



ANNO TRICESIMO

VICTORIÆ REGINÆ.

A.D. 1866.

No. 5.

An Act to consolidate and amend the Laws relating to the Post Office in South Australia.

[Assented to, 8th November, 1866.]

WHEREAS it is expedient to consolidate and amend the laws relating to the Post Office in South Australia—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

PRELIMINARY.

Preamble.

1. This Act may be cited for all purposes as the "Post Office Act, 1866."

Short title.

2. An Act No. 4 of 1861, intituled "An Act to regulate the Post Office Department in South Australia;" and an Act No. 10 of 1862, intituled "An Act to enable the Postmaster-General to issue Money Orders in the Colony of South Australia," shall be and the same are hereby repealed, except as to any things done, appointments made, contracts entered into, offences committed, penalties incurred, or proceedings instituted previously to the commencement of this Act: Provided that all securities given before the commencement of this Act for the fidelity of any Postmaster or other officer or servant of the Post Office, and for the due accounting for, and payment by them respectively of moneys shall be as valid and effectual, and of as full force and virtue as if this Act had not been passed: And provided that no Act or Ordinance, or portion of Act or Ordinance by the said Acts or either of them repealed, shall be hereby revived.

Repeal, 4 of 1861,
10 of 1862.

3. This

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3. This Act shall be divided into parts, as follows :

PART I.—General Provisions :

PART II.—Contracts for Conveyance of Mails :

PART III.—Money Orders :

PART IV.—Offences and Penalties :

PART V.—Legal Procedure and Evidence :

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PART I.—General Provisions :

Governor and Executive Council to make rules for establishing Post Offices, receipt and delivery of letters, &c., &c.

4. The Governor, with the advice of the Executive Council, may make rules and regulations for the establishing and managing of the several Post Offices within the said Province, and the receiving, dispatching, carrying, and delivering of letters, packets, and parcels, and the making, custody, and sale of stamps, and the receipt and payment of moneys in connection with the said Post Offices, and the conduct of all Postmasters and other officers of the department; and for the granting of money orders, and the payment thereof, and in reference thereto, as is hereinafter more particularly provided; and the said rules and regulations may alter, revoke, or vary, and such other rules and regulations may establish in their stead, as with the advice aforesaid he shall deem expedient: Provided that all rules and regulations heretofore made shall continue in force until revoked by rules and regulations made under the provisions hereof.

Governor may appoint and remove Postmaster-General, &c.

5. The Governor, with the advice of the Executive Council, may from time to time appoint and remove a Postmaster-General and an Inspector or Inspectors of Stamps, and may appoint and remove, or depute to the said Postmaster-General, the power to appoint and remove such officers, clerks, and servants, as may be required for the General Post Office, Adelaide; and the said Postmaster-General may, from time to time, appoint and remove Postmasters for the various post towns and places out of Adelaide, and may require and take from such Postmasters such security as the Governor, with the advice aforesaid, by any regulations published in the *Government Gazette*, shall from time to time fix.

Declaration to be made by Postmaster-General, Postmasters, letter-carriers, &c.

6. The Postmaster-General, and every other Postmaster, letter carrier, or other person hereafter to be appointed under this Act, shall, before the exercise by him of the duties of his office, take and subscribe a declaration for the due execution of such duties before one of Her Majesty's Justices of the Peace for the said Province (which declaration such Justice is hereby authorized and required to administer) in the words following, that is to say—"I, A.B., do solemnly and sincerely declare, that I will not willingly, or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into
my

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my hands, power, or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom such letter or packets shall be directed, or by an express warrant in writing for that purpose under the hand of the Governor, with the advice of the Executive Council, or under the hand of some person duly authorized by him in that behalf, or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act, law, or duly authorized regulation in force within the Province of South Australia, now or hereafter passed and made, or to be passed and made, for or in relation to the postage and conveyance of letters."

7. All letters transmitted or received by post, except as hereinafter excepted, shall, from and after the passing of this Act be charged by weight only, according to the following scale, that is to say—for any weight not exceeding half an ounce avoirdupois, one rate of postage; for any weight exceeding half an ounce avoirdupois and not exceeding one ounce, two rates of postage; and so on for each additional half-ounce or fraction of a half-ounce an additional rate of postage.

Letters to be charged by weight.

8. The following shall be the rates of postage payable according to the scale aforesaid upon letters (except as hereinafter excepted) transmitted or received by the post, that is to say—upon all letters posted at any post office for delivery within the said Province, the sum of Twopence; upon all letters to be transmitted by ship or otherwise to places beyond the limits of the said Province, the sum of Sixpence; and upon all letters received, either by mail or in ship's bags, from beyond the limits of the said Province, and delivered therein (except in cases where the Governor, with the advice of the Executive Council, shall have made arrangements as hereinafter mentioned), the sum of Sixpence.

Rates of Postage.

9. The postage upon all letters, newspapers, and parcels which shall be posted at any Post Office within the said Province, excepting in cases in which the prepayment shall be optional, under any of the provisions of this Act, shall be prepaid by the person who shall desire to have the same transmitted by post, and such prepayment shall (except as hereinafter provided) be made by the affixing thereon of stamps: Provided that all letters, newspapers, and parcels which shall be posted in, and addressed to, places within the said Province without the postage being prepaid, or with deficient postage, shall be charged a postage of double the amount of deficient or unpaid postage: Provided also, that no prepayment of postage shall be requisite, nor shall any double rate of postage be chargeable on letters received from beyond the sea, for delivery in the said Province.

All letters, newspapers, and parcels must be prepaid, except as hereinafter excepted.

Postage to be prepaid under penalty of payment of double postage.

10. It shall not be necessary to prepay, by stamp or otherwise, the postage upon letters or parcels containing only returns of births,

No prepayment necessary in respect of returns of births, &c.

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births, marriages, and deaths, transmitted in compliance with the provisions of the law in that behalf, by ministers of religion or other persons, whose duty it may be to transmit such returns to any officer appointed to receive the same; but the postage thereon shall be paid by the said officer on delivery of such letters or parcels respectively: Provided that the same shall contain such returns only, and shall, on the outside thereof, be stated to contain such returns only, and be signed by the minister or other person transmitting the same.

Letters of sailors and soldiers.

11. The following classes of persons may both send and receive letters, not exceeding half an ounce in weight, by post, on their own private concerns, on prepayment of a postage of One Penny for each letter, either in the said Province, or elsewhere (as the case may be), namely, every seaman employed in Her Majesty's Navy, whilst such seaman shall be actually employed in Her Majesty's service; every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whilst actually employed in Her Majesty's service; but the letters of commissioned officers, or warrant officers, whether in the Army or Navy, or midshipmen or mates of the Navy, are not included in this provision; and with respect to letters sent by any such privileged persons, the following conditions shall be observed, that is to say, the postage of each letter, unless sent from parts beyond the seas as hereinafter mentioned, shall be paid on such letter being put into a Post Office; and upon such letter shall be subscribed the name of the writer, and his class or description in the vessel, regiment, corps or detachment to which he shall belong; and upon every such letter there shall be written, in the handwriting of, and signed by the officer having at the time the command of the vessel, or of the regiment, corps, or detachment to which the privileged person belongs, the name of such officer, and the name of such vessel, or of such regiment, corps, or detachment; and with respect to letters received by post by any of the said privileged persons, the following conditions shall be observed, that is to say—the postage of each letter, unless sent from parts beyond the seas as hereinafter mentioned, shall be paid upon its being put into a Post Office, and it shall be directed to the privileged person, specifying on the superscription thereof the vessel, or the regiment, corps, or detachment, to which he shall belong; and whenever the letters sent or received by any such privileged person shall be sent from parts beyond the seas, and shall appear to have had any postage whatsoever prepaid thereon, no Colonial postage shall be charged on delivery thereof within the said Province.

Governor and Executive Council may arrange as to prepayment of letters to Britain or foreign ports.

12. The Governor, with the advice of the Executive Council, may make, or cause arrangements to be made with the Postmaster-General of England, and with the constituted authorities in foreign ports

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ports and separate Colonies, for the prepayment or for the optional prepayment thereat, by stamps or otherwise, of the postages payable under the provisions hereof, or of such sum as may form a fair proportion, or an equivalent for such proportion of such a rate of postage as shall be arranged to be payable in Great Britain, or in any such foreign ports or separate Colonies, for the entire postage between the place at which the letters, newspapers, or parcels chargeable therewith, shall be posted, to the place of delivery; and also may make, or cause to be made, arrangements for the prepayment or for the optional prepayment in the said Province, on letters, newspapers, or parcels to be sent from the said Province to Great Britain, or to such foreign ports or separate Colonies, of the postages payable in Great Britain, or in any such foreign port or separate Colony, or for the payment of such entire sum as may be agreed upon as the postage between the place at which any such letter, newspaper, or parcel shall be posted and the place of delivery thereof, and as to the proportion of or equivalent for such proportion of such entire sum, which shall be retained for the use of the said Province.

13. All newspapers printed in the said Province, posted at some office within the limits of the city or town in which such newspapers shall have been printed, and within seven days of the date of publication, and all newspapers published and posted within the said Province for delivery beyond the limits of the same, and all newspapers received through the Post Office from places beyond the limits of the said Province for delivery within the same shall, if unenclosed, or enclosed in any envelope open at both ends, be received, conveyed, and delivered free of all postage whatever: Provided that no newspaper shall contain any note, letter, memorandum, or other thing, or writing therein or thereon, excepting only the direction on the outside thereof, and that the exemption from postage shall not extend to newspapers posted at any office for delivery at such office, or at any place within the limits of the city or town in which such office is situate.

Colonial newspapers, and newspapers received from abroad, if under open covers, and not written upon excepting address, exempt.

14. The sum of One Penny shall be prepaid for every newspaper that is not entitled to be delivered free of postage.

Postage of 1d. on all papers not entitled to free delivery.

15. Every copy of a paper containing any public news or occurrences, or any remarks thereon, or upon any political matter, or containing only or principally advertisements, and printed for sale, may be sent by post as a newspaper within the meaning of this Act, if it shall be periodically published in parts or numbers, at intervals not exceeding one month; and every such part or number shall be deemed to be a separate newspaper within the meaning aforesaid.

Newspapers defined.

16. Members of the Executive Council and Members of the Legislature may receive by post, Parliamentary documents, petitions,

Petitions to the Governor or Executive Council or Legislature exempt, if under open covers.

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tions, and addresses to Her Majesty, His Excellency the Governor, the Executive Council, or either branch of the Legislature, exempt from postage: Provided such documents, petitions, and addresses, be sent without covers, or in covers open at both ends, and do not exceed thirty-two ounces in weight.

Rate of postage on parcels.

17. All parcels posted in the said Province shall be prepaid by means of stamps; and the postage payable on all parcels for delivery within the limits of the said Province shall be as follows, that is to say, for any weight not exceeding four ounces the sum of Twopence, and the additional sum of One Penny for every additional ounce or fraction of an ounce; and the postage payable on all parcels for delivery without the limits of the said Province shall be as follows, for any weight not exceeding one quarter of a pound Fourpence, and the additional sum of Fourpence for every additional quarter of a pound or fraction of a quarter of a pound: Provided that no parcel of inconvenient weight or dimension shall be transmitted by post to any place to which the mails shall be conveyed on horseback, unless the Governor, with the advice of the Executive Council, shall so direct.

Parcels defined.

18. Parcels shall not exceed three pounds in weight, nor be of greater dimensions in any one way than two feet, nor shall there be in or upon any parcel or the cover thereof any letter or epistolary communication or intelligence, and on the outside of every enclosed parcel in addition to the name and address of the person to whom the same is to be delivered, the sender thereof shall subscribe or caused to be printed his name and address with a statement of the contents in the following form, that is to say:—"Parcel without letter:" Provided that it shall not be necessary to certify the contents as aforesaid of any parcel which is unenclosed or enclosed in covers open at the ends or sides.

What things not to be deemed parcels or sent by post.

19. No packet containing any glass or glass bottles, razor, scissors, knife, fork, or other sharp or pointed instrument, leeches, game, fish, flesh, fruit, vegetables, or other like perishable substances, or any bladder or vessel containing any liquid, or any matches or other inflammable or explosive substance or compound, or any article, matter, or thing whatever which might by pressure or otherwise be or be rendered in any way injurious to the contents of the mail-bags or to the officers of the Post Office, shall be deemed to be a parcel within the meaning of this Act, nor shall any such packet be sent or transmitted by post whether as a parcel or otherwise; and any Postmaster may refuse to transmit by post any packet purporting to be a parcel which shall contain or be reasonably suspected to contain any such things as last aforesaid.

Packets not coming within definition of

20. Every packet or thing whatsoever, by whatever name called, or howsoever made up which may be sent by post, or put or received

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received into any Post Office for transmission or delivery by post, not being a newspaper or parcel as hereinbefore defined, or not being entitled to be transmitted free of postage under any of the provisions of this Act shall be deemed to be a letter, and shall be liable to and chargeable with postage accordingly.

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newspapers or parcels to be deemed letters.

21. The Postmaster-General or Inspector of Stamps, shall, with the approval of the Government, cause stamps to be made or procured and sold, indicating such amounts of postage as may be directed in that behalf by the Government.

As to making and sale of postage stamps.

22. The Postmaster-General may grant a licence to any person to deal in or to retail stamps ; and any such person or any Postmaster who may obtain from the Postmaster-General, at any one time, stamps to the value of Five Pounds or upwards, shall be allowed thereon a rebate at the rate of Two Pounds and Ten Shillings in the Hundred Pounds.

Postmaster-General may license persons to sell stamps.

23. The stamps upon all letters and parcels shall be affixed or impressed upon the outside thereof, and on the same side as the address, and no Postmaster shall be bound to take any notice of stamps which shall be affixed elsewhere upon any such letters or parcels.

How stamps shall be affixed.

24. It shall be incumbent on every postmaster to procure and keep on hand a sufficient supply of Post Office stamps for sale, without premium, and in such quantities as the Postmaster-General may authorize or direct, to all persons desirous of purchasing the same; and whenever it shall happen that any such Postmaster shall not have any stamps of the requisite value for sale as aforesaid, then and in such case prepayment on any such letters, newspapers, or parcels may be made in coin, and shall be acknowledged by the said Postmaster upon the face of the letter, newspaper, or parcel so prepaid.

Postmasters to keep sufficient supply of stamps.

25. It shall be the duty of every Postmaster to see that every post letter, newspaper, or parcel bears a stamp or stamps of the proper amount, according to the rate for the time being established by law.

Postmasters to see that stamps of proper amount are affixed.

26. In case any Postmaster shall suspect or believe that any letter, newspaper, or parcel put into his office or received by him as such Postmaster, and purporting to be a letter, newspaper, or parcel coming within any of the exemptions hereby created, or belonging in respect of its contents, to one of the classes in which the lower rate of postage hereinbefore mentioned is chargeable, does not in fact contain solely and only that which the same shall so purport to contain as aforesaid, or contains some paper, note, or other thing in writing, which under this Act would subject such letter, newspaper, or parcel to postage, or to the higher rate of postage as the

How Postmaster may act in regard to letters put in as being exempt, or as chargeable at a lower rate of postage.

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the case may be, it shall be lawful for such Postmaster, and he is hereby required to mark upon such letter, newspaper, or parcel treble the amount of postage to which such letter, newspaper, or parcel was originally liable, and such amount shall be demanded and received accordingly: Provided that in every such case of surcharge, if it shall at any time within ten days next following the delivery of the letter, newspaper, or parcel, be made to appear to the satisfaction either of the Postmaster by whom the same was so delivered, or of the Postmaster-General, that the same was not in fact liable to postage, or to a higher rate of postage, then the amount of such surcharge shall be returned to the party who shall have paid the same: Provided also, that if the person to whom the letter, newspaper, or parcel is delivered shall so require, the Postmaster by whom the same shall be so delivered shall, at the time of such delivery thereof, examine not only the outside but the contents of the said letter, newspaper, or parcel in that person's presence, and thereupon demand and take only the postage lawfully due thereon, according to the provisions of this Act.

Letters posted
contrary to this Act
may be detained.

27. The Postmaster-General may detain or cause to be detained, any letters, newspapers, or parcels which shall be posted, or reasonably suspected to be posted, contrary to the provisions of this Act; and the same, and all refused and undelivered letters, newspapers, or parcels shall be forwarded to the General Post Office at Adelaide; and all such irregularly posted and refused and undelivered letters, newspapers, and parcels shall be immediately opened at the said General Post Office at Adelaide, in manner hereinafter provided, for the purpose of ascertaining the writer or sender thereof; and the Postmaster-General may detain any such letter, newspaper, or parcel, so posted contrary to the provisions of this Act, for the purpose of enabling him to sustain any prosecution which he may institute in respect of such letter, newspaper, or parcel, so posted as aforesaid.

Letters may be
registered.

28. The sender of any post letter, newspaper, or parcel, upon which the proper amount of postage, and an additional sum of Fourpence, shall be prepaid by stamps, shall be entitled to have the same registered at the Post Office; but such registration shall not render any Postmaster, or the Post Office or General Revenue, in any manner liable for the loss of any such post letter, newspaper, or parcel, or the contents thereof; and all registered letters and packets shall be received at any post office, and also be delivered at the place of delivery, at or between such hours in the day, and under such regulations in every respect as the Postmaster-General shall from time to time appoint.

No letter may be
returned to the writer
or sender thereof
otherwise than as
herein mentioned.

29. Except in the case of unclaimed, refused, undelivered, and irregularly posted letters, no letter, newspaper, or parcel whatsoever shall, under any circumstances, be returned to the writer or sender thereof, without the express consent of the person to whom the same is directed; nor (except as hereinafter provided), unless by
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virtue of an express warrant in writing, under the hand of the Chief Secretary, or of some person by him duly authorized to sign such warrant, shall any letter, newspaper, or parcel be sent or delivered to any other than the person to whom it is addressed, or his agent; or, in case of such person's death or absence, to his personal or other lawful representative or assignee.

30. All unclaimed and undelivered letters, newspapers, and parcels, which shall have been received at any post office, other than the General Post Office at Adelaide, shall be kept thereat for a period of thirty days, during which time a list thereof shall be exposed in a conspicuous place in such post office, and at the expiration of such period of thirty days, or sooner if the Postmaster at any such post office shall ascertain that the person to whom the same is addressed is not to be found at such address, the same shall be forwarded to the General Post Office at Adelaide; and forthwith, upon receipt of any such letters, newspapers, or parcels, so to be forwarded to him as aforesaid, if the same have been posted in the said Province, the Postmaster-General may cause the same to be opened, as hereinafter mentioned.

Unclaimed and undelivered letters, &c., to be kept for thirty days, during which list thereof to be exposed at the post office.

31. The Postmaster-General shall, once in every month, or oftener if he shall think fit, cause a list to be published in the *Government Gazette*, of all detained, unclaimed, refused, and undelivered letters and parcels from abroad which shall have been received at the General Post Office at Adelaide, since the last preceding publication of the like kind; and after a period of six months, such of the letters and parcels mentioned therein, as shall not in the meantime have been claimed and delivered, may be opened, in manner hereinafter mentioned.

Postmaster-General to publish in the *Government Gazette* a list of unclaimed letters, &c.

32. All letters, newspapers, and parcels which shall be required to be opened, shall be opened by the Postmaster-General, or by an officer of the Post Office at Adelaide, to be specially nominated for that purpose by the Postmaster-General; and such officer shall, before he shall enter upon his duties in this respect, make oath or affirmation before the Postmaster-General (who is hereby authorized to administer such oath or affirmation) that he will not intentionally read the contents, or any part of the contents of any letter, newspaper, or parcel, which he shall open, except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same, and that he will not divulge to any person whatsoever, except to the Postmaster-General upon demand by him, any of the contents of any such letter, newspaper, or parcel which may have come to his knowledge in the course of opening and examining the same for the purpose aforesaid.

How and by whom unclaimed letters, &c., may be opened.

33. The Postmaster-General shall cause all detained, unclaimed, refused, and undelivered letters, newspapers, or parcels whatsoever, which

Detained or unclaimed letters, parcels, &c., to be returned to writers or senders thereof on

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payment of postage thereof.

which shall have been so opened as aforesaid, to be forthwith returned to the writers or senders thereof, if the name and address of the writer or sender can be ascertained by examination of such letters, newspapers, or parcels, and such writers and senders shall thereupon be liable to pay the original postage payable thereon, if not prepaid; and if any such writer or sender shall refuse to receive any such letter, newspaper, or parcel, the same may be forthwith destroyed, but he shall nevertheless be liable to pay such postage as aforesaid thereon.

Postmaster-General may destroy all printed documents, patterns, &c., remaining unclaimed for six months or upwards;

34. The Postmaster-General may cause to be destroyed or sold all pamphlets, magazines, reviews, and periodical publications, and all printed Votes and Proceedings of Parliament and of Colonial Legislatures, and all prices current, catalogues of merchandize, and patterns and samples of merchandize, which shall continue to be unclaimed or undelivered after the lapse of six months from the date of the publication of the list in which they shall have been advertised, or in case of letters, newspapers, or parcels, returned from Inland Post Offices, as aforesaid, after the lapse of six months from their return to the General Post Office; and he may cause to be destroyed all newspapers which shall have remained unclaimed for the period of six months; and also all unclaimed, refused, undelivered, and irregularly posted letters, newspapers, and parcels, and which shall have continued to be so unclaimed and undelivered for the period of one year after the advertisement or return thereof as aforesaid: Provided that in such last mentioned case, a list shall be preserved of every such letter containing money or valuables, showing the address thereof, and the name of the writer, and of the place at which the same purports to have been written.

And letters remaining unclaimed for one year.

Money in dead letters and parcels to be paid to Treasurer.

35. If upon the opening of any dead letter or parcel, the same shall be found to contain any money or article of value, then the Postmaster-General shall pay the same money or the price of such article of value, after disposing of the same, to the Treasurer, to be repaid to the person entitled thereto, upon proof being given to the satisfaction of such Treasurer that the person claiming is so entitled: Provided that no article of value contained in any dead letter or parcel, shall be disposed of until six months after the opening of such letter or parcel containing the same.

Letters of insolvents to be delivered to Official Assignee.

36. Whenever any person shall be adjudged insolvent within the meaning of the laws for the time being in force in the said Province, it shall be lawful for the Commissioner of Insolvency to order that until a date to be specified in such order, such date not to be later than the time when such insolvent shall have passed his last examination, the Postmaster-General shall deliver any letter addressed to such insolvent to the Official Assignee or other person in such order named, and the Postmaster-General shall deliver such letters accordingly.

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37. The Governor, with the advice of the Executive Council, may from time to time, by Proclamation to be published in the *Government Gazette*, alter and vary the rates of postage payable on letters, newspapers, or parcels, or any of them, and may fix such other rates of postage as to him may seem expedient, and such new rates of postage may also from time to time alter and vary; but so that in no case shall the rate of postage, payable in respect of any such letters, newspapers, or parcels, or any class thereof (except as herein next mentioned) exceed the rates of postage fixed by this Act for the same respectively.

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Governor may alter the rates of postage but so that same do not exceed the rates fixed by this Act.

38. The Governor may also from time to time, with the advice aforesaid, and by a like Proclamation increase the rate of postage payable in respect of letters, newspapers, or parcels, to be dispatched from the said Province to the United Kingdom or to any Colony or dependency of the said Kingdom, or to any Foreign State, but so that in no case shall such rate of postage be so increased except for the purpose of assimilating the rate of postage payable as aforesaid with the rate of postage payable in the said United Kingdom, other Colonies, or Foreign States, as aforesaid and in order to secure a system of reciprocity and uniformity of rates.

Governor may increase rate of postage, on foreign letters in order to assimilate same with that of other countries.

PART II.—Contracts for conveyance of Mails.

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39. The Postmaster-General may, under such instructions as shall be from time to time in that behalf given to him by the Chief Secretary, enter into any contract or contracts, in writing, from time to time, in his own name, on behalf of Her Majesty, for or in respect of the carriage or conveyance of the several mails throughout the said Province, or any or either of them, and may sue and be sued upon such contracts accordingly.

Contracts for conveyance of mails.

40. All mail bags and packages, and also all loose letters and newspapers which at the time of the arrival of any ship or vessel within the limits of any port or harbor in the said Province, shall be on board of such ship or vessel, directed to any person or persons within the said Province or its dependencies, shall be delivered immediately on demand to the Postmaster-General, or any Postmaster or Port Officer of such port or harbor, or to any person duly acting for such Postmaster-General, Postmaster, or Port Officer; excepting always letters concerning goods on board such ship or vessel, and to be delivered with such goods, and letters containing any conveyance or other deed, commission, writ, or affidavit, and letters sent by way of introduction only, or concerning the bearer's private affairs.

Ship letters inwards to be delivered on arrival and demand.

Exceptions.

41. The master or commander of any ship or vessel arriving at any port or harbor in the said Province, shall repair to the Post Office at such port, as soon after his arrival as shall be practicable, and

Declaration to be made by masters of vessels, on arrival, as to letters.

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Form of Declaration.

and shall then subscribe a declaration in the presence of some person authorized by the Postmaster-General to take such declaration; which declaration shall be in the form or to the effect following, that is to say—“I, A.B. commander of (*state the name of the ship or vessel*) arrived from (*state the place*), do, as required by law, solemnly declare, that I have to the best of my knowledge and belief delivered, or caused to be delivered, to the person duly authorized to receive delivery thereof, every letter, bag, package, or parcel of letters, or packets that were on board the (*state the name of the ship or vessel*), except such letters as are exempt by law from postage;” and until such declaration shall have been made, and a certificate of the making thereof, under the hand of the officer taking the same, shall have been produced to the collector, comptroller, or principal officer of customs at such port or harbor, he shall not permit such ship or vessel to report.

Remuneration to masters of ships, &c.

42. Every master or other person in charge of any ship or vessel arriving from parts beyond the said Province, except Government vessels or packets carrying mails under any contract with the Government of the said Province, shall be entitled at any time after the expiration of twenty-four hours next after the arrival of such ship or vessel, to receive from the nearest Postmaster (who is hereby required to pay such master or person) the sum of One Penny for every letter or parcel, newspapers excepted, so delivered on demand as aforesaid, or delivered voluntarily to any Postmaster, or port officer, or at any Post Office; and every such master or person shall give a receipt for the money so received, which receipt shall be to the Postmaster obtaining such letters or parcels a sufficient voucher, and the same shall be allowed him in his account accordingly: Provided that it shall be lawful for the said Postmaster-General to withhold the said gratuity, or a part thereof, in cases when the master of such vessel shall have been guilty of any negligence or delay in the delivery of the mails forwarded by such vessel.

Allowance to masters of vessels for ship letters outwards.

43. Every master or person having the command of any ship or vessel about to depart from the said Province, except Government or contract vessels, or packets as aforesaid, who shall receive on board any mail bag, or packages, for the purpose of conveying the same, according to the directions thereof, shall be entitled immediately to demand and receive from the Postmaster or Port Officer, who shall require him to take the same, for the carriage thereof, One Penny for every letter or packet contained therein, newspapers excepted, such master or person giving a receipt for the amount so received by him, which receipt shall be a sufficient voucher for such payment, and the same shall be allowed such Postmaster or port officer in his account accordingly.

Allowance to masters of steamers, &c., for

44. For the conveyance of any mails by water from one port, post

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post town, or other place to any other such port, post town, or other place, within the said Province, the master, or commander, or any other person having the charge of any such steam-boat or other vessel, except Government or contract vessels, or packets as aforesaid, shall be entitled to demand and receive at the rate of One Penny for every letter or parcel contained in such mail; and such payments shall be made at such place and time, and under such regulations as the Postmaster-General shall appoint; and every such master, commander, or other person as aforesaid, shall give a receipt for the amount so received by him, which receipt shall be to the Postmaster-General, or to any Postmaster, or other person as aforesaid, making such payment, a full and valid discharge for the same; and the said Postmaster-General, and every such Postmaster, and other person, in passing his accounts, shall receive credit for every such sum or sums which shall be therein mentioned accordingly.

PART II.

letters conveyed
coastwise.

45. The master of every vessel carrying letters or mails shall keep the same in some secure lockers or place, and if he shall neglect to do so shall not be entitled to any reward or gratuity for carrying such letters or mails.

Master to provide
secure lockers, &c.

46. Every master of any vessel, except Government or contract vessels, or packets as aforesaid, shall before sailing from any port within the said Province for any place beyond the limits thereof, give to the Postmaster at the port from which such vessel shall be about to sail twenty-four hours' notice, in writing, of the time or intended time of sailing of such vessel; and every master of any vessel not carrying mails under any such contract as aforesaid shall, before sailing from any port within the said Province for any other port within the same, give to the Postmaster at the port from which such vessel shall be about to sail, six hours' notice, in writing, of the time or intended time of sailing of such vessel: Provided that such last-mentioned notice shall expire between the hours of nine in the morning and five o'clock in the afternoon; and every such master shall also from time to time give notice to such Postmaster as aforesaid, of any postponement of such time of sailing.

Twenty-four hours'
notice of time of sail-
ing to be given.

PART III.—Money Orders :**PART III.**

47. The Governor, with the advice of the Executive Council, may from time to time (subject to the provisions of this Act), make arrangements with the Postmaster-General of the United Kingdom, or with the proper authorities of any British possession, or foreign country, for the issue and payment by means of the Post Office of money orders between South Australia and the said United Kingdom, possession, or country, and for the accounting for and transmission of moneys connected therewith.

Governor may make
arrangements for issue
of money orders.

48. The Governor may from time to time, with the advice of the Executive Council, make, rescind, or alter such regulations

Governor may make,
rescind, or alter regu-
lations relating to
money orders.

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gulations as shall be needed relating to money orders and to the persons by or through whom, and the places where, and the times when, and the manner and form in which, and the restrictions as to number and amount under which money orders shall be issued, and to the persons in favor of whom, and the places where, and the times when, and the manner in which all money orders issued shall be payable, and to the length of time during which money orders shall be current, and after which they shall become void, and to the circumstances under which the Postmaster-General may refund the whole or part of the money paid for any money order, and under which he shall cease to be liable to pay the money made payable under any money order, and to the manner of forwarding messages or advices through the electric telegraph, or otherwise of transmitting moneys and of managing credits, accounts, and other matters and things necessary to be forwarded, transmitted, or managed in reference to money orders, and relating to every other matter or thing necessary to be regulated or done for perfecting a system whereby the public may be enabled promptly and safely to remit small sums of money through the Post Office.

Regulations to bind all persons.

49. All such regulations shall be binding and conclusive upon the persons in favor of whom such money orders shall be issued, and the payees thereof, and all persons interested through or claiming under them, and upon all other persons whomsoever, and shall have the same force and effect in all respects as if contained in this Act.

No action to be brought in respect of money orders, unless for wilful default.

50. No action, suit, or other proceeding at law, or in equity, shall be brought, instituted, or commenced against the Postmaster-General, or any officer of the Post Office, or any other person whomsoever for or by reason, or in consequence of any such regulations, or of any compliance therewith or otherwise in relation thereto, or for or by reason or in consequence of the refunding or the payment of the amount or part of the amount of any money order or any poundage therefor being refused or delayed, or on account of accidental neglect, or omission, or mistake, or of any other cause whatsoever without fraud or wilful misbehaviour on the part of any person chargeable therewith.

No money orders to be issued for more than £10.

51. No money order shall be granted for a larger sum than Ten Pounds.

Postmaster-General may demand and receive rates or poundage fixed by the Governor.

52. The Postmaster-General shall demand and receive for the use of Her Majesty, in respect of all money orders issued, such rates of poundage as the Governor, with the advice of the Executive Council, shall from time to time order, and such rates of poundage shall be demandable and receivable by the Postmaster-General, and shall be applied when received to the same purposes and in the same manner as all other moneys received by the Postmaster-General are by law.

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PART IV.—Offences and Penalties :

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53. If any person having entered into any contract with the Postmaster-General for the carriage or conveyance of any mails shall, during the continuance thereof, unlawfully refuse or neglect to perform the same, or shall in any manner omit to comply with any stipulation or provision therein, he shall forfeit and pay a penalty or sum of not more than One Hundred Pounds, over and above the penalty recoverable upon such default, by virtue of any bond into which such person, or his surety or sureties, may have entered for the due performance of the contract.

Penalty on mail contractors not carrying out contract.

54. Any master, passenger, or other person on board of any ship or vessel, arriving at any port or harbor in the said Province, who shall delay the delivery of, or shall knowingly or negligently detain on board of such ship or vessel, or keep in his possession any mail-bag, mail-box, packet of letters, letter, or newspaper (except as mentioned in clause 40), after demand made, as in such clause mentioned, shall forfeit and pay for every letter or newspaper so delayed, detained, or kept, a penalty or sum not exceeding Fifty Pounds.

Penalty on masters, &c., of ships inwards not delivering letters on demand.

55. Any master or commander of any ship or vessel arriving at any port or harbor in the said Province, failing or neglecting to make the declaration prescribed by clause 41, or making a false declaration, shall forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalty on masters of ships inwards neglecting to make declaration.

56. All mail-bags and packages which are conveyed, or required by law to be conveyed, by post from one part of the said Province to another, and which at the time of the arrival of any steam-boat or other vessel, within the limits of any port, post town, or other place at which mails or mail-bags are to be delivered, shall be on board such steam-boat or other vessel, shall be delivered on demand to any port officer or Postmaster of such port, post town, or other place, as aforesaid, or to any person duly authorized to act for them, or either of them; and any master, commander, or other person belonging to any such steam-boat or other vessel having charge of such mails, who shall neglect or refuse to deliver or return the same on demand, as aforesaid, or shall detain, or permit the detention of the same on board such steam-boat or other vessel, or shall not use such diligence in the delivery thereof, as well as for the secure and dry custody of the same, while they shall be in his charge, shall forfeit and pay for every such offence a penalty or sum not exceeding Fifty Pounds.

Penalty for not delivering mails conveyed coastwise, by steamers or other vessels, on arrival and demand.

57. If any master or person having the command of any ship or vessel about to depart from the said Province shall (after being thereto required by the Postmaster-General or by any such Postmaster or Port Officer, or by any person duly authorized to act for them, or either of them) refuse or wilfully neglect to receive on board such ship or vessel, any mail-bag or packages, or to give a receipt

Penalty on masters of vessels refusing to take mails.

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receipt for the same, or shall refuse or neglect carefully to deposit such mail-bag or packages in some secure and dry place on board of such ship or vessel, or to convey the same upon her then intended voyage, such master or person shall, for every such offence, forfeit and pay a penalty or sum not exceeding One Hundred Pounds.

Masters of steamers or other vessels coast-wise compelled to take mails, under a penalty.

58. If the master, commander, or other person having the charge of any steam-boat or other vessel proceeding or about to proceed from any port or place within the said Province to some other port or place within the same, shall refuse or neglect to receive any such post office mail on board such steam-boat or other vessel, or to give a receipt for the same, being thereto required, he shall forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalty for not giving notice of sailing.

59. Every master of any vessel not carrying mails under a contract with Her Majesty's Government, or with the Government of the said Province, who shall omit to give notice as is required by clause 46, or who shall depart from the said port before the expiration of the time mentioned in such notice, shall for every such offence forfeit and pay the sum of Fifty Pounds.

Vessels not sailing pursuant to notice, mails and gratuities may be recovered back.

60. Whenever the master or person having the command of any steam-boat or other vessel shall have received mails from any Postmaster, for conveyance on board of such steam-boat or other vessel, and such steam-boat or other vessel shall not depart on her voyage according to the time fixed for the departure thereof, by any notice given as herein provided; such master or person having the command as aforesaid, shall return to the postmaster, port officer, or other person duly authorized in that behalf, by writing under the hand of the Postmaster-General, or officer in immediate charge of the Post Office, such mails, and also any gratuity which may have been paid for the carriage of the same; and in default of so doing, shall, on conviction thereof, forfeit and pay any sum not exceeding Fifty Pounds.

Penalty for not heaving-to for mail-boat.

61. Every master of any vessel who shall refuse to heave-to or stop for the mail-boat, when required by the person in charge of the same, such mail-boat carrying a distinguishing flag with the words "Mail Boat" inscribed thereon, and every master of a vessel who shall evade, or attempt to evade any such mail-boat, shall for every such offence forfeit and pay a sum not exceeding Ten Pounds nor less than Forty Shillings.

Penalty on persons putting in or sending letters as exempt from postage, or as liable to the lower rate only, when they ought to be subject to the higher rate.

62. If any person shall knowingly send or put, or cause to be sent or put, to or into any post office, any letter, newspaper or parcel, purporting to come within any of the exemptions mentioned in Part I. of this Act, or to belong in respect of its contents, to one of the classes in which a lower rate of postage as mentioned in Part I. is chargeable, but which letter, newspaper, or parcel shall, to the knowledge of such person, not contain solely and exclusively that which the same is by this Act authorized to contain, or shall, to the knowledge

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knowledge of such person, contain or have written thereon or therein some letter, paper, note, communication, writing, or thing which under this Act would subject the same to postage, or to the higher rate of postage, the person so offending shall forfeit and pay a penalty of not less than Five nor more than Fifty Pounds.

63. If any person shall make, or cause to be made, or assist in making, or knowingly have in his custody or possession, without lawful excuse (the proof whereof shall lie on the person accused), any mould or frame, or other instrument having thereon any words, letters, figures, marks, lines, or devices peculiar to paper heretofore or hereafter to be provided or used for postage stamps, or if any person (except as before excepted) shall make, or procure to be made, or aid, or assist in making, or knowingly have in his custody or possession, without lawful excuse (the proof whereof shall lie on the party accused), any paper, in the substance of which shall appear visible any words, letters, figures, marks, lines, or devices peculiar to paper heretofore or hereafter to be used or provided for postage stamps, or any parts of such words, letters, figures, marks, lines, or devices, and intended to imitate or pass for the same, then, and in every such case, every person so offending shall, for every such offence, be adjudged a felon, and shall be imprisoned for any period not exceeding seven years as the Court shall award, with or without hard labor.

Making moulds for stamps, or making or possessing paper for imitating stamps, felony.

64. If any person without lawful excuse (the proof whereof shall lie on the party accused) shall purchase, or receive, or take, or have in his custody or possession, any paper, provided by the Postmaster-General for the purpose of being used for postage stamps, before the same shall have been issued by him for public use, every such person shall for such offence be deemed guilty of a misdemeanor, and shall be imprisoned, with or without hard labor, for not more than two years nor less than six months.

Having possession of paper for stamps without authority, misdemeanor.

65. Letters, newspapers, or parcels bearing stamps which have been previously obliterated or defaced, shall be treated as unpaid, and the Postmaster-General may open, detain, and keep such letters for a reasonable time, until the same shall have been used or produced by him in evidence, and if any person shall wilfully and fraudulently remove from any Post Office stamp which has been previously used, any mark which shall have been made thereon at any Post Office by way of obliteration or defacement, for the purpose of indicating that such stamp has been once used, or shall knowingly and fraudulently put off or use, or attempt to put off or use, any such stamp, the person so offending shall be guilty of a misdemeanor, and shall be liable to be imprisoned with or without hard labor, for any period not exceeding three years.

Using stamps which have been defaced, misdemeanor.

66. No letter or parcel chargeable with postage shall be carried for hire or reward otherwise than by post; and if any such letter or parcel shall be so carried or conveyed, or be sent or taken charge

Letters not to be conveyed otherwise than by post, under a penalty.

of

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of for the purpose of being so carried and conveyed, by any person (not being a person employed in the Post Office, or in the conveyance of post letters), the person so sending or conveying such letter or parcel, or taking charge of the same for such carriage or conveyance, shall, for every such letter or parcel forfeit and pay a penalty or sum not exceeding Twenty Pounds; and every such letter and parcel sent or carried, or taken charge of to be carried, otherwise than by post, shall be deemed, in any prosecution for this offence, to have been for hire or reward, unless the contrary shall be shown by the defendant.

Proviso as to letters exceeding sixteen ounces in weight, or sent with goods, or writs, &c.

67. Nothing in the last preceding clause contained shall extend to any letter or parcel exceeding sixteen ounces in weight, nor to any letter or parcel concerning goods, sent with such goods, and to be delivered therewith, or containing any writ or proceeding out of any Court of Justice, or deed, conveyance, affidavit, or letter of attorney, nor to any letter or parcel sent by any person concerning his or her private affairs by any special messenger, nor to any letter or parcel *bonâ fide* sent or carried to or from the nearest post office, nor to newspapers.

Penalty on Postmasters, &c., retarding delivery of mails, &c.

68. If any Post Officer, Postmaster, or other person duly authorized to receive or dispatch any mails, shall neglect or fail to deliver, or shall retard the delivery of, any bag, box, mail, letter, packet, or newspaper, he shall, for every such offence, forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalty on Postmaster, &c., offending against provisions of this Act.

69. Any Postmaster or other officer belonging to the Post Office, or any person employed by or under a Postmaster, or in the receiving, sorting, carrying, conveying, or delivering of post letters, or otherwise in the business of the Post Office, who shall offend against, or wilfully neglect or omit to comply with, any of the rules and regulations so from time to time to be made as hereinbefore mentioned, or any of the provisions of this Act, shall for every such offence, neglect, or omission, forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalties on Postmasters, &c., stealing or secreting letters, &c.

70. If any person, whether employed in the Post Office or otherwise, shall fraudulently take from the possession of any Postmaster, or person employed to convey post letters, or from out of any Post Office, or place appointed for the receipt or delivery of post letters, or shall steal, or shall for any purpose embezzle, take, secrete, or destroy any letter, newspaper, or parcel, or mail of letters, or other printed paper, or any matter or thing enclosed in any such letter, packet, or mail sent, or to be sent, by such post, every such person so offending shall be deemed guilty of felony, and on conviction thereof shall be liable to be imprisoned with or without hard labor for any term not exceeding seven years.

Penalties on persons fraudulently retaining or secreting letters.

71. Any person who shall fraudulently or wilfully, for the space of twenty-four hours, retain, secrete, keep, or detain, or being required by

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by any officer of the Post Office, shall neglect or refuse to deliver up any post letter, newspaper, or parcel, which ought to have been delivered to any other person, or a post letter bag or mail, whether the same shall have been received or found by the person secreting, keeping, or detaining, or neglecting, or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned with or without hard labor, for any period not exceeding twelve months.

72. Any person not being a Postmaster, or duly authorized by him, who shall on any pretence whatever, open, or endeavor to open any letter bag, or mail, shall for every such offence forfeit and pay a penalty of not more than Twenty Pounds.

Penalty on unauthorized persons opening mail-bags.

73. If any officer of the Post Office at Adelaide who shall be nominated by the Postmaster-General, for the purpose of opening all letters, newspapers, and parcels, which shall require to be opened, as hereinbefore mentioned, shall act in contravention of this Act, or of his oath or affirmation, to be made as hereinbefore provided, he shall for every such offence forfeit and pay a sum of not less than Five Pounds, nor more than One Hundred Pounds.

Penalty on officer appointed to open letters acting in contravention of his oath.

74. If the driver of any mail coach or other carriages used for the conveyance of the mail, or the guard, or any person in charge of a mail, whether conveyed by any such carriage, or on horseback, or foot, shall loiter on the road, or wilfully misspend or lose time, or shall not in all possible cases, convey such mail at the speed of such a number of miles an hour as are fixed by the Postmaster-General for the conveyance thereof, unless the circumstances of the weather, or the badness of the roads, or the occurrence of any accident, shall prevent the same, then, and in every such case, such driver, or guard, or person in charge, as the case may be, so offending, shall forfeit and pay a sum not exceeding Five Pounds for every such offence.

Penalties on mail coach drivers, guards, &c.

75. If any person shall put into any Post Office, or into any pillar or box for the receipt of letters or newspapers to be sent by post, any filth, stones, dirt, or rubbish of any description, he shall forfeit and pay a sum not exceeding Ten Pounds.

Penalty for putting rubbish, &c., in Post Office receivers.

76. No vehicle shall stand or ply for hire opposite the General Post Office, nor within twenty yards on either side thereof, and every driver or person having the management of any vehicle, who shall permit the same to stand or ply for hire contrary to this provision, shall forfeit for every such offence a sum not exceeding Five Pounds; and every hawker, newsvender, or idle or disorderly person, who shall loiter in or about the hall, or any part of the building for the time being used as the General Post Office, or on the flagway or pavement in front thereof, or within twenty yards on either side thereof, shall forfeit for every such offence, a sum not exceeding Two Pounds.

Prevention of obstructions opposite the General Post Office.

77. Any

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Penalty for allowing building to appear as a Post Office, it not being one.

77. Any owner or occupier of any building which shall have been used as a Post Office, who shall knowingly suffer or permit any letter-box or receptacle for letters to remain open thereon or therein for the space of one week after such building shall have ceased to be a Post Office, or who shall knowingly suffer or permit to be or remain in or upon any such building, not being a Post Office, any words, letters, marks, or devices whatsoever, whereby any person may be misled or induced to believe that such building is a Post Office, shall forfeit and pay a fine of not less than Five Pounds or more than Twenty Pounds.

No dangerous substance to be posted.

78. Any person who shall post or cause to be posted, or attempt to post, any letter or parcel containing any explosive or other dangerous material or substance whatsoever, shall forfeit and pay a penalty of not less than Five Pounds nor more than Fifty Pounds.

Vehicles not engaged in carrying mails not to have words "Royal Mail," &c.

79. Any person who shall place or keep upon any vehicle, carriage, or boat, except the same shall be used with the sanction of the Postmaster-General, the words "Royal Mail," "Mail Coach," "Mail Boat," the letters "R. M.," or any words, letters, marks, or devices whatsoever, calculated to lead to the belief that such vehicle, carriage, or boat, is employed with such sanction as aforesaid, or for carrying mails, shall forfeit and pay a penalty of not less than One Pound nor more than Five Pounds.

No insulting or obscene letter to be posted.

80. Any person who shall post, or cause to be posted, any insulting letter without any signature, or with an anonymous signature, or a signature purporting to be the signature of any other person, or of some person who never existed, or who shall under any circumstances post, or cause to be posted, any obscene letter, shall forfeit and pay for every such offence a penalty of not more than Twenty Pounds.

Carriers losing letters.

81. Any person who shall be employed in the carrying or delivering of any mails, letters, newspapers, or parcels, who shall lose or omit to deliver the same in due course, and notwithstanding that the same may be subsequently found and delivered, shall be liable for every such loss or omission to forfeit and pay a penalty of not more than Twenty-five Pounds.

Act No. 19, of 1853.

82. The provisions of an Act, passed on the ninth day of December, one thousand eight hundred and fifty-three, No. 19, intituled "An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle;" also, an Act, passed on the fourteenth day of September, one thousand eight hundred and fifty-four, numbered 1, intituled "An Act to amend an Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle," shall extend and apply to all conveyances used for carrying mails, and whether at a greater distance from the external boundary of the city of Adelaide than thirty miles or not.

No. 1 of 1854.

All mail vehicles to be licensed.

83. If

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83. If any person shall knowingly and fraudulently put into any Post Office any parcel, or any packet purporting to be a parcel, in or upon which, or the cover thereof, there shall be any letter, communication, or intelligence not allowed by law, or shall wilfully subscribe on the outside of any parcel or packet as aforesaid a false statement of the contents thereof, he shall, on conviction, forfeit and pay a sum of not less than Five Pounds nor more than Fifty Pounds.

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Penalty for falsely sending parcels.

84. If any person shall knowingly and fraudulently put into any Post Office any newspaper, in or upon which or the cover whereof there shall be any communication, character, figure, letter, or number (other than a line drawn through any report, article, or paragraph therein, the printed title of such newspaper, the names, occupations, and places of business of the printer, publisher, and vendor thereof, the name, occupation, and address of the person to whom it is sent, and the words "Newspaper only"), or in or with which anything shall be enclosed, or which anything shall accompany, or if any person shall wilfully place the words aforesaid on any newspaper or thing purporting to be a newspaper, or on the cover thereof respectively, knowing the same to be untrue, he shall, on conviction thereof, forfeit and pay a sum of not less than Five Pounds nor more than Fifty Pounds.

Penalty for falsely sending newspapers.

85. If any person shall, by means of any false pretences or misstatement, induce any Postmaster or any officer or servant of the Post Office, to deliver to such person any letter, packet, or newspaper sent by post and not addressed to such person, he shall be guilty of a misdemeanor, and shall be liable, on a summary conviction thereof before two Justices, to forfeit and pay any sum not exceeding Fifty Pounds.

Penalty for improperly obtaining letters.

86. Any person who shall unlawfully issue any money-order with a fraudulent intent shall be guilty of felony, and on conviction thereof shall be liable to be imprisoned, at the discretion of the presiding Judge, for any term not exceeding three years, with or without hard labor, and with or without solitary confinement.

Persons unlawfully issuing money-order to be guilty of a felony.

87. Every person who shall with fraudulent intent send, or cause to be sent, any message or advice through the electric telegraph or otherwise concerning any money-order, or any money, or poundage due or receivable from or by any person, in respect of any money-order, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be punished with fine or imprisonment, or both, at the discretion of the presiding Judge, such imprisonment not to exceed three years, and to be with or without hard labor, and with or without solitary confinement, and such fine not to exceed One Hundred Pounds.

Persons sending fraudulent message guilty of a misdemeanor.

PART V. Legal Procedure and Evidence:

PART V.

88. All proceedings for offences against this Act, or against any rule

Proceedings to be heard and determined.

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PART V.

under Ordinance No. 6
of 1850.

rule or regulation to be made by virtue hereof as aforesaid, in respect of which offences any pecuniary fine or penalty is imposed, shall be heard and determined, and such fines and penalties may be inflicted in a summary way by any Special Magistrate or two or more Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance is mentioned.

In suits for recovery
of postage, *onus pro-*
bandi to lie on the
party proceeded
against.

89. In any suit or other proceeding for the recovery of any postage, payable under or by virtue of this Act, the person from whom any letter, newspaper, or parcel, in respect of which any postage shall be sought to be recovered, shall purport to have come, shall be deemed the sender thereof, and the *onus* shall lie upon the party proceeded against, to prove that the same did not come from, and was not sent by him.

Post Office charge on
any letter to be
evidence.

90. In all proceedings whatsoever for the recovery of any postage, the Post Office charge upon any letter, newspaper, or parcel shall, in all cases, be evidence of the liability thereof to be so charged, and that the sum so charged thereupon is payable as and for the postage thereof.

Money-orders to be
deemed valuable secu-
rities within the mean-
ing of No. 4, 22 and
23 Vic.

91. Every money-order shall be deemed a "valuable security," within the meaning of the Act No. 4, 22 and 23 Victoria, intituled "An Act for consolidating the Statute Law in force in South Australia, relating to Indictable Offences against Property, by Larceny and other offences connected therewith."

Prosecution of of-
fences.

92. In any indictment, information, or complaint, for any offence committed upon or in respect of any mail-bag, mail, box, or mail-parcel, or any letter, packet, or newspaper, sent by Post, or any property, moneys, money-orders, goods, chattels, or effects, under the management or control of the Postmaster-General, or where any act, matter, or thing shall have been done or committed with any malicious, injurious, or fraudulent design, intent, or purpose, in any wise relating to or concerning the Post Office, or any such property, moneys, money-orders, goods, chattels, or effects, as aforesaid, it shall be sufficient to state or allege the property to belong to, and such act, deed, matter, or thing to have been done or committed with the intent to injure or defraud the Postmaster-General of South Australia, without any further or other name addition, or description whatever.

In default of payment
of fine, imprisonment
may be awarded.

93. When any fine or penalty shall have been imposed under the authority of this Act, it shall be lawful for the Special Magistrate or Justices of the Peace, or Local Court of Adelaide, as the case may be, by whom such fine or penalty shall have been imposed to
order

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order that, in default of payment thereof, the person on whom such fine or penalty shall have been imposed may be imprisoned, with or without hard labor, for any period not exceeding six calendar months.

94. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeal to Adelaide
Local Court of Full
Jurisdiction.

95. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court may make such order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be enforced in manner provided for the enforcement of orders of Justices under the said Ordinance No. 6 of 1850.

Local Court, upon
hearing of appeal,
may state special case.

96. Save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the Supreme Court of the said Province.

No *certiorari*.

97. All moneys that may be received for postage rates or duties to be levied as aforesaid, or for penalties, or as fees under and by virtue of this Act, shall be and are hereby reserved to Her Majesty, Her heirs and successors, for the public uses of the said Province, and the support of the Government hereof.

Application of
postage duties,
penalties, &c.

98. All actions and suits to be commenced against any Postmaster or other officer or servant of the Post Office for anything done or omitted to be done in pursuance of this Act shall be commenced within three calendar months after the act was committed or omitted, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant

Protection to officers.

Post Office Act.—1866.

PART V.

defendant shall pay into Court sufficient amends, but in such last-named case the plaintiff shall recover his costs of suit up to the time of payment into Court, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

In the name and on behalf of the Queen I hereby assent to
this Act.

D. DALY, Governor.