



WESTERN AUSTRALIA.

ANNO NONO

VICTORIÆ REGINÆ.

---

No. VI.

**An Ordinance to provide for the Convey-  
ance and Postage of Letters.**

**W**HEREAS it is expedient to provide for the conveyance and <sup>Preamble.</sup> postage of letters within the colony of Western Australia, in a more full and ample manner than has hitherto been effected:—Be it therefore enacted, by His Excellency the the Governor of Western Australia and its Dependencies, with the advice and consent of the Legislative Council thereof;—That from and after the passing of this Ordinance it shall and may be lawful for the Governor to establish for

Governor to establish Post Offices and to appoint a Postmaster-general and Postmasters and other Officers, and to remove the same if need be.

the receiving and despatching of letters, newspapers and packets, from and within the said colony, one General Post Office at Perth, and from time to time so many other Post Offices in the different parts of the said colony as he may deem expedient, and to appoint one Postmaster-General, and so many postmasters and other requisite officers for the conducting the same, and if need be, to remove the said Postmaster-General, postmasters, or officers, and to appoint others in their stead respectively, and that from and after the passing of this Ordinance, the Ordinance of the said Governor and Council, passed in the fifth year of the Reign of King William the Fourth, intituled "An Act to regulate the Postage of Letters in the Colony of Western Australia," (except as to all monies due, and letters put into any Post Office or received by any postmaster, and except as to any offences committed before that day) shall be and the same is hereby repealed.

Act 5th Wm. 4th repealed.

Governor to fix rates of postage, and to establish rules for the receiving and delivering of letters.

II. AND be it enacted, that it shall and may be lawful for the said Governor to fix the rates and sums of money to be demanded by the said Postmaster-General and postmasters respectively and their assistants for the receiving, despatching and delivering of letters, newspapers, and packets, and to increase and reduce the same from time to time as to the said Governor shall seem meet, and to make such rules and regulations, for the establishing and managing of the said several Post Offices, and the receiving, despatching, conveying and delivering of letters, newspapers, and packets, and the collecting and receiving the said rates and sums; and the said rules and regulations from time to time to alter, revoke or vary, and such other rules and regulations to establish in their stead, as he shall deem expedient.

Certain Public Officers allowed to frank letters on public service only, and to receive such free.

III. AND be it enacted, that it shall be lawful for the Governor, the Senior Officer of the Forces next in command, the Colonial Secretary, the Surveyor General, the Advocate General, the Commissioner of the Civil Court, or such other persons as may be respectively deputed to act in their lawful and necessary absence; and any such other officers as the Governor shall from time to time direct, to send and receive letters and packets by the post from one part of the colony to another free from the charge of postage,—Provided that the letters so to be sent by the public officers above mentioned, be bonâ fide on the Public Service, and be franked in their own handwriting, and that all letters so to be received by the said public officers without charge of postage, be also bonâ fide on the Public Service;—And provided also, that all letters and packets addressed to or sent by the Governor and Mem-

Governor and Members of Executive Council to send and receive letters free.

1845.

9th Vict. No. 6.

bers of the Executive Council, within the limits of this colony, on their own account, and not exceeding the weight which has been or shall be prescribed by any regulations for that purpose, shall be entitled to pass free.

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

V. PROVIDED always and be it enacted, that except in the case of such unclaimed and undelivered letters as aforesaid, no letter or packet whatever shall under any circumstances be returned to the writer or sender thereof, without the express consent of the person to whom the same is directed, or in the case of Public Letters, without the requisition of the Officer at the head of the department, by whom such letter may be endorsed. Return of letters.

VI. AND whereas after the arrival of Vessels in the Ports or Harbours of this colony from parts beyond the sea, letters and newspapers directed to persons within this colony have been in some instances a long time detained on board thereof;—Be it therefore enacted, that all bags, boxes or packets of letters or newspapers, and also all loose letters and newspapers, which at the time of the arrival of any Vessel within the limits of any Port or Harbour, shall be on board of such Vessel, directed to any person or persons within this colony, shall immediately be sent on shore by the ship's boat or by the pilot boat, or any other safe and convenient opportunity, or shall be delivered on demand to any Postmaster or Port Officer of such Port or Letters on board ship.

hour, or to any person duly acting for such Postmaster or Port Officer; excepting always letters concerning goods on board such Vessel, and to be delivered with such goods, and letters containing any conveyance or other deed, commission, writ or affidavit, and letters sent by way of introduction only or concerning the bearer's private affairs; and the Master or person in chief command of such Vessel shall also at such Port sign and forward to the Postmaster or Port Officer as aforesaid a declaration to the following effect; that is to say—

Master to sign a declaration. "I, A. B., Commander of the (*name of ship or vessel*) arrived from (*name of the place*) do as required by law, declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the Post Office every letter, bag, package or parcel of letters that was on board the (*name of the vessel*)";

and that until such declaration shall be so forwarded, the Collector Sub-Collector, or principal Officer of the Port shall not permit such Ship or Vessel to report or receive the Port Clearance; and in case such declaration shall be false, the person making the same shall upon conviction be liable to a fine not exceeding fifty pounds; and any Master, passenger, or other person on board of such Vessel, who shall knowingly detain on board such Vessel, or keep in his or her possession, any bag, box, or packet of letters, letter or newspaper (except as aforesaid), after such demand made as aforesaid, shall forfeit and pay for every letter or newspaper so detained or kept, a penalty or sum of not less than one pound nor more than five pounds.

Penalty for delaying mails. VII. AND be it enacted, that if any such Port Officer or person in that behalf deputed by him, or by any such Postmaster as aforesaid, shall neglect or omit to deliver, or shall retard the delivery of any bag, box, Mail, or packet of letters, letter or newspaper at the place or Post Office for that purpose appointed by any regulation to be made as hereinbefore mentioned, such person shall forfeit and pay a penalty or sum not exceeding twenty pounds.

Vessels departing from the colony compelled to convey mails. VIII. AND whereas Masters or other persons having the command of Vessels departing from this colony have in some instances refused to convey therein letters or Mails directed to persons beyond the Sea, whereby great damage and inconvenience have in some cases been sustained by Merchants and other persons;—Be it therefore

enacted, that if any Master or person having the command of any Vessel about to depart from this colony shall (after being thereto required by any Postmaster or Port Officer) refuse or wilfully neglect to receive on board such Vessel any Mail or bag or box of letters, or shall refuse or neglect carefully to deposit such Mail or bag or box, in some secure dry place on board of such Vessel, or to convey the same upon her then intended voyage, such Master or person shall for every such offence forfeit and pay a penalty or sum not exceeding one hundred pounds; and the Collector, Sub-Collector, or other principal officer of the Customs or Revenue, or the Port Officer, is hereby prohibited from granting the Port Clearance until such Mails, bags or boxes of letters as aforesaid as have been tendered have been received, and a written acknowledgment in duplicate given of such receipt;—Provided always, that every such Master or person in command who shall receive on board any such Mail or bag or box (for the purpose of conveying the same according to the direction thereof) shall be entitled immediately to demand and receive from such Postmaster or Port Officer for the carriage thereof one penny for every letter or packet contained therein (excepting only for despatches from the Governor) such Master or person giving a receipt for the amount so received by him, which receipt shall be a sufficient voucher for such payment, and the same shall be allowed in his account at the Post Office accordingly.

Port clearance not to be given till mail received.

IX. AND be it enacted, that after the commencement of this Ordinance, it shall not be lawful for any person to transmit or to convey any letter or package chargeable with postage under the provisions of this Ordinance, from any part of this colony to any other part thereof by any other means than by or through the Post Office Establishment, with the following exceptions, that is to say;— Letters from or to any place not being in the line of road along which the post travels, letters unsealed and open to inspection, letters sent with and concerning goods, or documents, or other property to be delivered therewith, letters by any special messenger sent on purpose by any person and on the private affairs of such person, and letters bonâ fide sent or carried to or from any Post Office or place appointed for the receipt or delivery of Post letters; and any person transmitting or conveying any letter or packet, except as herein provided shall forfeit and pay any sum not exceeding five pounds.

Sending or carrying letters otherwise than by post.

X. AND be it enacted, that any Postmaster or other Officer or person belonging to the Post Office, or any person employed by or

Penalty for offences by persons in the Post Office.

under a Postmaster, or in the receiving, sorting, carrying, conveying, or delivering of post letters, or otherwise in the business of the Post Office; who shall offend against, or wilfully neglect or omit to comply with any of the Rules and Regulations so from time to time to be made as aforesaid, or any of the provisions of this Ordinance, shall for every such offence, neglect, or omission, forfeit and pay a penalty or sum not exceeding fifty pounds.

Taking letters from Post Office, or from persons employed under Post Office.

Embezzlement of letters or contents of letters.

Proceedings for penalties, &c.

XI. AND be it enacted, that if any person shall steal or fraudulently take from the possession of any Postmaster or person employed to convey post letters, or from out of any Post Office or place appointed for the receipt or delivery of post letters, any post letter or packet or Mail of letters (sent or to be sent by such post), or fraudulently take any letter or packet out of such bag or mail; or if any person employed in any capacity in, by, or under the Post Office Establishment shall fraudulently secrete, steal, embezzle, destroy, mutilate, or break open any letter, packet or parcel, which shall have been put into the Post for transmission, whether any thing valuable be contained therein or not, or if any person so employed as aforesaid shall steal or fraudulently take out of such letter, packet or parcel, any draft, promissory note, or other contents whatsoever, or shall embezzle or do not duly account for any money received by him on account of postage, such person shall be deemed guilty of felony, and being convicted thereof, shall be liable to be transported beyond the Seas for any term not exceeding fifteen years, or to be imprisoned, with or without hard labor, for any term not exceeding three years.

XII. AND be it enacted, that all informations and proceedings on account of any offence against this Ordinance, or any of the Rules and Regulations so to be made under this Ordinance as aforesaid, in respect of which offences any pecuniary fine or penalty is by this Ordinance imposed (where no other provision is in that behalf made) shall be heard and determined, and all forfeitures and penalties in respect of the same shall be awarded and imposed in a summary way by and before any two Justices of the Peace, upon information in that behalf exhibited, and that all fines and penalties so awarded and imposed shall go and be distributed, and all persons aggrieved by any summary conviction under this Ordinance shall be entitled to appeal therefrom in the manner provided respectively by the Ordinance passed in the seventh year of the Reign of Queen Victoria, intituled "An Act to regulate summary proceedings before Justices of the Peace."

1845.

9th Vict. No. 6.

XIII. AND be it enacted, that all informations and proceedings in respect of offences against this Ordinance for which any pecuniary fine or forfeiture is hereby imposed, shall be commenced within three calendar months next after the offences thereby respectively charged shall have been committed.

XIV. AND be it enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Ordinance, the same shall be commenced within twelve calendar months after the fact committed, and not afterwards, and the defendant or defendants in such action shall and may plead the general issue, and give this Ordinance and the special matter in evidence, and that the same was done in pursuance and by the authority of this Ordinance ; and if it shall appear so to be done, or that such action or suit shall be commenced after the time before limited for bringing the same, that then the Jury shall find for the defendant or defendants, and upon a verdict for the defendant, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery of the same as any defendant or defendants hath or have in any other cases by law. Limitation of suits.

XV. AND be it enacted, that all sums received for postage under this Ordinance shall be and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of the said colony, and the support of the Government thereof.

XVI. AND be it enacted, that this Ordinance may be altered, amended or repealed by any Ordinance to be passed during the present Session. Ordinance may be altered.

JOHN HUTT,  
GOVERNOR.

*Passed the Council }  
18th Sept., 1845. }*

WALKINSHAW COWAN,  
Clerk of the Councils.