



ANNO QUARTO

Gulielmi IV. Regis.

No. 18.

By His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.

AN ACT to amend and consolidate the laws providing for the Conveyance and Postage of Letters.

WHEREAS by the Act made by His Excellency the Lieutenant Governor with the advice of the Legislative Council intituled "*An Act to provide for the temporary conveyance and postage of Letters*" IT WAS ENACTED that until a Post should be established in this Island by His Majesty's Postmaster General it should be lawful for the person administering the Government to establish one General Post Office and so many other Post-offices and to appoint so many Postmasters and to settle such rates of postage as to him should seem expedient and to make such Rules and Regulations for the management of the said Post-offices and the receipt conveyance and delivery of let-

Preamble.

Act of Council 9. G. 4.
No. 4.

ters as he should deem proper :—AND WHEREAS in pursuance of the said provisions of the said Act a General Post-office and divers district Post-offices have been for some time established within this Island and divers Postmasters appointed and rates of postage been settled and sundry Rules and Regulations have been from time to time made for the management of those offices and the receipt conveyance and delivery of Letters :—AND WHEREAS it is found to be expedient that the said Act should be in several respects amended :—AND WHEREAS for that purpose it is expedient to repeal the same in the manner hereinafter effected in order that the several provisions thereof together with the amendments therein may be consolidated in one Act.

Governor may erect Post-offices.

I.—BE IT THEREFORE ENACTED by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that at any time after the passing of this Act it shall be lawful for the Lieutenant Governor to establish for the receiving and despatching of Letters and Packets from and within this Island and its Dependencies one General Post-office at Hobart-town and from time to time so many other Post-offices in the different parts of this Island as he may deem expedient and to appoint one Postmaster General and so many Postmasters and other requisite Officers for the conducting of the same with such reasonable salaries and allowances respectively as he shall think fit and if need be to remove the said Postmaster General Postmasters and Officers and appoint others in their stead respectively. *And Also* to fix the rates and sums of money to be demanded by the respective Postmasters or their Assistants for the receiving despatching conveying and delivering of Letters and Packets and to increase or reduce the same from time to time as to the said Lieutenant Governor shall seem meet and to make such Rules and Regulations for the establishing and managing of the said several Post-offices and the receiving despatching carrying and delivering of Letters and Packets and the collecting and receiving of the said rates and sums and the same Rules and Regulations from time to time to alter revoke or vary and other Rules and Regulations in their stead to establish as he shall deem expedient. *And* that on and from the day on which notice shall be given in the Hobart-town Gazette of the establishment of such General Post-office under this Act the said recited Act (except as to all monies due or Letters put into any Post office or received by any Postmaster and except as to any offences committed before that day) shall be and the same is hereby repealed.

And fix rates of Postage.

And make rules

Proviso.

II.—PROVIDED ALWAYS AND BE IT ENACTED that in case His Majesty's Postmaster General in England shall at any time by virtue of the powers in him in that behalf vested erect and settle a Post in this Island then this present Act and every Provision herein shall from thenceforth absolutely cease and determine.

Rates.

III.—PROVIDED ALSO AND BE IT ENACTED that such rates and sums to be so fixed as aforesaid shall not in any case exceed the rates hereinafter set forth that is to say 1.—For and upon every Letter or Packet put into either of the Post-offices at Hobart-town or Launceston intended for delivery within the same town or within such limits thereof as the Lieutenant Governor may from time to time in this behalf appoint (if not exceeding four ounces in weight) two-pence.

1st Letters for Town delivery.

2.—For and upon every Letter or Packet (not for such town delivery as aforesaid) put into any Post-office directed to a person at a distance from such Post-office—

2nd Inland Postage.

Miles.	Miles.	Single.		Double.		Triple.		Quadruple.	
		s.	d.	s.	d.	s.	d.	s.	d.
2	And under	15	0 4	0 8	1 0	1 4			
15	30	0 5	0 10	1 3	1 8			
30	45	0 6	1 0	1 6	2 0			
45	60	0 7	1 2	1 9	2 4			
60	75	0 8	1 4	2 0	2 8			
75	90	0 9	1 6	2 3	3 0			
90	105	0 10	1 8	2 6	3 4			
105	120	0 11	1 10	2 9	3 8			
120	135	1 0	2 0	3 0	4 0			
135	150	1 1	2 2	3 3	4 4			
150	155	1 2	2 4	3 6	4 8			
165	180	1 3	2 6	3 9	5 0			
180	195	1 4	2 8	4 0	5 4			
195	210	1 5	2 10	4 3	5 8			

and so on progressively in the same proportion. 3.—For and upon every Letter or Packet to or from any place beyond sea (in addition to its appropriate inland postage) a further sum of—

3rd Sea Postage.

Four-pence if single.	Eight-pence if double.	One shilling if triple.	One shilling and four-pence if quadruple.
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and for every half ounce above quadruple an additional sum of one penny the amount of all such postage on Letters or Packets intended for a place beyond sea to be paid at the time of putting the same into the Post-office. *Provided Always* that for the purposes of this Act every Letter or Packet not weighing more than half an ounce (whether containing enclosures or not) shall be deemed single and every Letter or Packet weighing more than half an ounce and not above three quarters of an ounce double and every Letter or Packet weighing more than three quarters of an ounce and not above one ounce triple and every Letter or Packet weighing more than one ounce and not above one ounce and a quarter quadruple and so on progressively (according to the weight of each Letter and Packet) in the same proportion.

Single double &c. taken by weight.

IV.—PROVIDED ALSO AND BE IT ENACTED that no newspaper (if enclosed either separately or with others in an envelope open at both ends) shall be charged with a postage in any case exceeding one penny for and upon each such paper. *Provided* that no such 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 there shall be also marked on the outside thereof the words "Newspaper only" or "Newspapers only" as the case may be.

Exemptions.

1st Newspapers.

V.—AND BE IT ENACTED that nothing herein contained shall be taken to authorize any charge for postage upon any letter or packet addressed to or franked by any person in Great Britain or Ireland being empowered by law to send or receive letters or packets

2nd Letters to or from the Lieutenant Governor and certain high Public officers.

beyond sea free from postage nor upon any letter or packet addressed to the Lieutenant Governor or franked by him or by his private Secretary.

3rd Soldiers and Sailors letters.

VI.—AND BE IT ENACTED that no letter from any non-commissioned officer private soldier or seaman employed in the army navy or marines shall whilst so employed be chargeable with a higher rate of postage than one penny to be paid at the time of putting such letter into the Post-office. *Provided* that every such letter be written on a single sheet of paper only and that there be written upon the same in the hand-writing of and signed by his Commanding officer for the time being the name of the corps regiment detachment or ship to which such non-commissioned officer soldier or seaman belongs nor shall any letter written on a single sheet of paper directed to any such non-commissioned officer soldier or seaman if concerning his private affairs only and specifying upon the same his corps regiment detachment or ship be chargeable with more than one penny to be paid at the time of putting such letter into the Post-office.

4th Convicts letters.

VII.—AND BE IT ENACTED that every letter sent by or addressed to any person being here under sentence or order of transportation and not holding a ticket-of-leave (if concerning his or her private affairs only) shall be received conveyed and delivered free of all postage whatever. *Provided* that every such letter shall be written on a single sheet of paper only and be marked "Convicts letter" and that the same shall be franked by or in case of inland letters be directed under cover to the Principal Superintendent of Convicts or some Police or Assistant Police Magistrate.

5th Deeds for Registration.

VIII.—AND BE IT ENACTED that every packet containing any deed or will or any memorial thereof or of any judgment bona fide intended for registration according to law if enclosed within a cover marked on the outside thereof "Deeds &c. for Registration" and subscribed by the party transmitting the same and not containing within or written on any part of the same any paper note or writing which shall not solely relate to such deed will or memorial shall be chargeable with only one half of the amount of postage chargeable for or upon any other packet of the same weight. *Provided always and be it enacted* that if any person shall wilfully or knowingly send to or put into or cause to be sent to or put into any Post-office any Letter or Packet having a cover marked as aforesaid and which shall not contain in fact solely and only some deed or deeds will or wills or memorial or memorials then intended for registration or which shall contain any paper note or writing not wholly relating thereto he or she shall for every such offence forfeit and pay a penalty or sum of not less than five pounds nor more than twenty-pounds.

Penalty for abuse of this provision.

6th Depositions in criminal cases.

IX.—AND BE IT ENACTED that every packet containing depositions in any case of felony or misdemeanor (if enclosed within a cover marked on the outside thereof "Depositions" and subscribed by the Magistrate or Magistrates transmitting the same and not containing within or written on any part of the same any paper note or writing which shall not solely relate to such case of felony or misdemeanor) shall pass and be delivered free of all postage whatsoever.

7th Patterns of Merchandise.

X.—AND BE IT FURTHER ENACTED that patterns of merchandize not weighing more than four ounces may be transmitted

in any Letter which shall be charged as single only. *Provided* that the said Letter shall contain nothing therein other than the particulars of such merchandize and shall be marked on the outside thereof "Patterns" and shall be open at both ends. *And Provided also* that every such letter shall be put into the respective Post-offices and delivered at such times and under such regulations and restrictions as the Postmaster General for the time being shall from time to time think fit to appoint. *Provided always and be it enacted* that if any person shall wilfully or knowingly send to or put into or cause to be sent to or put into any Post-office any letter or packet marked on the outside thereof as last aforesaid and which shall not contain solely and only patterns of merchandize or which shall contain any paper note or writing not relating to such merchandize only he or she shall for every such offence forfeit and pay a penalty or sum of not less than Five Pounds nor more than Twenty Pounds.

Penalty for abuse of this provision.

XI.—AND BE IT ENACTED that it shall be lawful for the Lieutenant Governor from time to time to exempt from postage as to him shall appear expedient all letters and packets (being bona fide on the public service only) which shall be addressed to or written and franked by Members of the Executive and Legislative Council and such public officers of the Government as he shall deem it expedient from time to time to name for that purpose. *Provided always* that on every such letter or packet there be written by the person sending the same the words "On Public Service only" and that underneath those words there be subscribed by him his signature.

8th Lieutenant Governor may exempt certain letters.

XII.—AND BE IT ENACTED that in case any Postmaster shall suspect and believe that any letter or packet put into his office or received by him as such Postmaster marked as aforesaid "Newspaper only" or "Newspapers only" or "Deeds &c. for Registration" or "Depositions" or "Patterns" doth not in fact contain solely and only that which the same shall so purport to contain as aforesaid or doth contain some paper note or other thing or writing which under this Act would subject such letter or packet to the full amount of postage payable for or upon any letter or packet of the same weight not by this Act exempted from postage or is for any other reason liable under this Act to the payment of the full rate of postage thereon it shall thereupon be lawful for such Postmaster and he is hereby required to mark upon such letter or packet the amount of such full rate of postage and such amount shall be demanded and received accordingly. *Provided always* that in every such case of surcharge if it shall at any time within ten days next following the delivery of the letter or packet be made to appear to the satisfaction either of the Postmaster by whom such letter or packet was so delivered or of the Postmaster General that the same was not in fact liable to such full rate of postage as aforesaid then the amount of the surcharge or excess of postage shall be returned to the party who shall have paid the same. *And Provided* that if the person to whom the letter or packet 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 same letter or packet in that person's presence.

Provisions for surcharge in certain cases.

XIII.—AND BE IT ENACTED that the Postmaster General and

Postmasters' Oath.

every other Postmaster appointed under this Act shall before the exercise by him of the duties of his office take and subscribe an oath for the due execution of such duties before one of His Majesty's Justices of the Peace which oath such Justice is hereby authorised and required to administer in the words following that is to say " I do swear 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 hands power or custody by reason of my employment as a Postmaster within this Island except by consent of the person or persons to whom such letter or packet shall be directed or by an express warrant in writing for that purpose under the hand of the Lieutenant Governor or other person administering the Government or except in cases where the party or parties to whom such letter or packet shall be directed or who shall be chargeable with the payment of the postage shall refuse to receive such letter or packet or shall refuse or neglect to pay the same postage and except such letters or packets as shall be returned for want of true directions or where the party or parties to whom the same shall be directed cannot be found. So help me God."

Delivery of letters.

XIV.—AND BE IT ENACTED that the respective Postmasters for Hobart-town and Launceston shall without any extra charge in that respect cause to be sent out from their Post-offices respectively and to be duly delivered (within such reasonable time as may for that purpose be appointed) to the parties to whom the same are directed or to be left at their respective offices of business or usual places of abode (or otherwise as the case may be) according to the directions thereon all letters and packets directed to persons at any place or places within the limits of the same town but that no Postmaster other than such Postmasters for Hobart-town and Launceston as aforesaid shall be compelled to deliver letters or packets excepting only at his Post-office nor except within such reasonable hours as shall for that purpose be appointed.

Unclaimed letters.

XV.—AND BE IT ENACTED that as soon as possible after the expiration of twenty-four hours next following the receipt of any mail the Postmaster by whom or into whose Post-office the same shall have been received shall cause a list of all the then remaining unclaimed and undelivered letters and packets received in or by such mail to be made out in writing and affixed in or on some conspicuous part of his Post-office so as that such list shall be legible from the outside of such Post-office and that such list or some other list or lists containing a true account or statement of all letters and packets from time to time remaining unclaimed or for delivery shall be kept so affixed fairly written and legible as aforesaid for the space of not less than thirty days next following the first receipt of such letters and packets respectively at the expiration of which said period of thirty days or as soon as possible afterwards every such unclaimed or undelivered letter and packet shall be by such Postmaster transmitted to the General Post-office to be there dealt with as shall be in that behalf appointed.

Return of letters.

XVI.—PROVIDED ALWAYS AND BE IT ENACTED that except in the case of such unclaimed and undelivered letters as aforesaid no letter or packet whatever after being once put into any Post-office shall under any circumstances be returned to the writer or

sender thereof or without the express consent of the person to whom the same is directed or an express warrant in writing under the hand of the Lieutenant Governor be sent or delivered otherwise than according to the direction of the same.

XVII.—AND BE IT ENACTED that if any Postmaster or other officer belonging to the Post-office or person employed by or under a Post-master or in the receiving sorting carrying conveying or delivering of post letters or otherwise in the business of the Post-office shall offend against or wilfully neglect or omit to comply with or shall not observe and follow any or either of the said rules and regulations so, from time to time made as aforesaid or any or either of the provisions of this Act he or she shall for every such offence neglect or omission forfeit and pay a penalty or sum of not less than five shillings nor more than Fifty Pounds. *Provided Always* that nothing in this section contained shall extend to any person being here under sentence or order of transportation but that every such person shall be punished for any such offence neglect or omission as aforesaid in the same manner as such person might or may by law be punished for disobedience of orders or neglect of work.

Penalty for offences by Persons in the Post office.

Proviso for Convicts.

XVIII.—AND WHEREAS after the arrival of vessels in the ports or harbours of this Island from parts beyond the sea letters and newspapers directed to persons within this Island have been in some instances a long time detained on board thereof:—BE IT THEREFORE ENACTED that all mails bags boxes or packets of letters or newspapers and also all loose letters and newspapers which at the time of the arrival of any vessel within the limits of any such port or harbour shall be on board of such vessel directed to any person or persons within this Island or its Dependencies shall at the request of any Postmaster or of the Port-officer of such port or harbour or of any person duly acting for such Postmaster or Port-officer or person (excepting always letters concerning goods on board such vessel and to be delivered with such goods or containing any conveyance or other deed commission writ or affidavit and letters sent by any private friend by way of introduction only or concerning his private affairs) and if any master passenger or other person on board of such vessel shall knowingly detain on board of such vessel or keep in his or her possession any mail bag mail box packet letter or newspaper (except as aforesaid) after such request made as aforesaid he or she shall forfeit and pay for every letter or newspaper so detained or kept a penalty or sum of not less than One Pound nor more than Five Pounds.

Letter on board ship.

XIX.—AND in order to encourage the due and expeditious delivery of all such letters and packets :—BE IT ENACTED that every master or other person on board of any such vessel shall be entitled at any time after the expiration of twenty-four hours next after the arrival of such vessel to receive from the nearest Postmaster (who is hereby required to pay to such master or person) the sum of one penny for every letter or packet so delivered as aforesaid excepting only letters or packets addressed to the Lieutenant Governor such master or person giving a receipt for the money so received by him which receipt shall be to such Postmaster a sufficient acquittance and the same shall be allowed to him in his account accordingly.

Allowances for such letters.

Penalty for delaying such Mails.

XX.—AND BE IT ENACTED that if any such Port-officer or person in that behalf deputed by him or by any such Post-master as aforesaid shall neglect or omit to deliver or shall retard the delivery of any such bag box mail letter or packet at the place or Post-office for that purpose appointed by any such regulation so to be made as aforesaid such person shall forfeit and pay a penalty or sum of not less than Five Pounds nor more than Twenty Pounds.

Vessels departing from the Island compelled to take Mails.

XXI.—AND WHEREAS masters and other persons having the command of vessels departing from this Island have in some cases refused to receive on board such vessels and in other cases having received on board have refused to convey therein letters and packets from persons within this Island or its Dependencies directed to persons at places beyond the sea whereby great damage and inconvenience have in some cases been sustained by merchants and other persons. BE IT THEREFORE ENACTED that if any Master or person having the command of any vessel about to depart from this Island shall (after being thereto required by any such Postmaster or Port-officer) refuse or wilfully neglect to receive on board such vessel any mail or bag or box of letters directed to any part or place beyond the sea for which such vessel shall then be bound or shall refuse or neglect carefully to deposit such mail or bag or box in some secure and dry place on board of such 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 of not less than Fifty Pounds nor more than One Hundred Pounds. *Provided Always* that every such master or person in command who shall duly receive on board any such mail or bag or box (for the purpose of conveying the same according to the direction thereof) shall be entitled immediately to demand and receive from such Postmaster or Port-officer for the carriage thereof one penny for every letter contained therein (excepting only for despatches from the Lieutenant Governor) such master or person giving a receipt for the money so received by him which said receipt shall be a sufficient voucher for such payment and the same shall be allowed in account at the Post-office accordingly.

Persons opening detaining or delaying letters.

XXII.—AND BE IT ENACTED that if any person whatsoever shall secrete or embezzle or knowingly open detain or delay or cause or suffer to be opened detained or delayed any letter or packet after the same shall have been delivered into any Post-office or into the house of any person employed in the receiving carrying or delivering of letters or packets under this Act and before delivery to or for the use of the person to whom such letter or packet shall be directed (except under an express warrant in writing in that behalf under the hand of the Lieutenant Governor or except where the party to whom such letter or packet shall be addressed or who shall be chargeable with the postage thereof shall refuse or neglect to pay such postage and except such letters or packets as shall be returned for want of true directions or where the party or parties to whom the same are directed cannot be found) such person shall for every such offence forfeit and pay a penalty or sum of not less than Five Pounds nor more than Fifty Pounds.

Taking letters from persons in the Post-office &c. Felony.

XXIII.—AND BE IT ENACTED that if any person shall fraudulently take from the possession of any Postmaster or person em-

ployed to convey Post letters or from out of any Post-office or place appointed for the receipt or delivery of Post letters any letter or packet or bag or mail of letters (sent or to be sent by such Post) or fraudulently take any letter or packet out of any such bag or mail every person so offending shall be deemed to have stolen the same and (being thereof duly convicted) shall be adjudged guilty of felony.

XXIV.—AND BE IT ENACTED that after the commencement of this Act no letter or packet shall be carried for hire or reward otherwise than by Post. *And* if any letter or packet shall be so carried or conveyed or be sent or taken charge of for the purpose of being so carried or conveyed (not being by a person employed in the Post-office or in the conveyance of Post letters) the person so sending or conveying such letter or packet or taking charge of the same for such carriage or conveyance shall for every such letter or packet forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds. *And* that in all prosecutions under this section every letter and packet sent or carried or taken charge of to be carried otherwise than by Post shall be deemed to have been for hire or reward unless the contrary shall be shewn by the Defendant.

Sending or conveying letters otherwise than by post.

XXV.—PROVIDED ALWAYS AND BE IT ENACTED that the preceding section shall not extend to any letter exceeding four ounces in weight nor to any letter or packet 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 packet sent by any person concerning his or her private affairs by any special messenger nor to any letter or packet bona fide sent or carried to or from a Post-office or to or from any place distant five miles or upwards from any Post-office or place appointed for the receipt or delivery of Post letters.

Exceptions.

XXVI.—AND BE IT ENACTED that it shall be lawful for the Postmaster General for the time being under such instructions as shall be from time to time in that behalf given to him by the Lieutenant Governor to enter into any contract or contracts in writing from time to time in his own name on behalf of the Government for or in respect of the due carriage and conveyance of the several mails through out this Island or any or either of them and to sue or be sued upon such contracts accordingly and if any person having entered into any such contract 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 or she shall forfeit and pay a penalty or sum of not less than Five Pounds nor more than Fifty Pounds.

Mail contractors.

XXVII.—AND BE IT ENACTED that all offences against this Act or against any or either of the rules and regulations so to be made under this Act as aforesaid in respect or which said offences any pecuniary fine or penalty is by this Act imposed (where no other provision for the recovery thereof is in that behalf made) shall be heard and determined and such fines and penalties be awarded and imposed in a summary way by and before any two Justices upon in-

Proceedings for penalty.

formation in that behalf exhibited and that all fines and penalties so awarded and imposed shall go and be distributed and all persons aggrieved by any summary conviction under this Act shall be entitled to appeal therefrom in the manner provided respectively by the Act intituled "An Act to regulate summary proceedings before Justices of the Peace."

Appropriation.

XXVIII.—AND BE IT ENACTED that the amount of the rates and sums received for postage under this Act shall be from time to time paid into the Colonial Treasury and be applied in the first place towards the support of the aforesaid several Post-offices and otherwise to defray the expenses occasioned thereby and the surplus (if any) towards the construction and repair of Roads and Bridges and the same rates and sums are hereby appropriated to and for those purposes accordingly.

Application of the term
Lieutenant Governor.

XXIX.—AND BE IT ENACTED that the term "Lieutenant Governor" used in this Act shall be construed equally to intend or apply to the Governor or any other person for the time being administering the Government.

GEORGE ARTHUR.

Passed the Legislative Council
this fourth day of January one
thousand eight hundred and
thirty-four.

JOHN MONTAGU, Clerk of the Council.