
The Post and Telegraph Act, 1893

WESTERN AUSTRALIA

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The Post and Telegraph Act, 1893

(57 Vic., No. 5)

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No. 5

An Act to consolidate and amend the Law relating to Posts and Telegraphs, and Telephones.

[Assented to 5th September, 1893.]

Preamble

WHEREAS it is desirable to consolidate and amend the Law relating to Posts, Telegraphs, and Telephones: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as 'The Post and Telegraph Act, 1893,' and shall commence and take effect on and from the first day of September, one thousand eight hundred and ninety-three.

Division of Act

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY: SS. 1-8.

PART II.—THE REGULATION OF THE POSTAL DEPARTMENT: SS. 9-43.

PART III.—CONVEYANCE OF MAILS: SS. 44-52.

PART IV.—MONEY ORDERS AND POSTAL NOTES: SS. 53-55.

PART V.—ELECTRIC TELEGRAPHS: SS. 56-67.

PART VI.—REGULATIONS AND BY-LAWS: SS. 68-71.

PART VII.—OFFENCES AND LEGAL PROCEEDINGS: SS. 72-123.

Acts repealed Schedule I

3. (1) The Acts specified in the First Schedule to this Act, and except as hereinafter provided, all rules and regulations made thereunder, are repealed to the extent in the said Schedule indicated.

(2) But the repeal shall not affect anything lawfully done or contracted to be done under the authority of the said repealed Acts or regulations or any of them.

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(3) All things lawfully done, appointments or arrangements made, bonds or securities given, fees, rates, or dues fixed, contracts entered into, rights accrued, offences committed, liabilities or penalties incurred, shall, subject to the provisions of this Act, be and continue to be of the same force and effect, to all intents and purposes, as if the repeal had not taken place, and all proceedings instituted before the commencement of this Act may be continued as if the repeal had not taken place.

(4) Where by any statute, regulation, by-law, order, instrument or other document, reference is made to any Act hereby repealed, or any of the provisions thereof, the statute, regulation, by-law, order, instrument or other document shall be construed and have effect as if reference were made therein to this Act or the corresponding provisions hereof.

References to
repealed Acts

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively :—

Interpretation

Foreign Letter, Packet, or Newspaper—A letter, packet, or newspaper received from a place out of Western Australia for delivery in Western Australia, or posted at a post office in Western Australia for delivery out of Western Australia ;

General Post Office—The head office of the Department in Perth ;

Inland Letter, Packet, or Newspaper—A letter, packet, or newspaper posted at a post-office in Western Australia for transmission by post between separate post towns or places within Western Australia ;

Master—The person, not being a pilot, for the time being in charge of a ship ;

Minister—the responsible Minister of the Government under whose control the Department for the time being is placed ;

Parcel—A package or parcel intended to be conveyed by means of the Postal Department, and posted or received by post at one place in Western Australia and addressed to some other place in or out of Western Australia ;

Postal Department—The department under the control of the Postmaster General charged with the execution of the provisions of this Act relating to postal matters ;

Postmaster General—The officer acting as permanent head of the Department immediately responsible to the Minister ;

Post Office—A house, building, room, van, carriage, place or structure where letters, packets, parcels, or newspapers are by permission or under the authority of the Postmaster General received, delivered, sorted or made up, or from which letters, packets, parcels, or newspapers are by the authority of the Postmaster General despatched, including a pillar-box or other receptacle provided by the Postmaster General, or with his sanction, for the reception of letters, packets, parcels, or newspapers for transmission ;

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Poundage—The fee payable in respect of the issue of a postal note, or any other postal document, proportional to the amount of such postal note or document ;

Prescribed—Prescribed by this Act or by Regulations ;

Regulations—Regulations made under this Act ;

Stamp—A stamp available for denoting fees or dues payable under this Act, and the stamp impressed or printed on a post card, letter card, wrapper, envelope, or telegraph form ;

Telegram—A written, printed, or partly written or printed message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery, or delivered from a telegraph office or post office as a message or communication transmitted by telegraph for delivery ;

Telegraph—A wire used for telegraphic or telephonic communication, including any casing, coating, tube, or pipe enclosing the same, and any posts, masts, or piers supporting the same, and any apparatus connected therewith, or any apparatus for transmitting messages or other communications by means of electric signals ;

Telegraph Branch—The branch of the department under the control of the Postmaster General charged with the execution of the provisions of this Act relating to telegraphs ;

Telegraph Office—A house, building, room, or other place or structure used or occupied, whether permanently or temporarily, by the permission or under the authority of the Postmaster General, and under his control or under the control of the Commissioner of Railways for Western Australia, for the purposes of working a telegraph, or for the receipt and delivery of telegrams ;

Town Letter, Packet, or Newspaper—A letter, packet, or newspaper posted at a post office for delivery at that post office, or at a place within the limits of the city or town as defined by the Postmaster General in which the post office is situate ;

The term 'The Department' includes the Postal Department, Telegraph Branch, and all other subdivisions constituted for a particular purpose.

The term 'Letter' includes a post card or letter card issued under the authority of the Minister.

The term 'Post' includes any place on the coast within the limits of Western Australia, at which there is an officer of the Postal Department.

The term 'Postmaster' includes an officer in charge of a post office.

The Postmaster General to have the exclusive privilege of conveying letters for hire or reward

5. The Postmaster General, by himself, or by his deputies and their respective servants and agents, shall have the exclusive privilege of conveying from one place to another all letters, and shall also have the exclusive privileges of performing all the incidental services of receiving, collecting, sending, despatching, and delivering such

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letters : Provided always, that the said privileges shall not extend to any letter

Exceptions

- (1) Exceeding the prescribed weight.
- (2) Sent with and concerning goods to be delivered therewith.
- (3) Sent by any person concerning his private affairs by any special messenger.
- (4) *Bonâ fide* sent or carried, or in the course of being sent or carried, to or from the nearest post office.

Officers

6. The Governor in Council may appoint such officers as may be necessary for the administration of this Act, and may vest in the Minister the appointment and dismissal of such subordinate officers and servants as may appear expedient.

Appointment of officers

7. (1) Every person employed in the Postal Department shall, before entering upon his duties, make a declaration in the form contained in the Second Schedule to this Act.

Declaration by postal officers
Schedule II

(2) Every person employed in the Telegraph Branch shall, before entering upon his duties, make a declaration in the form contained in the Third Schedule to this Act.

Declaration by telegraph officers
Schedule III

Exemption from Tolls

8. No duty or toll under any Statute passed or to be passed payable at or in respect of any pier, wharf, quay, landing place, bridge, or ferry, or at any turnpike gate or bar, or at any other gate or bar on a public road shall be demanded or taken from or in respect of—

Postal officers
free from tolls

- (1) Any person employed by or under the Minister to perform any duty of the Department.
- (2) Any person engaged in the conveyance of mails.
- (3) Any vehicle or horse conveying mails or parcels.
- (4) Any telegraph messenger or line repairer when on duty.
- (5) Any vehicle or horse used and employed by such telegraph messenger or line repairer in the performance of his respective duties.

PART II

THE REGULATION OF THE POSTAL DEPARTMENT

Arrangements and Contracts

9. The Governor in Council may make arrangements with the Postmaster General in the United Kingdom, or with the proper authorities of any British colony or possession, or of a foreign country, with respect to—

Arrangements
may be made for
inter-colonial
and foreign
mails

- (1) The transmission by land or sea, or by both, of mails or parcels between Western Australia and the United Kingdom or the British colony, possession, or foreign country;

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- (2) The appointment, determination, and collection of postage and fees or other dues upon letters, packets, newspapers, and parcels conveyed between Western Australia and the United Kingdom, or any such colony, possession, or country ;
- (3) The division and mutual accounting for and payment of the moneys collected under any such arrangement ;
- (4) The purposes above mentioned in the case of letters, packets, newspapers, and parcels transmitted through Western Australia for the United Kingdom, or any such colony, possession or country, to or from any part of the world ;
- (5) The prepayment (in full or otherwise) of the postage due on letters, packets, newspapers, or parcels ;
- (6) The transmission to places out of Western Australia, free of postage, or upon such terms as to the amount of postage or fine to be collected and paid on delivery, and as to the application and payment thereof, as may be agreed upon, of letters, packets, newspapers, and parcels posted in Western Australia, or as to the collection, application, and payment of postage or fines on letters, packets, newspapers, and parcels received from places out of Western Australia in mails, or loose from masters of ships, on which no postage or insufficient postage has been paid ;
- (7) The carriage and delivery of parcels.

Contracts for conveyance of mails

10. The Minister, or any person authorised in that behalf by the Governor in Council, may enter into contracts, in writing, on behalf of Her Majesty, for or in respect of the carriage of mails by land or sea, and for the carriage and delivery of parcels, either for a fixed sum or for a sum depending on the number or weight of the letters, packets, newspapers, or parcels so carried, and may impose terms and conditions as to the vehicles and vessels to be employed, the times of their departure and arrival, and otherwise for securing the due, regular, and efficient performance of any contract.

Dies, Plates, &c.

The Minister may provide dies, plates, &c.

11. The Minister may from time to time provide proper and sufficient dies, plates, and other instruments for the purpose of carrying out the provisions of this Act, and also may use or cause to be used any die, plate, or other instrument already provided by the Government for similar purposes before the passing of this Act, and all stamps and impressions already made or hereafter to be made or impressed by or from any such last mentioned die, plate, or other instrument shall be valid and available for the purposes of this Act.

Postage Rates

Post cards and letter cards

12. The Minister may issue single post cards or letter cards bearing the prescribed postage stamp for transmission to any place in or out of Western Australia, and may also issue double or reply

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post cards or letter cards bearing the prescribed postage stamp for transmission by post within Western Australia, and which may be returned by post to the sender from any post office in Western Australia.

13. Every letter, packet, and newspaper received by post from a place out of Western Australia shall be transmitted and delivered free of charge within Western Australia, except where it is necessary to collect the postage under an arrangement made as hereinbefore provided, and except where otherwise provided by this Act or by the Regulations, in which cases the postage and all other fees or dues, if any, upon the letter, packet, or newspaper shall be collected on or before delivery.

Letters, &c.,
from places
beyond the
Colony

14. (1) If a town or inland letter, packet, or newspaper is posted without a stamp affixed, or with an insufficient stamp, it shall be regularly transmitted and delivered, but before delivery there shall be paid double the prescribed postage omitted to be prepaid.

Letters, &c.,
partially prepaid

(2) If the person to whom the letter, packet, or newspaper is addressed refuses to pay such sum, or is dead, or cannot be found, the letter, packet, or newspaper shall be transmitted to the General Post Office, to be dealt with as hereinafter provided; and

(3) If a foreign letter, packet, or newspaper is posted without a stamp affixed, or with an insufficient stamp, it shall, unless an arrangement has been made as hereinbefore provided with the Postal Authorities of the place to which it is directed for the collection and payment of the postage or fines thereon, be transmitted to the General Post Office, to be dealt with as hereinafter provided.

15. It shall be lawful for the Governor, or a responsible Minister of the Government, or any other person authorised by the Minister, to send, free of charge, letters, packets, newspapers, telegrams, or parcels from one part of the Colony to another, or to the United Kingdom, or to any other British colony or possession, or to a foreign country, with the proper authorities of which an arrangement has been made in this behalf by the Governor in Council: Provided that such letters, packets, newspapers, telegrams, or parcels be *bonâ fide* on the Public Service, and are sent in accordance with the conditions prescribed by the Regulations.

Power to frank
letters, &c.

Newspapers

16. Any publication which in the opinion of the Minister comes within the definition of a newspaper as defined by the Regulations may, upon payment of the prescribed fee, be registered at the General Post Office for circulation as a newspaper and as for transmission to places abroad, and unless so registered shall not be transmitted as a newspaper.

Newspapers may
be registered on
payment of the
prescribed fee

17. The Postmaster General may refuse to transmit or deliver any publication containing seditious, blasphemous, or obscene words, and may revise the register of newspapers, and may, with the approval of the Minister in writing, remove therefrom any publication a copy of which is posted as a newspaper and which is not a newspaper as defined by the Regulations, or a posted copy of which

Removal from
register

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contains seditious, blasphemous, or obscene words, and his decision shall be final.

Consequence of
irregularity

18. All unregistered or irregularly posted newspapers, and all newspapers having any matter which is not a supplement accompanying them, shall be treated as packets.

Parcels Post

Parcels may be
sent by post

19. Subject to the Regulations any person may send by means of the Postal Department a parcel of the kind prescribed for delivery to the person to whom the same is addressed :

Provided that the parcel post has been extended to the post office to or from which it is desired to send the parcel.

Postage Stamps

Postage stamps
to be made

20. The Minister may cause stamps denoting such sums as may be prescribed to be made and sold to any person applying for the same.

Postage to be
prepaid by
stamps

21. (1) Except where it is otherwise provided by this Act or by the Regulations, or by an arrangement made with the Postmaster General in the United Kingdom, or with the proper authorities of a British colony or possession, or of a foreign country, in manner hereinbefore mentioned, the postage upon every letter, packet, and newspaper, and all fees, if any thereon, shall be prepaid by affixing undefaced postage stamps.

(2) Postage on loose letters received from masters of vessels from places beyond the Colony may be collected on delivery.

By money in
certain cases

22. Notwithstanding the provisions of the last preceding section, when a postmaster has not postage stamps of the requisite value for sale, the postage and fees, if any, upon a letter, packet, or newspaper may be prepaid in coin.

Certain adhesive
stamps inter-
changeable for
stamp duties
and postage dues

23. (1) Any stamp duties chargeable under 'The Stamp Act, 1882,' of an amount not exceeding One shilling, which may legally be denoted by adhesive stamps, and any postage fees or dues to the like amount, may be denoted by the same adhesive stamps.

(2) With a view to exhaust any adhesive postage stamps denoting an amount not exceeding One shilling which may have been unissued or unused, such stamps to a proper amount may be used to denote any stamp duties chargeable as aforesaid, of an amount not exceeding One shilling, which may legally be denoted by adhesive stamps.

Registration

Registration

24. Subject to the conditions prescribed by the Regulations, a person who sends a letter, packet, or newspaper by post may have it registered at the post office, not being a receiving office only, where it is posted, upon payment of the prescribed fee.

Letters with
money, &c.,
must be
registered

25. (1) When it comes to the knowledge of a postmaster, or when a postmaster has reasonable cause to believe that a letter or packet, not registered under this Act, contains coin, bank notes, jewellery, gems, watches, or any other valuable enclosure of the like kind, the postmaster may register it, and charge it with the fee prescribed.

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(2) If the person to whom the letter or packet is addressed refuses to accept it and pay the fee, the Postmaster General may charge the fee to the sender with the additional postage (if any) for re-directing and again forwarding by post the letter or packet, and the sender shall on demand pay the prescribed fee and postage, and in case of refusal shall be liable to a penalty not exceeding Two pounds in addition to the fee and postage. Penalty

(3) On payment of all amounts due, the letter or packet may be re-delivered to the sender.

Letters, &c., Unclaimed, Improperly Addressed, &c.

26. Every letter, packet, or newspaper received in a post office,—

- (1) On which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid in coin) ; or
- (2) Which contains, or is reasonably suspected to contain, an article likely to injure any person or the other contents of a mail bag, or an enclosure contrary to the provisions of this Act or the Regulations, or of any other Act ; or
- (3) Which, in the case of a letter, packet, or newspaper received from a place out of Western Australia, contains, or is reasonably suspected to contain, an enclosure upon which duties of Customs are payable ; or
- (4) Which is posted contrary in any other way to the provisions of this Act or the Regulations ; or
- (5) Which bears a profane, obscene, or libellous address or signature ; or
- (6) Which is prohibited by order of the Minister from being registered or delivered,

Certain letters, &c., to be deemed posted in contravention of this Act

shall be deemed to be posted in contravention of this Act.

27. (1) Every letter, packet, or newspaper,

- (a) Which is without address or bears an illegible address ; or
- (b) Which is posted or is reasonably suspected to be posted in contravention of this Act ; or
- (c) Which the person to whom it is addressed refuses to receive ; or
- (d) Upon which any postage is payable by the person to whom it is addressed, and in respect of which such person refuses to pay the postage ;

Letters, &c., in contravention of this Act, how dealt with

shall be transmitted without delay by the postmaster receiving it to the General Post Office.

(2) Every letter, packet, or newspaper supposed to contain dutiable articles may be dealt with in the prescribed manner.

28. (1) The Postmaster General or his officers may examine any newspaper or other printed paper or packet sent by post, not being sealed or closed against inspection, and bearing less than the ordinary

Power to examine newspapers and packets

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letter rate of postage, in order to discover whether it was posted in conformity with this Act and the Regulations.

(2) The question whether a newspaper, printed paper, or packet is entitled to be so sent shall, if disputed, be referred to the Postmaster General for determination; and his decision shall be final.

Unclaimed
letters, &c., how
dealt with

29. (1) Letters, packets, and newspapers (other than those in the last preceding section mentioned) shall, if not delivered or claimed in the meantime, be kept for delivery during the time prescribed at the Post Office to which they are transmitted for delivery.

(2) After the expiration of such time the postmaster shall transmit to the General Post Office every letter, packet, and newspaper that has not been delivered.

Letters, &c., may
be returned to
sender if request
endorsed thereon

30. When a letter, packet, or parcel bears an endorsement by the sender to the effect that if the letter, packet, or parcel remains undelivered for a specified time, not being less than fourteen days, it may be returned to him at a specified address within Western Australia, or in a country with the Postal authorities of which an arrangement has been made for the collection and payment of postage; then, unless the letter, packet, or parcel has been posted in contravention of this Act, the postmaster of the Post Office to which the letter, packet, or parcel has been transmitted for delivery shall, as soon as possible after the time so specified, return the same by post to the sender at the specified address.

Telegrams,
letters, &c., at
hotels, if un-
delivered for two
months to be
returned to
nearest post
office

31. (1) Telegrams, letters, packets, newspapers, and parcels sent by post and addressed to a person at a house licensed under 'The Wines, Beer, and Spirit Sale Act, 1880,' or any Act amending or in substitution for that Act, or at a house at which lodgers are received, and which have been received by the owner, occupier, or manager of such a house within two months immediately preceding the commencement of this Act or at any time thereafter, shall be deemed to be under the control of the Postmaster General until delivered to the person to whom the same are addressed.

(2) If the same are not so delivered within two months after the receipt thereof by the owner, occupier, or manager, and if instructions to the contrary are not received from the person to whom the same are addressed, they shall be returned to the nearest Post Office and thence transmitted to the General Post Office.

Penalty

(3) Any owner, occupier, or manager of any such house who wilfully neglects or omits to return a telegram, letter, parcel, packet, or newspaper as aforesaid shall be liable to a penalty not exceeding Ten pounds.

Power to open Letters, &c.

How dead letters,
&c., disposed of
at General Post
Office

32. (1) Every letter or packet required to be transmitted to the General Post Office under the provisions of this Act may, if originally posted in Western Australia, or posted anywhere in contravention of this Act, be opened in the manner prescribed.

(2) Every such letter and packet not originally posted in Western Australia shall, unless posted in contravention of this Act, be returned to the proper authorities in the colony, possession, or country where it was originally posted.

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(3) Every newspaper required to be so transmitted may, wherever it was originally posted, be opened in the manner hereinafter mentioned.

33. (1) Every letter, packet, and newspaper opened under the authority of this Act shall be opened at the General Post Office in the presence of not less than two officers of the Postal Department specially named for that purpose by the Postmaster General. Mode of opening

(2) Every officer shall, before he enters upon his duties in this respect, make a declaration in the form contained in the Fourth Schedule to this Act. Schedule IV.

(3) Any officer who acts contrary to the declaration shall be guilty of a misdemeanour, punishable by fine not exceeding One hundred pounds, or by imprisonment not exceeding Twelve calendar months, with or without hard labour.

34. The sender of a letter, packet, or newspaper opened under the provisions of this Act shall, on demand, pay the prescribed postage and charges, if any, and in case of refusal shall be liable to a penalty not exceeding Two pounds, together with the postage and charges. Sender of opened letters, &c., to pay postage

When Letters, &c., may be Returned

35. Except where herein otherwise provided, a letter, packet, or newspaper shall not be destroyed or returned to the writer or sender without the consent in writing of the person to whom the same is addressed, or the direction of the Minister in writing; and a letter, packet, or newspaper shall not, except as herein mentioned, be delivered to a person not named in the address without such consent or direction: Letters, &c., not to be returned except in certain cases

Provided that a letter or packet of an official character sent from a department of the Public Service may be returned by the authority of the Postmaster General.

Power to Refuse to Deliver Letters, &c.

36. (1) The Minister, if he has reasonable ground to suppose a person, whether in or out of Western Australia, to be engaged— Power in certain cases to refuse to register or deliver letters, &c.

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

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

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

(d) In any fraudulent business or undertaking;

may, by order under his hand, published in the 'Government Gazette,' direct that any letter, packet, newspaper, or parcel received at a post

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office, addressed to such person either by his own or a fictitious or assumed name, or to any address without a name, shall not be either registered, transmitted, or delivered to such person.

(2) The order shall specify such name or names, or address; and shall, upon publication, be of full force and effect, notwithstanding anything contained in this Act or the Regulations, until cancelled by the Minister.

Letters, &c., in such cases, how dealt with

37. (1) Any letter, packet, newspaper, or parcel addressed to the person named in such order by such name or names, or to such address, if received at a post office, shall not be registered, transmitted, or delivered to such person or at such address, but shall be forthwith transmitted to the General Post Office, to be dealt with in the manner prescribed.

Money orders may be refused

(2) Money orders shall not be issued in favour of any person with respect to whom any such order is made, and a money order shall not be paid to any such person.

Heavy letters, &c., may be refused transmission

38. A postmaster may refuse to receive or transmit by post any letter, card, packet, or newspaper exceeding the prescribed weight, or of inconvenient form or dimensions, or containing or reasonably suspected to contain, an article likely to injure any person or the other contents of the mail-bags.

Delivery of Letters, &c.

Delivery at post town, or at named, or at last known residence sufficient

39. (1) The transmission of a letter, packet, or newspaper addressed to a person in Western Australia to the post office of the post town to which it is directed, or if not so directed, then to the post town nearest to the address named, shall be sufficient delivery under this Act.

(2) When delivery by letter carriers is provided, delivery according to the address, or at the last known place of residence of the person named in the address, shall be sufficient delivery to such person unless he by written notice to the Postmaster General has prohibited such delivery.

Despatch and delivery of packets, &c., may be delayed

40. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of book packets, pattern or sample packets, post cards, letter cards, newspapers, or parcels, the latter or any of them may, subject to Regulations, be detained in the post office until the despatch or delivery next following.

Evidence

41. In any action or other proceeding for the recovery of any postage or fee prescribed in respect of a letter, packet, or newspaper—

Who deemed to be the sender of a letter or packet

(1) The person from whom the letter, packet, or newspaper purports to have come shall be deemed the sender thereof, and the burthen of proving that the letter, packet, or newspaper did not come from, or was not sent by him, shall rest on the person proceeded against;

Post Office stamp evidence of refusal of letter, &c.

(2) The post office stamp or superscription denoting that the letter, packet, or newspaper has been refused, or that the person to whom the letter, packet or newspaper is

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addressed is dead or cannot be found, shall be *prima facie* evidence of the refusal thereof, or that such person is dead or cannot be found;

- (3) The post office stamp or superscription thereon denoting the postage or fee shall be conclusive evidence of the liability of the letter, packet, or newspaper to the postage or fee, and that the sum stamped or superscribed thereupon is payable in respect thereof.

Post Office stamp
evidence of li-
ability to postage

42. In any action or other proceeding, every mail-bag, mail-box, mail-parcel, parcel post, letter, packet, newspaper, or parcel in charge of or being carried by a postmaster, postman, mailman, mail-driver, officer, or servant of the Postal Department, or other person employed by or under the Minister, shall, until the contrary is proved, be deemed to be in course of being sent by post.

Mail in charge
of postmaster,
&c., deemed to
be by post

Power to Destroy Books, &c.

43. (1) The Postmaster General may order the destruction, in such manner as he thinks fit, of books of record, telegraph messages, telegraph tape, letter bills, registered letter receipts, money orders, returns, requisitions, orders for delivery of letters, or letters to the Department, or other documents, or the butts thereof, provided that the same have not been printed, written, or prepared within the period of two years before the date of the order.

Power to destroy
books and docu-
ments

(2) An action shall not be maintainable against Her Majesty or the Minister or any officer of the Department by reason of anything done under any such order.

PART III

CONVEYANCE OF MAILS

44. (1) In every ship by which mails are conveyed under contract a suitable locker or other secure place shall be provided in which mails, letters, packets, newspapers, and parcels shall be locked up and carried apart from all other articles and things.

In vessels con-
veying mails
lockers to be
provided

(2) Every such contract shall be deemed to contain a stipulation that if such locker or place is not provided, or if the mails or any letter, packet, newspaper, or parcel are carried in a ship during the whole or a part of the voyage otherwise than in the locker or place, the master shall be liable to a penalty not exceeding Fifty pounds.

Penalty

45. (1) All mails and every loose letter, packet, newspaper, or parcel on board of a ship at the time of her arrival within a port in Western Australia, directed to a person in Western Australia, except letters concerning goods on board the ship and to be delivered with the goods, or containing a deed, commission, writ or affidavit, or sent by way of introduction only, or concerning the bearer's private affairs, shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster, or a port officer or Customs officer of the port, or to any person duly authorised by writing under the hand of the Postmaster General.

Delivery of ship
mails on arrival
of vessel

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| Penalty | (2) Any master who (except as aforesaid) knowingly or negligently detains, keeps in his possession, or neglects, or refuses to deliver, a mail-bag, mail-box, or mail-parcel, or a letter, packet, newspaper, or parcel, shall be liable to a penalty not exceeding One hundred pounds. |
| Declaration by masters on arrival Schedule V | <p>46. (1) A master arriving at a port in Western Australia shall, as soon as practicable after arrival, sign, in the presence of the postmaster at the port, town, or place nearest thereto, a declaration in the form contained in the Fifth Schedule to this Act.</p> <p>(2) The postmaster shall thereupon grant a certificate under his hand of the making of the declaration, and until the certificate has been delivered to the proper officer of Customs at the port he shall not permit the ship to report.</p> |
| Penalty | (3) Any master who fails or refuses to make the declaration, or who makes a false declaration, shall be liable to a penalty not exceeding One hundred pounds. |
| Mails to be taken in vessels outward bound and coastwise | <p>47. (1) Any master about to depart from a port within Western Australia to a port or place within or beyond Western Australia may be required by an officer of the Postal Department, or by a port officer or Customs officer, or other person duly authorised as herein mentioned, to receive, or take on board the ship, at the wharf nearest to the post-office, any mail-bag, mail-box, or mail-parcel, and he shall, in such case, give a receipt for such bag, box, or parcel to the person tendering or delivering the same, and shall carefully deposit the bag, box, or parcel in some secure and dry place on board of the ship, and convey the same upon her then intended voyage.</p> |
| Penalty | (2) Any person in any respect offending against the provisions of this section shall be liable, for every such offence, to a penalty not exceeding One hundred pounds. |
| Payment to masters | <p>48. (1) A master about to depart, as in the last preceding section mentioned, who receives on board a mail-bag, mail-box, or mail-parcel, for the purpose of conveying the same according to the direction thereof, shall, upon giving a receipt therefor, be entitled to receive for carriage such sum as may be prescribed by the regulations, not being less than one half-penny for every letter, and the receipt shall be a sufficient voucher for the payment, and the same shall be allowed in the account of the person making the payment accordingly.</p> <p>(2) When mails are brought from one port to another, and transhipped or forwarded by a second ship belonging to the same owner, payment shall not be made on account of the second conveyance.</p> <p>(3) A master carrying mails under a contract shall not be entitled to any payment under this section.</p> |
| Non-delivery and carrying mails past port of destination | 49. Any master who has received a mail-bag, mail-box, or mail-parcel for delivery at any specified port or place, and who neglects or omits to deliver the same at such port or place, or who passes such port or place in the course of his intended voyage without calling thereat and delivering such mail-bag, mail-box, or mail-parcel, shall, |

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unless such default be satisfactorily accounted to the satisfaction of the Postmaster General, be liable to a penalty of not less than Ten pounds or more than One hundred pounds.

50. Payment shall not be made to a master arriving from a port or place beyond Western Australia for the conveyance of a mail-bag, mail-box, or mail-parcel, on which payments have already been made at the port of departure.

Master arriving from colony where there has been payment not to be paid

51. (1) A master of a ship not carrying mails under a contract, which is about to depart from a port within Western Australia to a port or place beyond Western Australia, shall, before the clearance of the ship, give to the postmaster at the port from which the ship is about to depart not less than twenty-four hours' notice in writing of her intended hour of departure, but any such postmaster may waive such notice and accept notice for a shorter period.

Notice of departure of vessels, and of postponed departure

(2) A master of a ship not carrying mails under a contract, which is about to depart from a port within Western Australia to another port or place within Western Australia, shall, before the clearance of the ship, give to the postmaster at the port from which the ship is about to depart not less than six hours' notice in writing of her intended hour of departure: Provided that a shorter notice may be prescribed in any case or special class of cases.

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

(4) Any master who refuses or omits to give the notice herein required, or who departs from the port before the expiration of the time mentioned in the notice, shall be liable for every such offence to a penalty not exceeding Fifty pounds.

Penalty

52. (1) When a master has received a mail-bag, mail-box, or mail-parcel on board for carriage, and the ship does not depart on her voyage according to the time fixed for departure or within two hours thereof, the master shall forthwith give notice to the postmaster of the delay, and shall, on demand, return the mails and the gratuity or payment which has been paid for carriage to the postmaster, or to some port officer or Customs officer of the port, or some other person duly authorised in that behalf in writing under the hand of the Postmaster General.

Duty of master where vessels not sailing pursuant to notice

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding Fifty pounds.

Penalty

PART IV

MONEY ORDERS AND POSTAL NOTES

53. (1) The Governor in Council may make arrangements with the Postmaster General in the United Kingdom, or with the proper authorities of any British colony or possession, or of a foreign country for the issue and payment, by means of the Postal Department, of money orders and postal notes between Western Australia and the United Kingdom, or such colony, possession, or country, and

Arrangements for money orders and postal notes

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for the accounting for and transmission of moneys required for that purpose.

(2) The Governor in Council may also make arrangements for the issue and payment by means of the Postal Department of money orders and postal notes within Western Australia, and for the accounting for and transmission of moneys required for that purpose.

When amount
of money order
may be refunded

54. (1) The Minister may authorise the repayment of the amount of a money order to the person to whom it was granted, or his executors or administrators, whether the money order remains or is in his or their possession or not.

(2) Upon the repayment, all liability, if any, of Her Majesty, in respect of the money order, or the issue or repayment of the amount thereof, shall cease and determine.

Postal notes to
be deemed
valuable security
and public money

55. A postal note shall be deemed a valuable security within the meaning of any Act for the time being in force relating to larceny, and the prosecution for, and punishment of, those offences respectively; and an unissued postal note shall be deemed public moneys.

PART V

ELECTRIC TELEGRAPHS

Postmaster
General may
contract for
construction of
telegraph lines

56. The Postmaster General, or any person authorised in that behalf by the Governor in Council, may enter into a contract with any other person for the construction and maintenance of any line of telegraph by such person for Her Majesty or for his own use.

Telegraph lines
to be subject to
this Act

57. Every line of telegraph constructed or to be constructed in Western Australia shall be subject to the provisions of this Act and the Regulations.

Lands may be
entered and
surveyed, &c.

58. Any person acting under the authority of the Postmaster General may, for the purposes of this Act, enter upon any land and survey and take levels thereof, and dig, fell, remove, and carry away from the land any earth, stone, gravel, sand, or other soil, or timber or trees required to be used in constructing or maintaining a telegraph line, or the works connected therewith.

Works to be
made on any
land, &c.

59. A person so authorised may cause to be set or opened up or laid down and maintained a telegraph, or any works necessary for the purposes of this part of this Act, upon, under, or through any land, or any shore of the sea, road, stream, or water, and may break, excavate, and remove any soil to the extent and depth required for placing or removing the works:

Provided that every wire or cord crossing a road or water above the surface shall be at least eighteen feet from the surface, and that the free use of any land, shore, road, or water shall not be obstructed more than is necessary for the purposes of this Act.

Wires, &c., may
be affixed to
buildings

60. A person so authorised may, whenever it is necessary for continuing or completing a telegraph line, cause a wire or cord to be supported by affixing or annexing the same to, upon, or against any

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part of a house, building, or other structure, in a city, town, or village :

Provided that the wire or cord is eighteen feet at the least from the surface of the earth on which the house, building, or other structure is situate.

61. (1) The Postmaster General may require any trees and under-wood standing within thirty-three feet on either side of a telegraph line, and not being within the curtilage of a house, or within a garden, lawn, yard, court, park, plantation, orchard, planted walk, avenue, or nursery for trees, to be cut down.

Trees within
thirty-three feet
of line to be
removed

(2) In any such case the proprietor of the land upon which the trees and underwood are situate may himself cut them, but if he does not do so, any person acting under the authority of the Postmaster General may enter upon the land and cause the trees and underwood to be cut, and this Act shall be sufficient to indemnify such person and his servants, agents, and workmen, and all other persons whomsoever, for what he or any of them does by virtue of the powers herein contained.

62. The Postmaster General or a person authorised by him may place and maintain any lines or pipes, or tubes for purposes of telegraphic, telephonic, or pneumatic communication or despatch, under a street or public road, and may alter or remove the same, and for such purposes may break up a street or public road and alter the position thereunder of any pipe, not being a main, for the supply of water or gas.

Laying lines
under streets

63. (1) Where subsequently to the erection of a line of telegraph, whether erected before or after the passing of this Act, a fence is erected crossing the line of direction of such line of telegraph, the owner of such fence shall, on the demand of the Postmaster General in writing, and at the expense of the Postmaster General, cause a gate or slip-rails to be put up in such fence at the point of intersection to admit the passage at all times of any vehicle used in the repair of such line of telegraph.

Free access to
be permitted
for the repair of
line of telegraph

(2) Any person being employed in the repair of a line of telegraph, if such demand as aforesaid has not been complied with within fourteen days after such demand, may remove, cut down, or otherwise break through such fence as aforesaid.

(3) Where previously to the erection of a line of telegraph a fence has been erected, which is subsequently crossed by a line of telegraph, the person causing the erection of such line of telegraph may, if authorised by the Postmaster General in writing, cause a gate to be put up in the manner aforesaid, and shall give to the owner of such fence seven days' notice in writing of his intention to do so.

(4) The owner, within the meaning of this section, shall include the person in occupation of the lands on which the fence is erected.

64. (1) In the exercise of the powers conferred by this Act, as little damage as possible shall be done, and the Postmaster General shall make adequate compensation to all persons interested, for any damages sustained by them by reason of the exercise of such powers.

Provision as
to compensation

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(2) The compensation, if the amount cannot be otherwise agreed upon, shall be settled by two or more Justices of the Peace in petty sessions assembled, at a hearing of which fourteen days' notice at the least shall have been given by the person claiming such compensation to the Postmaster General, and on the appearance of the Postmaster General or some person on his behalf, or otherwise upon proof of the service of such notice, such Justices of the Peace may hear and determine the claim and settle and award the amount of compensation (if any) to be allowed to such claimant, which amount shall be paid by the Colonial Treasurer out of the Consolidated Revenue Fund within one month after the amount payable shall have been determined.

(3) Provided always, that nothing in this Act relating to telegraphs shall in any way affect the rights of the Crown in or over or in respect of any land in this Colony.

Postmaster
General to have
exclusive rights
in respect of
telegraphs

65. The Postmaster General by himself or by his deputies, and his and their respective servants and agents, shall from and after the passing of this Act have the exclusive privilege of transmitting any message or other communication by a telegraph within Western Australia except as hereinafter provided, and shall also within Western Australia have the exclusive privilege of performing all the incidental sources of receiving, collecting, or delivering such messages or communications except as hereinafter provided.

Erection of
private lines

66. The Governor in Council may authorise the erection and working of private lines for telegraph purposes and the performance of all the incidental services of receiving, collecting, or delivering messages and communications in connection therewith.

Provided that the granting of the authority shall not render Her Majesty, Her heirs and successors, liable for any damages which may be incurred through the erection, working, or otherwise of the lines.

Postmaster
General may
make and cancel
agreements for
private lines

67. (1) If the Postmaster General enters into an agreement with a person in accordance with the Regulations for the construction and maintenance of a line of telegraph by any person for his own use, or for the exclusive use of any existing line by any person, and such person fails to pay the rent or charges according to the terms of his agreement, or commits a breach of any of the conditions of the agreement, the Postmaster General may, by notice to such person, cancel the agreement, and take possession of the line in respect of which the agreement was made, and prevent the further use thereof by such person.

(2) Such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster General of the powers herein contained.

PART VI

REGULATIONS AND BY-LAWS

Power to make
regulations

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

Officers

(1) Prescribing and defining the duties of all officers and persons employed in the department :

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| (2) Prescribing the maximum weight of and fixing and altering the rates of postage to be charged on letters, packets, and newspapers posted within Western Australia : | Rates of postage |
| (3) Prescribing that a reduced rate of postage may be charged upon letters forwarded by or addressed to seamen on actual service in Her Majesty's Navy, or in the Marine Defence Force of any of the Australasian Colonies, or to non-commissioned officers or men on actual service in Her Majesty's regular forces or in the Permanent Land Force of any of the Australasian Colonies, and the conditions under which such letters may be transmitted through the post at such reduced rate. | Postage on letters, of sailors, soldiers, &c. |
| (4) Prescribing the rates of postage to be charged and collected upon letters, packets, and newspapers, received by post from places out of Western Australia : | Postage to be collected on letters, &c., from abroad |
| (5) Prescribing in what cases, if any, postage shall be charged and collected upon letters, packets, and newspapers, requiring to be re-directed and again forwarded by post : | Postage to be charged for re-direction |
| (6) Prescribing the conditions to be observed by the persons authorised by this Act to send letters, packets, newspapers, telegrams, or parcels free of charge : | Conditions to be observed in franking |
| (7) Defining what publications shall be deemed to be newspapers, and prescribing the conditions under which newspapers may be sent : | Newspapers to be defined, and how to be sent |
| (8) Prescribing what newspapers and public documents and other particular class of mail matter may be transmitted by post free of charge, and the manner and conditions of such transmission : | What newspapers, &c., may be sent free |
| (9) Defining and classifying packets, and directing what packets may be sent by post as town, inland, and foreign packets, within the meaning of this Act, and the terms and conditions upon which the same may be sent : | Defining packets |
| (10) Prescribing what parcels may be carried or conveyed by means of the Department, and the weight, contents, mode of packing, receipt, and despatch of the parcels : | What parcels may be carried |
| (11) Prescribing what kinds of parcels shall not be carried or conveyed by the department, and providing for the sale or other disposal or destruction of any parcel which is prohibited from being so carried or conveyed : | What parcels shall not be carried |
| (12) Prescribing the conditions, prohibitions, and restrictions under which parcels are to be received, transmitted, delivered, returned to the senders, or otherwise disposed of : | Conditions as to small parcels |
| (13) Prescribing forms of declaration to be made by any person or his agent desiring to transmit or receive a parcel, and fixing the rate of fees to be charged for the transmission, delivery, return, insurance, or registration of parcels : | Parcel rates |

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| Mode of payment of rates | (14) Prescribing the term and manner in which such rates or fees are to be paid, and the arrangements as to the collection of any duties of Customs, or any duties or fees other than the rates or fees payable for transmission, delivery, insurance, or registration payable in respect of a parcel : |
| Forfeiture and sale of parcels | (15) Providing for the forfeiture and sale, or for the forfeiture and destruction, of undelivered or unclaimed parcels, and the mode and terms upon which the same shall respectively be carried into effect : |
| Fees in addition to postage | (16) Imposing fees to be paid upon letters, newspapers, and packets registered under this Act, or posted after the time appointed by the Postmaster General for closing the mails : |
| Conditions of registration | (17) Prescribing the conditions under which and subject to which letters, packets, and newspapers may be registered : |
| Private boxes, &c. | (18) Providing for private boxes and private bags, and prescribing the fees to be payable therefor : |
| Registration of newspapers | (19) Prescribing the mode and form of registering and cancelling the registration of newspapers, and the fees payable in respect thereof : |
| Complaints, how to be made | (20) Prescribing the manner in which complaints or inquiries are to be made concerning letters, packets, newspapers, and parcels lost or delayed in transmission : |
| Duration of retention of letters, &c. | (21) Prescribing the time during which undelivered and undirected letters, packets, and newspapers shall be retained at the Post Office to which they are sent for delivery : |
| Disposal of opened letters, &c. | (22) Prescribing the manner and conditions of the disposal of all letters and packets opened under the provisions of this Act, and the sale, destruction, or other disposal, and the manner and conditions of such sale, destruction or other disposal of all newspapers opened under the provisions of this Act, and of all enclosures contained in any letter, packet, or newspaper opened under the provisions of this Act, and prescribing the fee, if any, to be charged for returning any letter, packet, newspaper, or enclosure as aforesaid to the original sender thereof : |
| Sale of stamps | (23) Prescribing the form of and the mode of issuing licenses for the sale of stamps by postmasters and others, and the commission to be allowed thereon : |
| Defacing stamps | (24) Prescribing the mode of defacing stamps on letters, packets, and newspapers ; |
| Letters, &c., containing dutiable articles | (25) Prescribing the mode of dealing with letters, packets, newspapers, or parcels supposed to contain dutiable articles : |
| Sale or destruction of newspapers | (26) Prescribing the mode of sale or destruction of undelivered newspapers : |

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| (27) Defining and classifying foreign and intercolonial newspapers and prescribing the terms and conditions upon which the same may be received into Western Australia, or posted therein : | As to foreign newspapers |
| (28) Prescribing the rate of remuneration to be received by a master required under the provisions of this Act to carry mails : | Remuneration for compulsory carriage of mails |
| (29) Prescribing the conditions under which and the persons by or through whom, and the places where, and the times when, and the manner and form in which, and the amount for which money orders shall be issued, and the amount of fees payable in respect of such issue, and the persons in favour of whom, and the places where, and the times when, and the manner and form in which money orders shall be paid, and the length of time during which they shall be current and after which they shall become void, and the mode of forwarding messages or advices, 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, whereby the public may be enabled promptly and safely to remit small sums of money through the department : | Money orders |
| (30) Prescribing the conditions relating to the issue, payment, and cancellation of postal notes, and the amount for which the same shall be issued, and the fee or commission to be charged for issuing the same proportional to such amount : | Postal notes |
| (31) Prescribing the terms and conditions on which agreements may be made by the Postmaster General with any person for the construction and maintenance of a telegraph or telephone line for the exclusive use of such person, or for granting the exclusive use of any existing line to any person, and prescribing the scale and times and manner of payment, in advance or otherwise, of the rent and charges to be paid by such person as the consideration for the agreement : | Tele graph lines for private use |
| (32) Fixing the fees, rates, and dues to be received for the transmission and delivery of any telegram or telephonic message by any Government or other telegraph erected under the provisions of this Act, and for copies of any such telegram or message, prescribing the time, manner, and place at or in which the payment of all such fees, rates, and dues are to be made; and providing for the recovery of such fees, rates and duties, and imposing penalties for non-payment thereof, and generally for the management, working, and maintenance of such telegraphs : | Rules and fees for telegraphs generally |
| (33) Prescribing that certain telegrams shall have preference in the order of transmission : | Order of transmission of telegrams |

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| Contents of telegrams | (34) Prescribing that telegrams containing seditious, blasphemous, obscene, or scandalous matter, or being in any other way offensive, shall not be transmitted or received; and prescribing the manner in which such telegrams shall be dealt with : |
| General | (35) All other matters and things which may be necessary for the efficient administration of this Act. |
| Regulations when published in 'Government Gazette' to have the force of law, and to be laid before Parliament | Such Regulations, not being contrary to the provisions of this Act, shall, when published in the 'Government Gazette,' have the force of law, and the production of the 'Gazette' containing a Regulation shall be sufficient evidence of the due making of the Regulation, and <i>prima facie</i> evidence that it is still in force. Copies of all Regulations made under this Act shall be laid before Parliament within fourteen days from the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the commencement of the next Session thereof. |
| Present Regulations to remain in force until rescinded | 69. The Regulations and Forms in force at the passing of this Act, except where they are inconsistent with this Act, shall continue to be in force unless and until rescinded by the Governor in Council. |
| Power to make regulations in certain cases in pursuance of provisions in other Acts | 70. When by any Act provision is made for the transmission by post, free of charge or at a reduced rate, of any forms, returns, notices, voting-papers, or other documents, the Postmaster General may make such special regulations in respect thereof as may be consistent with the intention of such Act in relation to such provisions. |
| Power to make by-laws | 71. The Minister may make by-laws for the preservation of all buildings in the occupation of the department, and of all goods being the property of Her Majesty, used by or in possession of the department, and for regulating the conduct of all persons entering, or being within, or leaving the said buildings, and for the prevention of any nuisance or act, or other matter or thing likely to cause inconvenience to the public or officers of the department within such buildings, and for the prevention of persons loitering within or about such buildings or the premises of a post office. And such by-laws shall state a maximum penalty for any neglect or breach thereof respectively, provided such maximum penalty shall not exceed the sum of Ten pounds, and when published in the 'Government Gazette' shall have the force of law. |

PART VII

OFFENCES AND LEGAL PROCEEDINGS

| | |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penalty for retarding delivery of mails | 72. Any postmaster, port officer, officer of Customs, master of a ship, or person duly authorised to receive or despatch a mail or any letter, packet, newspaper, or parcel, who neglects or fails to despatch, or retards the despatch of any mail-bag, mail-box, mail-parcel, letter, packet, newspaper, or parcel sent by post, shall be liable to a penalty not exceeding One hundred pounds. |
| Conveying of letters otherwise than by post | 73. (1) No letter shall be sent or carried for hire or reward otherwise than by post. |

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Any person who, for hire or reward,

(a) Sends or conveys, or causes to be sent or conveyed, any letter otherwise than by post; or

(b) Takes charge of a letter for such conveyance,

shall be liable for every offence to a penalty of not less than Five pounds nor more than Fifty pounds.

(2) Every letter sent or conveyed, or caused to be sent or conveyed, or taken charge of to be conveyed otherwise than by post, shall be deemed to have been sent or conveyed or caused to be sent or conveyed or taken charge of for hire or reward, unless the contrary is shown by the defendant. Evidence

(3) Provided always, that the provisions of this section shall not apply to any letter to which the exclusive privilege, vested in the Postmaster General and his deputies or their respective servants and agents, of conveying letters from one place to another does not extend. Exceptions

74. (1) Any person shall be deemed to have committed an offence, punishable as hereinafter mentioned, who : Forging or fraudulently using or possessing dies or plates

I. (a) Forges or counterfeits; or

(b) Causes or procures to be forged or counterfeited;

Any die, plate, or other instrument, or any part of any die, plate, or other instrument which has been or shall or may be provided, made or used by or under the direction of any competent person, authority, department or Government in or of Western Australia, or the United Kingdom or any of its dependencies, India, or any foreign country or State for the purpose of expressing or denoting any rate or duty of postage or any poundage;

Or any die, plate, or other instrument, or any part of any die, plate, or other instrument appearing on the face thereof, or purporting to have been provided, made, or used by or under such directions as aforesaid for the purpose aforesaid.

II. (a) Forges, counterfeits, or imitates; or

(b) Causes or procures to be forged, counterfeited, or imitated:

The stamp, mark, or impression, or any part of the stamp, mark, or impression of any such die, plate, or other instrument which has been or shall or may be so provided, made or used as aforesaid upon any paper or other substance or material whatever.

III. Knowingly and without lawful excuse (the proof whereof shall be on the person accused)—

(a) Has in his possession; or

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- (b) Sells, purchases, disposes of, or receives
Any false, forged or counterfeited die, plate, or other instrument, or part of any such die, plate, or other instrument resembling or intended to resemble either wholly or in part any die, plate, or other instrument which has been or shall or may be so provided, made, or used as aforesaid ;
- iv. (a) Stamps or marks ; or
(b) Causes or procures to be stamped or marked any paper or other substance or material whatsoever with any such false, forged, or counterfeited die, plate, or other instrument or part of any such die, plate, or other instrument as aforesaid.
- v. (a) Uses, utters, sells, exposes to sale ; or
(b) Causes or procures to be used, uttered, sold, or exposed to sale ; or
(c) Knowingly and without lawful excuse (the proof whereof shall be on the person accused) has in his possession :
Any paper or other substance or material having thereon the impression or any part of the impression of any such false, forged, or counterfeited die, plate, or other instrument or part of any such die, plate, or other instrument as aforesaid ; or
Having thereon :
Any false, forged, or counterfeit stamp or impression resembling or representing either wholly or in part, or intended or liable to pass or be mistaken for the stamp, mark, or impression of any such die, plate, or other instrument which has been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged, or counterfeit stamp, mark, or impression to be false, forged, or counterfeited.
- vi. With evil intent :
(a) Privately or fraudulently uses ; or
(b) Causes or procures to be privately or fraudulently used :
Any die, plate, or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid ;
- vii. With evil intent, privately, or fraudulently :
(a) Stamps or marks ; or
(b) Causes or procures to be stamped or marked ;
Any paper or other substance or material whatsoever with any such die, plate, or other instrument as last aforesaid ;
- viii. Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused), has in his possession

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any paper or other substance or material so privately or fraudulently stamped or marked as aforesaid.

(2) And every person knowingly and wilfully aiding, abetting, or assisting any person in committing any of the offences aforesaid, and being thereof lawfully convicted, shall be judged guilty of felony, and shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, or be imprisoned for a term not exceeding two years, with or without hard labour, as the Court shall award.

75. Any person who

(1) Fraudulently :

(a) Gets off or removes ; or

(b) Causes or procures to be gotten off or removed from any letter or cover, or any paper or other substance or material, the stamp or impression of any die, plate or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, with intent to use, join, fix or place such stamp or impression for, with, or upon any other letter, cover, paper, or other substance or material.

(2) Fraudulently uses, joins, fixes or places for, with, or upon any letter, or cover or any paper or other substance or material any such stamp or impression as aforesaid, which shall have been gotten off or removed from any other letter, cover, paper, or other substance or material.

(3) Fraudulently :

(a) Erases, cuts, scrapes, discharges, or gets out of or from ;
or

(b) Causes or procures to be so erased, cut, scraped, discharged, or gotten out of or from

Any letter or cover or any paper or other substance or material any name, date, or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark then impressed or being upon such letter or cover paper, or other substance or material, or that the same may be used for any fraudulent purpose.

(4) Makes, does, or practises or is concerned in any other fraudulent act, contrivance, or device whatsoever not specially provided for by this or some other Act, for any fraudulent purpose, shall upon summary conviction thereof before two or more Justices of the Peace be liable to a fine or forfeit of any sum not exceeding Twenty pounds.

76. Any person who, without lawful authority or excuse (the proof whereof shall be on the person charged),

(1) Makes, or causes or procures to be made, or

(2) Aids or assists in making, or

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Affixing stamps
already used,
and otherwise
evading postage

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Unlawful
possession of
moulds for
making postage-
stamp or postal-
note paper

(3) Knowingly has in his custody or possession,

(a) Any mould, frame, or other instrument having thereon any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for postage stamps or postal notes by or under the direction of any competent person, authority, department or Government in or of Western Australia or the United Kingdom or any of its Dependencies, India, or any foreign country or State, or

(b) Any paper in the substance of which appear any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided by or under the direction aforesaid or used for postage stamps or postal notes, or any part of such letters, words, figures, marks, lines, or devices, and intended to imitate the same, or

(4) Causes or assists in causing any such words, letters, figures, marks, lines, or devices intended to imitate those so provided, or to be provided or used as aforesaid, to appear in the substance of any paper whatsoever,

shall be guilty of felony, and shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, or be imprisoned for a term not exceeding two years, with or without hard labour.

Illegal possession
of postage-stamp
or postal-note
paper

77. Any person who, without lawful authority or excuse (the proof whereof shall be on the person charged),

(1) Sells, purchases, disposes of, or receives, or

(2) Knowingly has in his custody or possession,

Any paper provided by or under the direction of any competent person, authority, department, or Government in or of Western Australia, or the United Kingdom, or any of its Dependencies, India, or any foreign country or State, for the purposes of being used for postage stamps or postal notes before the same has been lawfully issued for public use,

shall be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Forgery of
crossing of postal
note

78. Any person who, with intent to defraud, obliterates, adds to, or alters any such lines or words on a postal note issued under this Act as would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any postal note with such fraudulent obliteration, addition, or alteration, shall be guilty of felony, and be liable to the like punishment as if such postal note were a cheque: Provided always, that any banker, or corporation or company acting as bankers in Western Australia, who, in collecting in such capacity for any principal, shall have received payment, or been allowed by the Postmaster General in account in respect of any

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postal note issued under this Act, or of any document purporting to be such postal note, shall not incur liability to any one except such principal by reason of having received such payment or allowance, or having held or presented such order or document for payment; but this section shall not relieve any principal for whom such postal note or document shall have been so held or presented of any liability in respect of his possession of the same or of the proceeds thereof.

79. (1) Any person who

- (a) Makes, knowingly utters, deals in, sells, or uses, for any postal purpose, or
- (b) Has in his possession, unless he shows a lawful excuse, or
- (c) Makes, or, unless he shows a lawful excuse, has in his possession,

Penalty for
issuing fictitious
stamps, &c.

any die, plate, instrument, or materials for making any fictitious stamp, shall be liable to a penalty not exceeding Fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding twelve months.

(2) Any stamp, die, plate, instrument, or materials found in the possession of any person contrary to the provisions of this section may be seized and shall be forfeited.

(3) For the purposes of this section the term 'fictitious stamp' means any *facsimile* or imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage or poundage of Western Australia, or of the United Kingdom, or of any of its Dependencies, India, or any foreign country or State.

(4) Every stamp purporting to denote a rate of postage or poundage of any part of Her Majesty's dominions, or of any foreign country or State, shall be deemed to be a stamp used for postal purposes in such part of the said dominions or in such foreign country or State respectively, until the contrary is proved by the person charged.

Evidence

80. Any person who, without lawful authority or excuse (the proof whereof shall be on the person charged),

Illegally sending
postal envelopes,
&c.

- (1) Makes any envelope, wrapper, card, form, or paper, in imitation of one issued by or under the authority of the Postmaster General of Western Australia or of any other part of Her Majesty's Dominions, or of any foreign or colonial postal authority, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe that a letter, packet, parcel, or newspaper bearing the same is sent on Her Majesty's service, or on the public service of a foreign country, or
- (2) Makes on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise issued, any mark in imitation of or similar to, or purporting to be any stamp or mark of any post office under the Postmaster General of Western Australia

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or of any other part of Her Majesty's Dominions, or under any foreign or colonial postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a letter, packet, or newspaper bearing the same is sent on Her Majesty's service, or on the public service of a foreign country, or

- (3) Issues or sends by post, or otherwise, any envelope, wrapper, card, form, or paper so marked,

shall be liable to a penalty not exceeding Five pounds.

Fraudulently
removing stamps

81. (1) Any person who, with a fraudulent intent,

- (a) Removes from a letter, packet, parcel, or newspaper sent by post, any stamp affixed thereon, or
(b) Removes from any stamp previously used any mark made thereon at a post office, or
(c) Knowingly puts off or uses an obliterated or defaced postage stamp,

shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding Fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding Twelve months.

Evidence

(2) Upon the trial of any person for the offence of using an obliterated or defaced postage stamp, proof that the person charged is the writer of the letter or of the address of the letter, packet, parcel, or newspaper on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp.

Illegally franking
letters or tele-
grams

82. Any person authorised by the Minister, under the provisions of this Act, to send letters, packets, newspapers, telegrams, or parcels on the Public Service free of charge, who shall, with intent to evade payment of the postage or fee in respect of the same, superscribe, mark, or send or cause to be marked, superscribed, or sent as on the Public Service a letter, packet, newspaper, telegram, or parcel which does not concern the business thereof, shall be liable to a penalty not exceeding One hundred pounds.

Falsely sending
letters, &c., as
free of charge

83. Any person who knowingly and fraudulently—

- (a) Sends to or puts into a post office or telegraph office; or
(b) Causes or procures to be sent to or put into a post office or telegraph office,

any letter, packet, newspaper, telegram, or parcel which purports to be authorised or permitted by this Act or the Regulations to be sent free of charge or at a reduced rate of postage, and which is not authorised or permitted to be sent free of charge or at a reduced rate of postage, shall be liable to a penalty not exceeding Fifty pounds.

Falsely sending
packets

84. Any person who

- (1) Knowingly and fraudulently puts into a post office, a packet, parcel, or newspaper in or upon which, or in or upon the cover whereof there is any letter communication, or intelligence not allowed by law to be there placed; or

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- (2) Wilfully subscribes on the outside of a packet a false statement of the contents thereof,

shall be liable to a penalty not exceeding Fifty pounds nor less than One pound.

85. Any person who

- (1) Knowingly puts, or causes to be put, into a post office a newspaper, in or upon which, or in or upon the cover whereof there is any character, figure, letter, or number other than some one or more of the following, that is to say, a mark to indicate a report, article or paragraph, therein, the printed title of the newspaper, the statement in print of the names, occupations, and places of business of the printer, publisher, and vendor of the newspaper, the name, occupation, and address of the person to whom it is sent, the name of the sender, and the words 'newspaper only,' or in which anything but a supplement is enclosed, or which is accompanied by anything but a supplement, or
- (2) Wilfully places the words 'newspaper only' on any newspaper or thing purporting to be a newspaper, or on the cover thereof, knowing the words to be untrue,

Falsely sending newspapers

shall be liable to a penalty not exceeding Fifty pounds and not less than One pound.

86. Any person who knowingly sends, or attempts to send by post, any letter, packet, newspaper, or parcel which

Sending explosive or noxious substance, or indecent articles, &c.

- (1) Encloses an explosive, or a dangerous, filthy, noxious, or deleterious substance, or a sharp instrument not properly protected, or a living noxious creature, or any other thing likely to injure other letters, packets, newspapers, or parcels in course of conveyance, or to injure an officer of the department, or other person, or
- (2) Encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card, or article, or
- (3) Has thereon or therein, or on the envelope or cover thereof, any words, marks, or designs, of an indecent, obscene, or grossly offensive character,

shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding One hundred pounds, and to imprisonment with or without hard labour, for a term not exceeding twelve months.

87. Any master of a ship, postmaster, or other officer or person employed by or under a postmaster, or employed or authorised to receive, sort, carry, or deliver mails or letters, packets, newspapers, or parcels sent by post, or otherwise employed in the business of the department, who offends against, or wilfully neglects or omits to comply with any of the arrangements duly made under the authority of this Act, or any of the provisions of this Act or the regulations for breach or neglect of which no other punishment is hereby provided, shall be liable to a penalty not exceeding One hundred pounds.

Penalty on masters of vessels, postmasters, and others for breach of duty

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Losing or not
delivering letters

88. Any person employed by or under the department who negligently loses, or wilfully detains or delays, or unlawfully returns or procures or suffers to be detained or delayed, or unlawfully returned any mail-bag, mail-box, or mail-parcel, or any letter, packet, newspaper, or parcel shall be liable to a penalty not exceeding One hundred pounds.

Penalty on mail-
coach driver or
guards loitering

89. Any driver of a vehicle being used for the conveyance of mails, and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback, or foot, who

- (1) Loiters on the road, or
- (2) Wilfully misspends or loses time, or
- (3) Is under the influence of intoxicating liquor, or
- (4) Does not in all possible cases convey the mail at the speed fixed by the Postmaster General for the conveyance thereof, unless prevented by the weather or the bad state of the roads, or an accident, the proof whereof shall be on the person charged,

shall be liable to penalty not exceeding Ten pounds.

Wilfully opening
mails, &c., with-
out authority

90. Any master of a ship, any driver of a vehicle being used for the conveyance of mails, and any guard or other person in charge of a mail, however conveyed, who, without the authority of a postmaster, wilfully opens or attempts to open, or procures or suffers to be opened, any mail-bag, mail-box, or mail-parcel, or any letter, packet, newspaper, parcel, or telegram shall be guilty of a misdemeanour and be liable to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Retaining or
secreting letters

91. Any person who

- (1) Wilfully retains, secretes, keeps, or detains any mail-bag, mail-box, mail-parcel, letter, packet, newspaper, or parcel which ought to have been delivered to any other person, or
- (2) Wilfully retains, secretes, keeps, or detains any mail-bag, mail-box, mail-parcel, letter, packet, newspaper, or parcel found by the person secreting, keeping, or detaining the same, or wrongfully delivered to the person keeping or detaining the same in consequence of a similarity of address or otherwise,

shall be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

Improperly
obtaining
letters, &c.

92. Any person who by means of any false pretence or misstatement, induces any Postmaster, or other officer or servant of the department, to deliver to such person a letter, packet, newspaper, or parcel sent by post, or a telegram, not addressed to such person, shall be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or a penalty not exceeding Fifty pounds.

Delivering to
wrong person

93. Any person charged with the delivery of a letter, packet, newspaper, parcel, or telegram, who wilfully delivers the same to any person other than the person to whom the same is addressed, or his authorised agent in that behalf, shall be guilty of a misdemeanour, and being

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convicted thereof shall be liable at the discretion of the Court to pay a fine not exceeding Fifty pounds, or to be imprisoned for any term not exceeding two years, with or without hard labour.

94. Any person who

- (1) Fraudulently takes from the possession of a Postmaster, or other officer or servant of the department or other person having the custody thereof for the Postmaster General, or from any post office or place appointed for the receipt or delivery of letters or telegrams, or
- (2) Steals, or for any purpose embezzles, fraudulently takes, secretes, or destroys,

Stealing letters,
&c.

a mail-bag, mail-box, mail-parcel, letter, packet, newspaper, or parcel, sent by post, or a telegram, or any part thereof respectively, shall be guilty of felony, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or to penal servitude for any term not exceeding seven years.

95. Any Postmaster, or other officer or servant of the department who fraudulently or wilfully tampers with, or, contrary to his duty, opens or procures or suffers to be tampered with, or be opened contrary to his duty, any mail-bag, mail-box, or mail-parcel, or any letter, packet, newspaper, parcel, or telegram, shall be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Opening or
tampering with
letters

96. (1) Any person, not being employed in the Postal Department, who wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any letter, which ought to have been delivered to such other person, or does any act or thing whereby the due delivery of such letter to such other person is prevented or impeded, shall be guilty of a misdemeanour, and be liable to a fine not exceeding Fifty pounds, or to imprisonment not exceeding six months.

Criminal divert-
ing of letters
from addressee

(2) Nothing in this section shall apply to a person who does any act to which this section applies, where he is parent, or in the position of a parent or guardian of the person to whom the letter is addressed.

97. Any person who, without the authority of the Postmaster General (the proof of which authority shall rest on the person charged),

Exhibiting sign,
&c., as post office
or Royal mail

- (1) Places or maintains, or permits or causes to be placed or maintained, or to remain in, on, or near any house, wall, door, window, box, post, pillar, or other place belonging to him or under his control, the words 'Post Office,' or any other word or mark which may imply or give reasonable cause to believe that the same is a post office, or a place for the receipt of letters, or that any box is a post office letter-box, or
- (2) Places, or permits or causes to be placed or suffers to remain on any vehicle the words 'Royal Mail,' or any word or mark which may imply or give reasonable cause to believe that the vehicle is used for the conveyance of mails,

shall be liable to a penalty not exceeding Five pounds.

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Obstructing
conveyance and
delivery of mail

98. Any person who wilfully obstructs or retards the conveyance or delivery of a mail shall be liable to a penalty not exceeding Fifty pounds.

Obstructing
officer in the
execution of
his duty, &c.

99. (1) Any person who

- (a) Wilfully obstructs or incites anyone to obstruct an officer of the Department in the execution of his duty, or
- (b) Whilst in a post or telegraph office, or within any premises belonging to a post or telegraph office, or used therewith, wilfully obstructs the course of business of the post or telegraph office or of the department,

shall be liable to a penalty not exceeding Two pounds.

(2) Any officer of a post or telegraph office may require any person committing an offence under this section to leave the post office or telegraph office or such premises as aforesaid, and if such person refuses or fails to comply with the request, he shall be liable to a further fine not exceeding Five pounds, and may be removed by the officer; and all police officers are required, on demand, to remove or assist in removing such person.

Injuring or
destroying pillar
letter receivers

100. Any person who wilfully injures or destroys, or aids or assists in injuring or destroying, any letter box, or newspaper box, or receptacle for the reception of letters or newspapers, or any card or notice, the property of the Postmaster General, or obliterates any of the letters or figures thereon, shall be liable to a penalty not exceeding Fifty pounds.

Placing injuri-
ous substances
against letter
boxes, &c.

101. Any person who places or attempts to place on, in or against any letter-box or newspaper-box, or receptacle for the reception of letters or newspapers, any fuse, match, light or any explosive or dangerous substance, or any filth, or any noxious or deleterious substance or any fluid shall be liable to a penalty not exceeding Twenty pounds.

Selling stamps
without a license
or pretending to
be licensed

102. Any person who, without the license of the Postmaster General (the proof of which license shall rest on the person charged),

- (1) Sells, offers, or exposes for sale any postage stamp, or
- (2) Places or permits, or causes to be placed, or suffers to remain, on or near to his house or premises, the words 'licensed to sell stamps,' or any word or mark which may imply or give reasonable cause to believe that he is duly licensed to sell postage stamps,

shall be liable to a penalty not exceeding Five pounds.

Unlawfully
issuing money
orders or postal
notes

103. Any person who unlawfully issues a money order or postal note with a fraudulent intent, or who renews a postal note previously paid, shall be guilty of felony, and shall be liable to penal servitude for any term not exceeding seven years.

Forging or utter-
ing telegrams

104. Any person who

- (1) Forges or utters a telegram, knowing the same to be forged, or
- (2) Transmits by telegraph as a telegram, any message or communication purporting to be a telegram which he knows to be forged,

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shall, whether he had or had not an intent to defraud, be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

105. Any person who

Sending false telegrams

- (1) Knowingly sends, delivers, or causes to be sent or delivered to any public officer, operator, clerk, or servant, for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person, without such person's authority, or
- (2) Wrongfully signs a telegram with the name of another person without such person's authority, or with the name of some fictitious person, or
- (3) Wilfully and without the authority of the sender alters a telegram, or
- (4) Writes, issues, or delivers a document purporting to be a telegram received through a telegraph office and which was not so received,

shall be liable, at the discretion of the Court, to pay a penalty not exceeding One hundred pounds, or to imprisonment for any term not exceeding two years, with or without hard labour.

106. Any person who, with fraudulent intent, sends any letter, telegram, or other communication or message, concerning any money order, or any money due or receivable from or by any person in respect of a money order, shall be guilty of a misdemeanour punishable with imprisonment with or without hard labour, for any term not exceeding one year.

Sending fraudulent messages

107. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram, or giving a copy of it, to some person to whom he is authorised to deliver the telegram or give the copy, shall be liable for every such offence to a penalty not exceeding One hundred pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Penalty for violation of secrecy

108. (1) Any person who, without the authority of the Postmaster General (the proof of which authority shall rest on the person charged), sets up, maintains, or uses any line of telegraph, whether set up before or after the commencement of this Act, and neglects to comply with any notice from the Postmaster General to pay such rent or charges, if any, in respect of the line as may from time to time be fixed by the Governor in Council, shall be liable to a penalty not exceeding Five pounds for every day during which any such line is or continues to be so set up, maintained, or used contrary to the provisions of this Act.

Erection or maintenance of telegraph lines without authority

(2) The Postmaster General may at any time authorise any person to take absolute possession of, cut down, or destroy the whole or any part of any such line.

109. Any person who, having entered into an agreement with the Postmaster General for the use by such person of a telegraph line,

Making charges for use of telegraph line without authority

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demands or makes any charge, or receives any payment or valuable consideration from any other person for the use of the same, shall be liable for each offence to a penalty not exceeding Fifty pounds and not less than Two pounds.

Injuries to
telegraphs

110. Any person who

- (1) Unlawfully or maliciously cuts, breaks, throws down, injures, or removes any battery, machinery, wire, cable, post or other matter or thing whatsoever, being part of any apparatus used or employed in or about any telegraph, or in the working thereof, or
- (2) Unlawfully or maliciously prevents or obstructs in any manner whatsoever the sending, conveyance, or delivery of any communication by telegraph,

shall be guilty of a misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years :

Provided that if it appears to a Justice of the Peace, on the hearing of any information or complaint in respect of an offence against this section, that it is not expedient to the ends of Justice that the same should be prosecuted as an indictable offence, one Justice may proceed summarily to hear and determine the same, and the offender may, on conviction, be imprisoned, with or without hard labour, for any term not exceeding three months, or be ordered to pay a penalty not exceeding Twenty pounds.

Attempt to
injure telegraphs

111. Any person who attempts to commit any of the offences in the last preceding section mentioned shall be liable on conviction before one Justice to imprisonment, with or without hard labour, for any term not exceeding three months, or, at the discretion of the Justice, to a penalty not exceeding Ten pounds.

Damage to be
made good in
addition to
penalty

112. Any person causing damage to any line of communication or any works connected therewith, although he may have been fined or been sentenced to imprisonment under this Act, shall also be liable to make good such damage, the amount whereof shall be determined by the Justices imposing the penalty or sentencing to imprisonment, and such damage, if not paid on demand, may be levied and recovered as a penalty imposed by this Act.

Arrest of
offenders

113. Any person found offending against the provisions of sections one hundred and ten and one hundred and eleven may, with or without warrant, be apprehended by any other person and delivered to a police officer, or conveyed before a Justice to be dealt with according to law.

Negligently in-
juring telegraph
post or wire

114. Any person who negligently or otherwise breaks or injures any post, wire, article, apparatus, or material belonging to or used in connection with any telegraph shall be liable to a penalty not exceeding Fifty pounds.

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Offences, General

115. (1) Any person duly authorised in that behalf by the Postmaster General may enter into any post or telegraph office and take possession of all property, moneys, money orders, letters, goods, chattels, effects, therein belonging or appertaining to the department, and may for such purpose remain a reasonable time in the post office, or in or upon the premises where the post office is situated.

Post offices may be entered and possession taken of letters, &c., on behalf of department

(2) Any person who wilfully obstructs, hinders, or delays any person so entering, taking possession, or removing as aforesaid shall be liable to a penalty not exceeding Twenty pounds.

Penalty

116. Any person who resists any person acting in execution of this Act shall be liable to a penalty not exceeding Twenty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding two months.

Resisting officer

Legal Proceedings

117. All proceedings in respect of offences against this Act or the regulations, or any by-laws made hereunder, in respect whereof a penalty is imposed shall, unless herein otherwise provided, be heard and determined in a summary way before any two or more Justices of the Peace in Petty Sessions.

Proceedings for penalties

118. In any information or complaint for an offence committed or attempted to be committed with respect to the department or the revenue of the department, or in, upon, or with respect to any mail-bag, mail-box, or mail-parcel, or any letter, packet, newspaper, or parcel sent or being carried by post, or any property, moneys, money orders, postal notes, goods, chattels, or effects under the management or control of the Postmaster General, or with respect to any act, matter, or thing which has been done or committed with any malicious, injurious, or fraudulent intent, and in anywise relating to or concerning the department or the revenue thereof, or any such property, moneys, money orders, goods, chattels, or effects as aforesaid under the management or control of the Postmaster General, it shall be sufficient to lay any such property in, and to state or allege the same to belong to, and to state or allege any such act, matter, or thing to have been done or committed with the intent to injure or defraud the Postmaster General, without mentioning his name; and in all informations relating to or in anywise concerning the department it shall be sufficient to name and describe the Postmaster General as 'the Postmaster General,' without any further or other name, addition, or description whatsoever.

Form of information. Property to be laid in the Postmaster General

119. Sections A, E, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with, and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Shortening Ordinance

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Protection from Actions

Crown not liable
for delay or loss
of letter, &c.

120. No claim or demand against Her Majesty, or the Minister, Postmaster General, or any other officer of the department, shall arise by reason of any default, delay, error, omission, or loss, whether negligent or otherwise, in the transmission, or delivery, or otherwise, in relation to any letter, packet, newspaper or parcel posted or received or registered, or in relation to any message, despatch, or communication sent or received or omitted to be sent or received by telegraph under this Act.

Notice and
limitation of
action

121. (1) Any action against a postmaster or any officer or servant of the department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted, and not afterwards. And the action shall not be commenced until one month after notice thereof, and of the cause thereof, has been delivered to the defendant, or left for him at his usual place of abode by the party intending to commence the action, and upon the back of the notice shall be endorsed the name and place of abode or business of the plaintiff and his solicitor or agent, if the notice is served by a solicitor or agent.

Contractors
and mailmen
excepted

(2) Contractors and their mailmen shall not be considered as officers or servants of the department under this section.

In cases of
money orders
or postal notes

122. An action or other proceeding shall not be maintainable against Her Majesty, the Minister, or the Postmaster General, or any officer of the department, by reason of the payment of the amount of a money order or postal note being refused or delayed, or on account of any accidental neglect, omission, or mistake, or for any other cause, and no action or other proceeding shall be maintainable in respect of a money order or postal note, after payment thereof, by whomsoever presented, if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable.

Appropriation of Fees, &c.

Appropriation of
penalties, &c.

123. All moneys collected on account of postage, sale of stamps, commission, poundage, charges, fees, penalties, and other dues levied, collected, or received under this Act or the Regulations, shall be paid to the Colonial Treasurer and placed to the credit of the Consolidated Revenue Fund.

W. C. F. ROBINSON,
GOVERNOR.

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FIRST SCHEDULE

Section 3

| Date of Act | Title of Act | Extent of repeal |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 9 Vic., No. 6 | An Ordinance to provide for the Conveyance and Postage of Letters. | The whole |
| 10 Vic., No. 6 | An Ordinance to provide for the Withdrawal of Letters from the Post Office in certain cases. | The whole |
| 14 Vic., No. 17 | An Ordinance to make provision for the Conveyance of Mails from Port to Port within the limits of the Colony of Western Australia. | The whole |
| 17 Vic., No. 12 | An Ordinance to provide for and regulate the Issue and use of Postage Stamps. | The whole |
| 17 Vic., No. 13 | An Ordinance to facilitate Mutual Postal Communication between this Colony and other Countries. | The whole |
| 19 Vic., No. 4 | An Ordinance to Abolish the Franking of Letters and Packets. | The whole |
| 23 Vic., No. 4 | An Ordinance to extend the Laws relating to the Post Office. | The whole |
| 38 Vic., No. 6 | An Act to facilitate the proof of Telegraphic Messages in Courts of Justice, and for other purposes. | Sections 7 and 8 |
| 47 Vic., No. 12 | An Act to regulate and protect Electric Telegraphs. | The whole |
| 51 Vic., No. 15 | An Act for the Amendment of 'The Postage Stamp Ordinance, 1854.' | The whole |
| 53 Vic., No. 7 | An Act to Protect Telephones. | The whole |
| 53 Vic., No. 19 | An Act to Amend 'The Postage Stamp Ordinance, 1854, Amendment Act, 1887.' | The whole |
| 54 Vic., No. 5 | An Act to Amend 'The Postage Stamp Act, 1889.' | The whole |

SECOND SCHEDULE

Section 7

DECLARATION BY OFFICERS OF THE POSTAL DEPARTMENT

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 hands, power, or custody, by reason of my employment, relating to the Post Office or Postal Department, except by the 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 Governor, or except in pursuance and

18 Vic., 12

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under the authority of any Act now or hereafter in force relating to the Post Office or Postal Department or of any regulations made in pursuance of such Act, nor will I directly or indirectly make known to any person, except to an officer of the Department duly authorised to receive the same, any information, matter, or thing which may come to my knowledge by virtue of my employment in the Postal Department.

And I make this solemn declaration, &c.,

Declared before me, at _____, in the Colony of Western } A.B.
Australia, this _____ day of _____, } C.D., J.P.

THIRD SCHEDULE

Section 7

DECLARATION BY OFFICERS OF THE TELEGRAPH DEPARTMENT

I [A.B.] do solemnly and sincerely declare that I will hold strictly secret all private telegraphic communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any messages or despatches transmitted, or intended to be transmitted, by electric telegraph, except to the persons to whom such messages or despatches may be addressed, or to their recognised agents.

And I make this solemn declaration, &c.

Declared before me, at _____, in the Colony of Western Australia, } A.B.
this _____ day of _____, } C.D., J.P.

FOURTH SCHEDULE

Section 33

DECLARATION BY OFFICERS EMPLOYED IN DEAD LETTER OFFICE

I [A.B.] do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and that I will not intentionally read the contents of any letter or packet which I may open under the provisions of any Act now or hereafter to be in force relating to the Post Office or Postal Department, except in so far as it may be necessary for the purpose of ascertaining the name and address of the writer or sender thereof, and that I will not divulge to any person whatever, except the Minister or other officer in immediate charge of the Post Office or Postal Department, any of the contents of such letter or packet.

And I make this solemn declaration, &c.

Declared before me, at _____, in the Colony of Western } A.B.
Australia, this _____ day of _____, } C.D., J.P.

FIFTH SCHEDULE

Section 46

DECLARATION BY SHIPMASTERS, &c.

I [A.B.] do solemnly and sincerely declare that I have to the best of my knowledge delivered to C.D. every mail-bag, mail-box, mail-parcel, letter, packet, parcel, and newspaper that was on board the [name of vessel] at the time of her arrival in the port of _____, except such letters as are exempted by law from such delivery.

Signed in my presence at _____, in the Colony of Western } A.B.
Australia, this _____ day of _____, } C.D.