.
1867, No. 77, 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, who shall acknowledge the same to the depositor.

(3.) The acknowledgment of the Postmaster-General, signified in the prescribed manner by the officer whom he appoints for that purpose, shall be forthwith transmitted by post to the depositor by that officer. 5

(1.) Such acknowledgment shall be conclusive evidence of the fact and amount of the deposit. 10

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

70. (1.) A depositor desiring to withdraw any money from his account may be required to give at least seven days' previous notice in the prescribed form to the Chief Postmaster of the postal district in which the account is kept, and in such notice shall specify the amount to be withdrawn and the Post-Office Savings-Bank office at which he desires the payment to be made. 15

(2.) Upon receipt of such notice the Chief Postmaster shall forward to the depositor a warrant in the prescribed form authorising the payment to be made in terms thereof.

(3.) Forthwith upon the expiration of such notice (or earlier if the Postmaster-General thinks fit) the depositor, upon presentation of his deposit-book and the aforesaid warrant at the Post-Office Savings-Bank office where the amount to be withdrawn is payable, shall be entitled to receive payment thereof. 20

(4.) Subject to prescribed regulations the payment may be arranged by electric telegraph. 25

Amounts may be transferred from one post-office to another. Ib., s. 6.

71. Any depositor whose account has been opened in any Post-Office Savings-Bank office in any postal district for at least three months may in the prescribed manner transfer his account from that office to any Post-Office Savings-Bank office in another postal district. 30

Names of depositors, &c., not to be disclosed. Ib., s. 7.

72. 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: 35

Exception.

Provided that nothing in this section contained shall be deemed to exempt any officer from disclosing in evidence any matters 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. 40

Money received to be paid into Post Office Account. Ib., s. 8.

73. 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. 45

Security to depositors. Ib., s. 9.

74. 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 50

out of the Consolidated Fund without further appropriation than this Act, and to report such deficiency to the General Assembly.

75. 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," and the reference shall be deemed to be to two arbitrators.

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

10 *Interest to be allowed.*

76. (1.) 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, in the case of each depositor,—

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

15 (a.) *Five* per centum on any sum not exceeding two hundred pounds;

(b.) *Four* per centum on any sum exceeding two hundred but not exceeding five hundred pounds:

20 Provided that 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, the aforesaid limit of five hundred pounds shall not apply.

1869, No. 39, s. 7.

25 (2.) Except in the case of the aforesaid savings-banks and societies, no interest shall be allowed to any depositor on more than five hundred pounds.

Limit of amount.

30 77. (1.) Every person to whom the aforesaid limitation of interest-bearing deposits applies shall, before opening an account in the Post-Office Savings-Bank, make and deliver to the post-officer at the office where the first deposit is made a statutory declaration in the form numbered one in the *Second* Schedule hereto, or to that effect.

Declaration as to limitation of interest bearing deposits.

(2.) Every savings-bank or other society claiming to be exempt from the aforesaid limitation of interest-bearing deposits shall, before opening an account in the Post-Office Savings-Bank, make by its trustee or other responsible officer, and deliver as aforesaid, a statutory declaration in the form numbered two in the *Second* Schedule hereto, or to that effect.

Second Schedule.

40 (3.) Any such declaration shall be exempt from stamp duty, and may be made before and taken by any person who is empowered by law to take statutory declarations, or any post-officer who is authorised to receive deposits.

(4.) Every person who, in breach of any such declaration as aforesaid,—

Penalty for false declaration.

45 At any time possesses or is directly or indirectly interested in interest-bearing deposits exceeding in the whole the sum of five hundred pounds, whether in his own name or the name of any other person, and whether in the same account or in different accounts,—

is liable to the punishment imposed by law on any one making a false

declaration, and is also liable under this Act to a penalty of not less than *ten* nor more than *one hundred* pounds, besides the forfeiture of all interest paid or payable in excess of the prescribed limit.

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

78. (1.) Interest shall, in the case of each deposit, 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, as to moneys withdrawn, shall cease on the first day of the month in which they are withdrawn: 5

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. 10

(2.) Interest 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.

(3.) Interest shall in no case be payable on any sum less than a pound or a multiple of a pound. 15

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

79. 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. 20

General.

Governor in Council
may make
regulations under
this Part.
Ib., s. 13.

80. The Governor in Council may from time to time make regulations for,— 25

- (1.) Superintending, inspecting, and regulating the mode of keeping the accounts of depositors in the Post-Office Savings-Bank;
- (2.) Prescribing with respect to depositors' accounts the mode of making deposits and withdrawing moneys, and the notice to be given in the case of withdrawals; 30
- (3.) Prescribing the time for which deposit-books, deposit-slips, withdrawal-notices, warrants, receipts, and all other books, forms, and documents relating to the Post-Office Savings-Bank shall be retained in the custody of the Postmaster-General, and the mode in which they shall thereafter be destroyed or otherwise disposed of; 35
- (4.) All other matters incidental to the carrying this Part of this Act into execution.

Accounts to be laid
before General
Assembly.
Ib., s. 14.

81. (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 during each year ending on the thirty-first day of December, together with a statement of the total amount due at the close of the year to all depositors in the Post-Office Savings-Bank, shall be laid by the Postmaster-General before both Houses of the General Assembly not later than the thirty-first day of March in every year, if the General Assembly is then sitting, and, if not, then within fourteen days from the commencement of the next session. 40 45

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

(2.) All expenses incurred as aforesaid, including all sums payable to depositors, shall, without further appropriation by Parliament, 50

be paid out of the moneys received under the authority of this Part of this Act and available for that purpose.

PART V.

OFFENCES AND PENALTIES.

- 5 82. Every person who—
- (1.) Wilfully defaces, breaks, injures, or defiles any post-office letter-box or pillar-box, or any telegraph-post or telephone-post; or
- 10 (2.) Puts any filthy or noxious substance or any fluid into or against any post-office or any post-office letter-box or pillar-box; or
- (3.) Posts any postal-packet containing any such substance; or
- (4.) Commits a nuisance in or against any post-office or any post-office letter-box or pillar-box; or
- 15 (5.) Posts any postal-packet containing—
- (a.) Any sharp instrument not properly covered; or
- (b.) Any animal or thing which is noxious, or is likely to injure other postal-packets; or
- (c.) Any indecent or obscene print, painting, photograph, engraving, book, card, article, or representation of any kind; or
- 20 (6.) Posts any postal-packet having thereon, or on its cover, any words, marks, design, or representation of an indecent, obscene, or grossly offensive character,—
- 25 is liable to a penalty not exceeding *twenty* pounds, and, in case of conviction under subsection *one* hereof, is also liable to pay to the Postmaster-General compensation for any injury done (including injury done to the contents of such pillar or box), to be assessed by the adjudicating Court.
- 30 83. 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 postal-packet containing any explosive, dangerous, or destructive substance or fluid,—
- 35 is liable on indictment 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 postal-packet shall be forwarded by post.
- 40 84. Every person who—
- Puts into any post-office, or into any post-office letter-box or pillar-box fire, or match, or light, or any explosive, dangerous, or destructive substance or fluid, or any matter or thing likely to injure any postal-packet or any person,—
- 45 is liable on indictment to imprisonment for any term not exceeding *seven* years with or without hard labour.
85. (1.) Every person who—
- (a.) Imports into New Zealand, or makes, or knowingly utters, uses, deals in, sells, or exposes for sale any fictitious

Penalty for injury to post-office pillars or boxes. 1881, No. 7, s. 70, extended.

Dangerous substances not to be sent by post. *Ib.*, s. 51.

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

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

postage-stamp, or knowingly uses for any postal purpose any fictitious postage-stamp; or

(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,—

is liable to a penalty not exceeding *fifty* pounds, or to imprisonment for any term not exceeding *six* months with or without 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 New Zealand or of any other part of Her Majesty’s dominions or of any foreign country.

Penalty for fraudulently removing stamp, &c.
1881, No. 7, s. 54.

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

(a.) Fraudulently gets off or removes from any postal-packet, cover, paper, or other material any postage-stamp which has been already 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 whatsoever (whether for postal purposes or not) should be made of such postage-stamp, stamp, or impression; or

(b.) Fraudulently fixes or places upon any postal-packet, cover, paper, or other material any such postage-stamp, stamp, or impression as aforesaid, which has been got off or removed from any other postal-packet, cover, paper, or other material; or

(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 postal-packet, cover, paper, or other material any name, figure, letter, 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 postal-packet, 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

(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.

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.

87. In any proceedings against any person in respect of any offence under this Act, 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, until the contrary is proved, be deemed to be a postage-stamp used for postal purposes in such part of the said dominions or of such foreign country respectively.
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88. Every person who—
- 10 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 postal-note with such fraudulent obliteration, addition, or alteration,—
- 15 is liable on indictment to the same punishment as if such money-order or postal-note were a cheque :
- 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 liability to any one except such principal by reason of having received such payment or allowance, or of having held or presented such order or note or document for payment :
- 20
- 25 Provided further that this section shall not relieve any principal for whom such order, note, or document has been so held or presented from any liability in respect of his possession of the same or of the proceeds thereof.
89. (1.) For the purposes of this Act all enactments providing for the punishment of offences relating to stamp duties shall apply in like manner as if the commission on money-orders and poundage on postal-notes were a stamp duty.
- 30
- (2.) A money-order or a postal-note shall be deemed to be—
- (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.
- 35
90. (1.) Every person who—
- 40 Contrary to his duty, opens or procures or suffers to be opened a postal-packet, or wilfully delays or detains a postal-packet, or procures or suffers the same to be detained or delayed,—
- is liable on indictment to imprisonment for any term not exceeding two years with or without hard labour, or to a penalty of *fifty* pounds, or to both.
- 45
- (2.) Nothing in this section contained shall extend to the opening, or detaining, or delaying of a postal-packet under any special provision of this Act.
- 50
91. Every post-officer who—
- Steals, or for any purpose whatever secretes, or destroys a postal-packet of any description other than that comprised in the *next succeeding* section hereof,—

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

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

Fraud, forgery, and theft of postal-notes, &c.

Ib., s. 9 (4).

Illegally opening or delaying postal-packets. 1881, No. 7, s. 55.

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

is liable on indictment to imprisonment with hard labour for any term not exceeding *six* years; and if such postal-packet contains therein any chattel or money whatsoever, or any valuable security, he is liable on indictment to imprisonment for any term not exceeding *fourteen* years with hard labour.

Stealing newspapers or other printed paper.
1881, No. 7, s. 64.

92. (1.) Every post-officer who—

Steals, or for any purpose whatever 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 ends or sides,—

is liable on indictment 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.

Stealing money, &c., from or out of postal-packet.
Ib., s. 57.

93. Every person who steals from or out of a postal-packet any chattel, or money, or valuable security, is liable on indictment to imprisonment for any term not exceeding *fourteen* years with hard labour.

Stealing mail-bags or postal-packets, or robbing mails.
Ib., s. 58.

94. Every person who—

Steals a mail-bag or a postal-packet from a mail-bag, or a postal-packet from a post-office, or from a post-officer, or from a mail, or stops a mail with intent to rob or search the same,—

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

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

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

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

96. Every person who—

Receives any mail-bag or postal-packet, or any chattel or money or valuable security, the stealing or taking or secreting whereof is punishable under this Act with imprisonment or penalty, 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 the same imprisonment or penalty, and by the same procedure.

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

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

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

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

98. Every person who—

(1.) Fraudulently retains, or wilfully secretes or keeps or detains a postal-packet which ought to have been delivered to any other person, or a mail-bag or postal-packet which has been sent by post, or, being required by a post-officer to deliver up any such postal-packet or mail-bag, whether

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the same has been found by such person, or by any other person, neglects or refuses so to do ; or

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

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

99. Every person who—

By means of any false pretence or misstatement induces any post-officer to deliver to him any postal-packet sent by post, and not addressed to or intended for such person,— is liable to a penalty not exceeding *fifty* pounds.

Obtaining postal-packet under false pretences.
1881, No. 7, s. 63.

100. Every Postmaster or post-officer who wilfully neglects or fails to deliver or who wilfully retards the delivery of any mail or postal-packet is liable to a penalty not exceeding *one hundred* pounds.

Penalty on post-officer for detention of mail or postal-packet.
Ib., s. 71.

101. Every person employed in the carrying, conveying, or delivering of any mail or postal-packet, who negligently loses any such mail or postal packet whilst in his charge, whether the same is or is not afterwards recovered, is liable to a penalty not exceeding *twenty* pounds.

Penalty for negligently losing postal-packet.
Ib., s. 72.

102. 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 is conveyed by a carriage or vehicle or on horseback or on foot),—

Penalty on mail-carriers for delay.
Ib., s. 73.

Who loiters on the road or wilfully misspends or loses time so as to retard the arrival of the mail at the proper destination, or does not in all cases, unless prevented by unavoidable circumstances, convey such mail at the speed fixed by the Postmaster-General for the conveyance thereof,—

is liable to a penalty not exceeding *fifty* pounds.

103. Every person who—

Without the authority of the Postmaster-General or of some person deputed by him in that behalf (the proof of which authority shall rest on the person claiming to act under the same), places or erects, or permits to be placed or erected, or permits to continue after the original authority has been revoked,—

Exhibiting without authority post-office sign or Royal mail emblem.
Ib., s. 74.

(a.) On or near to his house or premises, any sign, placard, writing, or painting, bearing the words "Post Office," or "Post Office Letter-box," or "Telegraph Office," or "Telephone Office," or "Telephone Bureau," 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 telephone office ; or

(b.) On any coach, carriage, vehicle, or vessel, or attached thereto, any sign, placard, writing, or painting, or flag, bearing the words "Royal Mail," or any other words or mark which may imply or give reasonable cause to believe such coach, carriage, vehicle, or vessel, to be for the time being under engagement for the carriage of mails,—

is liable to a penalty not exceeding *fifty* pounds.

Penalty for affixing notice, &c., on, or disfiguring post-office, &c.
S. 5, Imperial Act, 1884.

104. Every person who, without due authority,—

Affixes or attempts to affix any placard, advertisement, notice, list, document, board, or thing on, or to paint or disfigure any post-office, or any post-office letter-box, or pillar-box, or any telephone or telegraph office or post, or any other real or personal property whatsoever belonging to or used by or on behalf of Her Majesty or the Postmaster-General for the purposes of this Act,—

is liable to a penalty not exceeding *twenty* pounds.

Penalty for imitation of post-office envelopes, forms, stamps, or marks.
S. 6, Imperial Act, 1884.

105. Every person who, without due authority,—

(1.) 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 postal-packet bearing the same is sent on Her Majesty's service; or

(2.) 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 postal-packet bearing the same is sent on Her Majesty's service; or

(3.) 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 contravening provisions of this Act.
1881, No. 7, s. 75.

106. 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 elsewhere specifically provided in this Act,—

is liable to a penalty not exceeding *one hundred* pounds.

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

107. Every person who—

(1.) Solicits or endeavours to procure any other person to commit any offence under this Act; or

(2.) Aids, abets, counsels, or procures the commission of an offence under this Act; or

(3.) Employs or authorises any other person to do anything the doing whereof is an offence under this Act,—

is liable to the same penalty and punishment as by this Act is attached to such offence and by the same procedure.

Abettors of offences.
Ib., s. 76.

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

108. 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 regulating proceedings in respect of offences.
1881, No. 7, ss. 66, 67.

109. 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 without alleging or proving it to be of any value:

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

5 (3.) To name and describe the Postmaster-General as Her Majesty's Postmaster-General for New Zealand, without any further or other name, addition, or description whatsoever:

10 (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.

PART VI.

MISCELLANEOUS PROVISIONS.

15 110. No claim or demand against Her Majesty or the Postmaster-General shall arise by reason of any default, delay, omission, or loss in relation to any postal-packet posted or received under this Act.

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

20 111. (1.) No claim or demand against the Postmaster-General or any post-officer shall arise by reason of anything lawfully done by him under this Act.

No claim against Postmaster-General.

25 (2.) 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.

No personal liability on Postmaster-General.

30 112. (1.) No action shall lie against any person for anything done in pursuance of this Act unless the action is commenced within six months after the cause of action arose, nor unless notice in writing of the action, and of the cause thereof, is given to the defendant one month at least before the commencement of the action.

Limitation of actions. *Ib.*, s. 78.

35 (2.) In any such action the defendant may give this Act and any special matter in evidence for the defence, and the plaintiff shall not recover if the defendant tenders sufficient amends before the commencement of the action, or pays the same into Court at any time thereafter:

Provided that, if the defendant pays into Court as aforesaid, the plaintiff shall, unless the Court otherwise directs, be entitled to costs up to the time of such payment.

40 (3.) If the plaintiff does not succeed in his action, or fails to recover more than is paid into Court, the defendant shall (subject to the *last preceding* subsection) be entitled to full costs as between solicitor and client.

45 113. 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 in respect of any offence under this Act may be laid at any time within three years next after the date of the offence.

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

50 114. (1.) Except in the case of indictment, all fines and penalties imposed by this Act, or by regulations under this Act, shall be recoverable in a summary way.

How penalties recoverable.

Rewards for activity
in procuring
conviction.
1881, No. 7, s. 81.

(2.) 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 the Governor thinks fit.

5

Applications of
moneys paid under
Act.
Ib., s. 80.

115. 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 regulation.

10

Provided that deposits in the Post-Office Savings-Bank, the interest on those deposits, and the principal moneys received in respect of postal-notes and money-orders shall not form part of the postal revenue.

15

Regulations to be
gazetted and laid
before Parliament.

116. (1.) All regulations made under this Act shall be gazetted, and a copy thereof shall be laid before Parliament within fourteen days after the gazetting thereof, if Parliament is then sitting, or, if not, then within fourteen days after the commencement of the next ensuing session.

20

(2.) Except where otherwise specifically provided by this Act, the regulations under this Act may impose any penalty not exceeding *fifty* pounds for any breach thereof.

Repeals.
Third Schedule.

117. (1.) The several Acts and enactments enumerated in the *Third* Schedule hereto are hereby repealed to the extent therein mentioned.

25

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

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

(3.) All Proclamations, Orders in Council, regulations, rates, charges, appointments, and other things made, fixed, or done under any of the Acts or enactments hereby repealed, and subsisting and in force at the commencement of this Act, shall respectively remain, subsist, and be in force until altered or revoked under this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

DECLARATION BY POST-OFFICER.

Section 10.

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 postal-packet which comes 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 postal-packet is directed, or in such cases as are or may be provided for by the Post Office Acts, or by any rules or regulations to be made in pursuance thereof.

And I do further declare that I will not intentionally read the contents of any postal-packet 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 sender, 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 postal-packet which may come to my knowledge in course of opening and examining the same for any such purpose as aforesaid, or any information which may come to my knowledge with respect to the business of the Post-Office Savings-Bank.

And I make this solemn declaration under the provisions of "The Post Office Act, 1900."

Declared at _____, by the said _____, this _____ day of _____, 19____,
before me _____, a Justice of the Peace [or as the case may be].

SECOND SCHEDULE.

Section 77.

DECLARATION ON OPENING SAVINGS-BANK ACCOUNT.

Form No. 1.

Under "The Post Office Act, 1900."

I, _____, of _____, do solemnly and sincerely declare,—
 1. That I am desirous of opening an account with the Post-Office Savings-Bank at _____ on my own behalf [or, as the case may be, as trustee for _____], and am aware that, whatever my deposits may amount to, I am not entitled to interest on more than £500.

2. That the total amount of all interest-bearing deposits belonging to me or in which I am directly or indirectly in any way interested on my own behalf [or, as the case may be, as trustee for the said _____], whether in my own name or the name of any other person (otherwise than as member of a society to which the limit of interest-bearing deposits does not apply) does not now exceed, nor shall at any time hereafter exceed, the sum of £500.

And I make this solemn declaration under the provisions of "The Post Office Act, 1900."

Declared at _____, the _____ day of _____, } C. D.
 19____, by the said _____, before me,— }

E. F.,

A Justice of the Peace in and for the Colony of New Zealand
 [or a Solicitor of the Supreme Court of New Zealand;
 or authorised post-officer at (town), or as the case may be].

Form No. 2.

Under "The Post Office Act, 1900."

I, _____, of _____, do solemnly and sincerely declare,—
 1. That I am [trustee, or other responsible officer, as the case may be] of the [name of society].

2. That the said society is desirous of opening an account with the Post-Office Savings-Bank at _____

3. That under section 76 of the above mentioned Act the said society is exempt from the limitation of interest-bearing deposits.

4. That the moneys to be deposited in the said account are the exclusive property of the said society, and that at no time will any moneys be deposited which are not the exclusive property of the said society.

And I make this solemn declaration under the provisions of "The Post Office Act, 1900."

Declared at _____, the _____ day of _____, } C. D.
 19____, by the said _____, before me,— }

E. F.,

A Justice of the Peace in and for the Colony of New Zealand
 [or a Solicitor of the Supreme Court of New Zealand;
 or authorised post-officer at (town), or as the case may be].

THIRD SCHEDULE.

Section 117.

REPEALS.

Act or Enactment.	Extent of Repeal.
1867, No. 77.—"The Post Office Savings Banks Act, 1867" ...	The whole Act.
1869, No. 39.—"The Post Office Savings Banks Amendment Act, 1869" ...	In part—namely, section seven.
1881, No. 7.—"The Post Office Act, 1881" ...	The whole Act.
1885, No. 10.—"The Post Office (Postal Notes) Act, 1885" ...	The whole Act.
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" ...	The whole Act.
1887, No. 3.—"The Post Office Act 1881 Amendment Act, 1887" ...	The whole Act.
1888, No. 18.—"The Post Office (Foreign Parcels) Act, 1888" ...	The whole Act.
1889, No. 9.—"The Post Office Act, 1889" ...	The whole Act.
1891, No. 29.—"The Post Office Acts Amendment Act, 1891" ...	The whole Act.
1893, No. 19.—"The Post Office Acts Amendment Act, 1893" ...	The whole Act.