

WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

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ACTS OF COUNCIL.

WESTERN AUSTRALIA.

ANNO NONO,
VICTORIÆ REGINÆ.

By His Excellency JOHN HUTT, Esquire,
Governor and Commander-in-Chief in
and over the Colony of Western Aus-
tralia and its Dependencies, and Vice-
Admiral of the same, with the advice
and consent of the Legislative Council
thereof.

No. VI.

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

Whereas it is expedient to provide for
the conveyance and 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 Excel-
lency 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 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 Post-
masters and other requisite officers for the
conducting of the same, and if need be to
remove the said Postmaster-General, Post-
masters 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 Coun-
cil 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hereby repealed.

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 de-
manded 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 esta-
blishing and managing of the said several
post offices, and the receiving, despatching,
conveying and delivering of letters, news-
papers, 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.

III. And be it enacted, that it shall be
lawful for the Governor, the senior Officer
of the Forces next in command, the Colo-
nial 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 re-
ceive 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 hand-
writing, and that all letters so to be received
by the said public officers without charge
be also bonâ fide on the public service—
And provided also, that all letters and
packets addressed to or sent by the Gover-
nor and the Members 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 pre-
scribed 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 all 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 trans-
mitted to the general Post Office at Perth
to be there dealt with as shall be in that
behalf appointed.

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 of the head of the
department, by whom such letter may be
endorsed.

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 harbor, or to any
person duly acting for such postmaster or
port officer; excepting always letters con-
cerning 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 con-
cerning 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—

"I, A. B., commander of the (name of
the 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 to 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 let-
ters, letter or newspaper (except as afore-
said) 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.

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, 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 exceed-
ing twenty pounds.

VIII. And whereas masters or other
persons having the command of vessels de-
parting from this Colony have in some in-
stances 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 mer-
chants 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 acknowledgement 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
(except only for despatches from the Gover-
nor) 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 al-
lowed in his account at the post office
accordingly.

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 packet 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 Esta-
blishment, 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.

X. And be it enacted, that any postmaster or other officer or person belonging to the post office, or any person employed by or under a postmaster or in the receiving, sorting, carrying, conveying, or delivering of post letters or otherwise in the business of the post office, who shall offend against or wilfully neglect or omit to comply with any of the rules and regulations so from time to time to be made as 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.

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 any such letter, packet or parcel any draft, promissory note, or other contents whatsoever, or shall embezzle or 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 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.*”

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.

XV. And be it enacted, that all sums received for postages 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 amended or repealed by any Ordinance to be passed during the present session.

JOHN HUTT,
GOVERNOR.

Passed the Legislative Council }
this 18th day of Sept., 1845. }

WALKINSHAW COWAN,
Clerk of the Councils.

Colonial Secretary's Office, Perth,
August 15, 1845.

GOVERNMENT DEBENTURES.
His Excellency the Governor directs it

to be notified, that tenders will be received at this Office until noon on Tuesday, the 7th October next, for the purchase of Government Debentures to the extent of £2,000.

Payment will be required to be made in cash on fourteen days' notice from this Office; and the tender may include the whole of the above amount, or any part thereof.

The Debentures will be issued for the sum of £10 each, under the signature of His Excellency the Governor, under the authority of the Act of Council, 9th Victoria No. 2; and they will bear interest at a rate not exceeding seven per cent. per annum, payable quarterly at the Colonial Treasury in Perth. The tenders will specify at what rate of interest the money will be lent.

These Debentures will continue out for a period of ten years, but the Government reserve to itself the right of calling them in at an earlier date, on giving six months' notice in the Government Gazette, after the expiration of which time all interest will cease.

By His Excellency's command,
PETER BROUN.

GENERAL ROAD TRUST.

A QUARTERLY MEETING of the Trustees of the General Road Trust will be held at the Court-house, Perth, on Wednesday, the 1st October next, at 13 for 1 o'clock.

By order of the Chairman,
EDWARD PICKING,
Clerk to the Trust.
Perth, Sept. 10, 1845.

In consequence of the Quarter Sessions being held on the same day, the Meeting advertised as above is adjourned until Wednesday, the 15th October, at the same time and place.

By order of the Chairman,
EDWARD PICKING.

QUARTER SESSIONS.

NOTICE is hereby given, that the next General Quarter Sessions of the Peace of our Lady the Queen for the Colony of Western Australia will be holden at the Court-house, at Perth, in the said Colony, on Wednesday, the first day of October next, at the hour of nine in the forenoon of the same day.—Dated the 17th day of September, in the year of our Lord, 1845.

A. H. STONE,
Clerk of the Peace.

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