

No. 52.

3D SESSION, 3D PARLIAMENT, 13 VICTORIA, 1850.

BILL.

An Act to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department.

Received and read first time, Tuesday, 4th June, 1850.

Second reading, Tuesday, 11th June, 1850.

[500 Copies.]

Honble Mr. Hincks.

S. Derbishiro and G. Desbarats, Queen's Printer.

B I L L.

An Act to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department.

2 **W**HEREAS by the Act of the Parliament of the
 United Kingdom, passed in the Session held in the
 twelfth and thirteenth years of Her Majesty's Reign, and
 4 intituled, *An Act for enabling Colonial Legislatures to
 establish Inland Posts*, the Legislatures or proper legis-
 6 lative authorities of Her Majesty's Colonies are empowered,
 by Acts, Laws or Ordinances, to be from time to time
 8 for that purpose made and enacted, in the manner and
 subject to the conditions of law required in respect of Acts,
 10 Laws or Ordinances of such Legislatures or Legislative
 authorities, to make such provisions as such Legislatures
 12 or Legislative authorities may think fit, for and
 concerning the establishment, maintenance and regulation
 14 of Posts or Post Communications within such Colonies
 respectively, and for charging rates of postage for the
 16 conveyance of letters, packets, newspapers and other
 printed papers, by such Posts or Post Communications,
 18 and for appropriating the Revenue to be derived therefrom;
 provided that where in any Colony Her Majesty's Post
 20 Master General shall have established any Post or Post
 Communication, and his powers and privileges in relation
 22 to such Post or Post communication shall not have
 determined under the said Act, no such Act, Law or
 24 Ordinance as aforesaid, shall take effect unless assented
 to by Her Majesty, with the advice of Her Privy
 26 Council, nor until the time when such assent shall be
 proclaimed in the Colony, or such subsequent time as in
 28 the order of Her Majesty in Council, by which the assent
 to such Act, Ordinance, Law or Ordinance may be signi-
 30 fied, shall be fixed in that behalf: And whereas it is expe-
 dient that a uniform and cheap rate of postage should be
 32 established throughout the several Colonies of British
 North America, and with a view to the establishment
 34 thereof, the Local Governments of the said Colonies
 have agreed upon certain conditions hereinafter mentioned
 36 and forming part of the provisions of this Act, and it is
 therefore expedient to exercise the powers so vested as
 38 aforesaid in the Legislature of this Province; Be it therefore
 enacted, &c.

Preamble.

Imperial Act,
12 & 13 Vic.
cap. 66.

Commence-
ment of this
Act.

and it is hereby enacted by the authority of the same, That
this Act shall come into force at, from and after the time 2
when the assent of Her Majesty thereto with the advice of
Her Privy Council shall be proclaimed in this Province, or 4
at such subsequent time as in the order of Her Majesty in
Council by which the assent to this Act may be signified, 6
shall be fixed in that behalf, and not before; and that at,
from and after the time so fixed, the Act passed in the 8
twelfth year of year of Her Majesty's Reign, and intituled,
12 Vic. cap. 31. *An Act to make provision for the management of the Post 10*
Office Department whenever it shall be transferred to the
Provincial Government, shall be repealed, and all other 12
Acts or parts of Acts or provisions of Law relative to
matters subject to the control and jurisdiction of the Pro- 14
vincial Legislature, and with regard to which provision is
made by this Act, shall cease to be in force in this Pro- 16
vince, except in so far as may be otherwise hereinafter
provided; and excepting in so far as regards any postage, 18
duty or sum of money due before the said repeal shall take
effect, or any engagement contracted, penalty incurred, or 20
offence committed before that time, which shall and may be
received, collected, enforced, recovered and punished, under 22
such Acts, parts of Acts and provisions of Law and as to
Proviso. which they shall remain in full force and effect: Provided 24
always, that nothing in this Act shall be construed as in-
tended to derogate from or impair the effect of any Act of 26
the Parliament of the United Kingdom, or of any regulation
or order made under such Act, or to affect the privileges, 28
powers or authorities of Her Majesty's Post Master General,
his Deputies, Servants or Agents, or of the Commissioners 30
of Her Majesty's Treasury, otherwise than as respects the
Post or Post communications within this Province, and 32
Proviso. the rates of Postage to be charged for the conveyance of
letters and other things by Post within the same: and pro- 34
vided also, that any Commission, appointment or regulation
made before this Act shall be in force, but limited to take 36
effect only at some time after it shall be in force, shall at
and after the time so limited be as valid and have the same 38
effect as if made after the coming into force of this Act.

Transfer of
Inland Posts,
&c.

II. And be it enacted, That the Inland Posts and Post 40
Communications in this Province shall, so far as may be
consistent with the Acts of the Parliament of the United 42
Kingdom in force in this Province, be exclusively under
Provincial management and control; the Revenue arising 44
from the duties of postage and other dues receivable by
the Officers employed in managing such Posts and Post 46
Communications shall form part of the Provincial Revenue,

unless such offices belong of right to the United Kingdom
 2 or to some other Colony, or to some Foreign State ; and the
 expenses of management shall be defrayed out of Provincial
 4 Funds ; and that the Act passed in the eighth year of Her
 Majesty's Reign, and intituled, *An Act to provide for the*
 6 *management of the Customs and of matters relative to the*
collection of the Provincial Revenue, shall apply to the said
 8 Posts and Post Communications, and to the Officers and
 persons employed in managing the same, or in collecting
 10 or accounting for the duties and dues aforesaid, except in
 so far as any provision of the said Act may be insusceptible
 12 of such application or may be inconsistent with any pro-
 vision of this Act.

8 Vic. cap. 5,
to apply.

14 III. And be it enacted, That until it shall be otherwise
 provided in any case or cases by the proper authority
 16 under this Act and the Act last aforesaid, all Post Offices
 and Postal Divisions, Stations, Districts and Establishments,
 18 and all commissions or appointments of any Officers
 or persons employed in managing the said Inland
 20 Posts and Post Communications, or in collecting or
 accounting for the duties and dues aforesaid, in force when
 22 this Act shall come into effect, shall continue validly
 established and in force, and the nature of the duties and
 24 local extent of the powers of each Office, and the salary
 and emoluments of the Officer, shall remain the same as
 26 if such commissions or appointments had been granted or
 made under the authority of this Act, subject always to
 28 the provisions hereinafter made ; and that all bonds
 given by such Officers or persons or their sureties, and all
 30 contracts, agreements or engagements made by any party
 with or to any such Officer or person shall remain in full
 32 force and effect ; as shall also each and every regulation and
 departmental order not inconsistent with this Act and not
 34 providing for a matter for which provision is made by this
 Act, made by any then competent authority, to guide or
 36 direct such Officers and persons in the performance of
 their duties, or to confer, define or regulate their powers
 38 and the exercise thereof, until such regulation or order
 shall be abrogated or provision shall be made in the like
 40 matter by some regulation or order made by competent
 authority under this Act : nor shall any thing in this Act
 42 be construed to prevent any person from being at the same
 time an Officer or Servant of the British and of the
 44 Provincial Post Office.

Commissions,
powers, &c., to
remain in force
until altered.

IV. Provided always, and be it enacted, That except
 46 the Provincial Post Master General who shall be appointed
 under the authority of this Act, no officer appointed or

Salaries and
emoluments
limited,

continued in office under this Act, shall receive from any Provincial source more than _____ per annum, 2
 (and in proportion for any shorter period) in salary or emoluments or both ; and that the salary of the Provincial 4
 Post Master General shall not exceed _____ per annum ; and that except Post Masters, who may be paid by a per 6
 centage on the amount collected by them, or by a salary, as the Governor in Council shall see fit in each case, 8
 each officer shall be remunerated by a stated salary or pay, subject to the provisions of the Act last cited. 10

Appointments
 how made.

V. And be it enacted, That the Provincial Post Master General shall be appointed by Commission under the 12
 Great Seal of this Province, and to hold his office during pleasure, but the Post Masters and other Officers of the 14
 Department shall be appointed and may be removed by letter from the proper Officer communicating the 16
 Governor's pleasure: And nothing in this Act or in any other Act or law shall be construed to prevent the Pro- 18
 vincial Post Master General from sitting and acting as a Member of the Legislative Assembly, (provided he be 20
 elected after his appointment), or as a Member of the Legislative Council; but to the Post Masters at Quebec, 22
 Montreal, Three Rivers and Sherbrooke, and at any incorporated City or Town in Upper Canada divided into 24
 Wards, and to the other Officers of the Department, except only the Post Masters at places other than those aforesaid, 26
 all the provisions of the Act passed in the seventh year of Her Majesty's Reign, and intituled, "*An Act for better 28*
"securing the independence of the Legislative Assembly," shall apply, as if they were Officers of the Customs or Ex- 30
 cise, and they shall not sit or vote in either of the said Houses of the Legislature, nor vote at the election of any 32
 Member of the Legislative Assembly, under the penalties in the said Act imposed for contravention thereof in like 34
 case.

Except to
 Provincial
 Post Master
 General.
 7 Vic. cap. 65,
 to apply.

Transfer of
 privileges.

VI. And be it enacted, That all privileges, powers and 36
 authority now vested by any Provincial Act in Her Majesty's Deputy Post Master General, with regard to 38
 services to be required from any Rail-road Company, touching the conveyance of the Mail, or with regard to 40
 any other matter relative to the Inland Posts or Post communications, shall be and are hereby transferred to and 42
 vested in the Provincial Post Master General.

Agreement
 with other
 colonies to be

VII. And in conformity to the agreement made as afore- 46
 said between the Local Governments of the several Colonies

of British North America ; be it enacted, That the Provincial postage on letters and packets not being of Newspapers or Printed Pamphlets, Magazines or Books, entitled to pass at lower rate, shall not exceed the rate of three pence currency per half ounce, for any distance whatever within this Province, any fraction of a half ounce being chargeable as a half ounce : that no transit postage shall be charged on any letter or packet passing through this Province or any part thereof to any other Colony in British North America, unless it be posted in this Province and the sender choose to prepay it ; nor on any letter or packet from any such Colony if prepaid there : that two pence sterling the half ounce shall remain as the rate in operation as regards letters by British Mails, to be extended to Countries having postal conventions with the United Kingdom, unless Her Majesty's Government in the United Kingdom shall see fit to allow this rate to be changed to three pence currency :

carried into effect.

That the prepayment of Provincial Postage shall be optional :

That all Provincial Postage received within this Province shall be retained as belonging to it, and that all Provincial postage received within any other of the British North American Colonies, may be retained as belonging to such Colony :

That the British Packet Postage and other British Postage collected in this Province shall be accounted for and paid over to the proper authorities in the United Kingdom ; but the Colonial Postage on the same letters or packets shall belong to the Colony collecting it, or if prepaid to the British Post Office, it may be credited to the Colony to which such letters or packets are addressed :

That no privilege of franking shall be allowed as regards Provincial Postage :

That Provincial Stamps for the prepayment of postage may be prepared under the orders of the Governor in Council, and that such stamps prepared under the direction of the proper authorities in the other British North American Colonies, shall be allowed in this Province as evidence of the prepayment of Provincial postage in such other Colonies respectively, on the letters or packets to which they are affixed :

That the Provincial Postage on Newspapers, Pamphlets, Magazines and Printed Books, shall remain such as it now is until it be altered by regulation under this Act, and in cases where they are now free of Postage they shall continue to be so free ; and that such postage shall not be raised by any such regulation, but may be thereby diminished in any case or class of cases ; and that if any regulation be made by the proper authorities in any other of the British North American Colonies, diminishing the postage therein in such Colony, 'or directing that none shall be payable in any case or class of cases, then in the case or cases to which such regulation shall apply, such diminished postage only (if not pre-paid), or no postage (as the case may be), shall be payable in this Province :

That the rate of remuneration for the transport of British Mails by express through the Provinces of Nova Scotia and New Brunswick, may from time to time be fixed by arrangement to be made between the Government of this Province, and the other Provinces or Governments concerned :

Provided always, that if it shall appear to the Local Governments or proper authorities of the several Colonies of British North America, and of the United Kingdom, and to the Governor in Council, that the foregoing conditions and provisions of this section, or any of them, are not or is not in accordance with the true intent and meaning of the agreement aforesaid, then it shall be lawful for the Governor in Council to declare what was and is the true intent and meaning thereof in the case in question, and the foregoing conditions shall then be construed and have effect, as if the condition so declared to be correct had been inserted in this section, instead of that declared to be inconsistent with the said agreement, unless and until it be otherwise ordered by the Provincial Parliament.

Regulations to be made by the Governor in Council.

And subject to the foregoing provisions of this section and to the other express provisions of this Act, the Governor in Council shall have full power and authority to make orders and regulations for establishing or discontinuing any Post Office or Post Route, and for taking security from any parties to make good the deficiency or any part thereof, in the receipts of such Office or Route, to meet the expenses incurred by its establishment,—for defining the powers and duties of the Officers of the Provincial Post Office and regulating all matters concerning the conduct and management of the business thereof,—for establishing the rates of postage on Newspapers and Printed

Pamphlets, Magazines and Books, or directing that in any
 2 case or class of cases they be free of postage, either in the
 first instance or in the case of their being remailed, and
 4 what shall be the conditions to be complied with in order
 to enable them to pass without being subject to letter
 6 postage, as they shall be if such conditions be not complied
 with, and for authorizing the opening thereof by any
 8 Officer or person, for the purpose of ascertaining whether
 such conditions shall have been complied with ; for the pre-
 10 paring and distributing of Provincial stamps for prepay-
 ment,—for limiting the weight and dimensions of letters
 12 or packets to be sent by Post, and prohibiting and prevent-
 ing the sending of explosive, dangerous, contraband or
 14 improper articles,—for making, authorizing, sanctioning
 or giving effect to any arrangements which may require
 16 to be made with the Government or with the Postal
 Authorities of the United Kingdom or of any British
 18 Possession, or of the United States or any Foreign
 Country, with regard to the collecting and accounting for
 20 Postage, the transmission of Mails, and other matters
 connected with Posts and Postal business, and the remun-
 22 eration or indemnity to be paid or received under any such
 arrangement,—for providing, when he shall think it
 24 expedient, means for avoiding the risk of transmitting
 small sums of money through the Post, by establishing
 26 a system of money orders to be granted by one Post
 Master or officer of the Department on another, and
 28 fixing the terms on which such orders may be obtained,—
 for establishing a system for the Registering of letters and
 30 the charge be made for such registration,—for vesting in
 any Officer or Officers power to open letters or packets
 32 having no address upon them, or refused by the party
 to whom they are addressed, or where such party
 34 cannot be found after proper inquiry, or on which any
 Foreign or other Postage which ought to be prepaid
 36 shall not have been so, or which shall contain or be
 reasonably supposed to contain any article lawfully for-
 38 bidden to be sent by Post, or which for any other cause
 cannot lawfully be transmitted by Post, or cannot within
 40 a reasonable time be delivered to the party to whom they are
 addressed or to any party legally entitled to receive them,
 42 and for prescribing the regulations under which such letters
 and packets shall be opened, the notice which shall be
 44 previously given, the proceedings which shall be adopted
 after such opening, the keeping or otherwise dealing with
 46 any money or other article found therein, and other
 matters thereunto appertaining, or relating,—for making a
 48 reasonable compensation to the Masters of Vessels and

others for letters conveyed by them from any places without the limits of the Province and brought by them to the Post Office for delivery,—for the delivery of letters and packets in the larger and more populous Cities and Towns, at the residences of the parties to whom they are addressed, and fixing the limits within which such delivery shall take place, and the rates to be paid by the parties who shall prefer to have their letters and packets so delivered rather than apply for them at the Post Office;—for imposing pecuniary penalties not exceeding pounds, for any one offence, on persons offending against any such regulations aforesaid, whether they be or be not officers of the Post Office; and generally to make such regulations as may be deemed necessary for the due and effective working of the Post and Postal business and arrangements; and for carrying this Act fully in effect; and every such regulation as aforesaid, may from time to time be repealed or amended by any subsequent regulation made in like manner, and every such regulation shall, until it be otherwise ordered by any subsequent regulation, have force and effect as if it formed part of the provisions of this Act, unless it be inconsistent with the enactments thereof.

Exclusive
privilege of
Provincial
Post Master
General.

VIII. And be it enacted, That subject always to the provisions and regulations aforesaid, the Provincial Post Master General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within this Province; and that any person or party who shall (except in the cases hereinafter excepted) collect, send, convey or deliver, or undertake to convey or deliver any letter within this Province, or who shall receive or have in his possession any letter for the purpose of conveying or delivering it, otherwise than in conformity with this Act, shall for each and every letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a penalty of currency: but such exclusive privilege, prohibition and penalty shall not apply to,—

Exceptions.

Letters sent by a private friend in his way, journey or travel, provided such letters be delivered by such friend to the party to whom they are addressed;

Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver:

Commissions or returns thereof, and affidavits or writs, process or proceedings or returns thereof, issuing out of a Court of Justice:

Letters addressed to a place out of the Province and sent *by sea* and by a private vessel:

4 Letters lawfully brought into this Province, and immediately posted at the nearest Post Office :

6
8 Letters of Merchants, Owners of Vessels of Merchandize, or of the cargo or loading therein, sent by such vessel of Merchandize, or by any person employed by such Owners
10 for the carriage of such letters according to their respective addresses, and delivered to the persons to whom they are
12 respectively addressed, without pay, hire, reward, advantage or profit for so doing :

14
16 Letters, concerning goods or merchandize sent by common known carriers to be delivered with the goods to which such letters relate, without hire or reward, profit or
18 advantage for receiving or delivering them :

20 Provided always, that nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of sending or conveying them as aforesaid :
22 and provided also, that nothing in this Act shall be construed to oblige any person to send any Newspaper,
24 Pamphlet or Printed Book by Post.

26 IX. And be it enacted, That it shall be lawful for any person, and it shall be the duty of any Officer or person employed in the Provincial Post Office, or in the collection of the Revenue, to seize any letters conveyed, received,
28 collected, sent or delivered in contravention of this Act; and to take them to the nearest Post Office, and to give such information as he may be able to give, to the Post
30 Master, and as may be necessary for the effectual prosecution of the offender; and the letters moreover shall be
32 chargeable with letter Postage.

Letters sent contrary to this Act to be seized.

36 X. And be it enacted, That as well the Colonial, British or Foreign as the Provincial postage on any letter or packet
38 shall (if not prepaid) be payable to the Provincial Post Master General by the party to whom the same shall be addressed, or who may lawfully receive such letter or packet,
40 which may be detained until the same be paid; and any refusal or neglect to pay such postage shall be held to be a refusal to receive such letter or packet, which shall be
42 detained and dealt with accordingly, but if the same be delivered, the postage on it shall be charged against and
44 paid by the Post Master delivering it, saving his right to

Postage when payable, &c.

recover it from the party by whom it was due as money
 paid for such party ; and if any letter or packet be refused, 2
 or if the party to whom it is addressed cannot be found,
 then such postage shall be recoverable, by the Provincial 4
 Post Master General from the sender of such letter or
 packet ; and the postage marked on any letter or packet, 6
 shall be held to be the true postage due thereon, and the
 party signing or addressing it shall be held to be the sender, 8
 until the contrary be shewn ; and that all postage may be
 recovered with costs, by civil action in any Court having 10
 jurisdiction to the amount, or in any way in which duties
 are recoverable. 12

Certain pow-
 ers vested in
 the Provincial
 Post Master
 General.

XI. And be it enacted, That subject to the provisions of
 this Act, and to the regulations to be made under it, and 14
 the instructions he may receive from the Governor, the
 Provincial Post Master General shall have power to 16
 open and close Post Offices and Mail Routes, to suspend
 any Post Master or other officer or servant of the department 18
 until the pleasure of the Governor be known, and to ap-
 point a person to act in the mean time in the place and 20
 stead of such officer or servant, to enter into and enforce all
 contracts relating to the conveyance of the Mail, the local 22
 accommodation of the department and to other matters
 connected with the business thereof ; and to make rules 24
 and orders for the conduct of and management of the
 business and affairs of the department, and for the guidance 26
 and government of the officers and servants thereof, in the
 performance of their duties ; to sue for and recover all 28
 sums of moneys due for postage or penalties under this
 Act, or by any Post Master or officer, or servant of the 30
 department or his sureties : and all such powers may be
 lawfully exercised by him or by any Post Master, officer, 32
 servant or party whom he shall depute to exercise the
 same, or whose act in that behalf he shall approve, con- 34
 firm or adopt ; and each officer, servant or party employed
 in the Post Office, shall as regards the duties attached to 36
 the office held by him, be deemed the Deputy of the
 Provincial Post Master General ; and all suits, proceedings, 38
 contracts and official acts to be brought, had, entered into or
 done by the Provincial Post Master General, shall be so in 40
 and by his name of office, and may be continued, enforced
 and completed by his successor in office, as fully and effec- 42
 tually as by himself, nor shall the appointment or autho-
 rity of any Provincial Post Master General or of any 44
 Post Master, officer or servant of the Provincial Post Offi-
 ce, be liable to be traversed or called in question, in any 46
 case, except only by those who act for the Crown.

XII. And be it enacted, That in every case in which any
 2 Seaman in Her Majesty's Navy, Sergeant, Corporal,
 Drummer, Trumpeter, Fifer or Private Soldier in Her
 4 Majesty's service, or in the service of the East India
 Company, shall be entitled to receive or send letters on the
 6 payment of a certain sum and no more, in place of all
 British Postage thereon, the payment of such sum, shall
 8 likewise free such letter from all Provincial Postage there-
 on, and the Governor in Council may make such regu-
 12 lations declaratory and otherwise, as may be necessary for
 giving effect to this Section.

As to letters of
Seaman, &c.

XIII. And be it enacted, That from the time any letter
 packet, chattel, money or thing shall be deposited in the,
 18 Post Office for the purpose of being sent by Post, it shall
 cease to be the property of the sender, and shall be the
 20 property of the party to whom it is addressed or the legal
 representatives of such party: Provided always, that the
 22 Provincial Post Master General, shall not be liable to any
 party for the loss of any letter or packet sent by Post.

Post letters to
be property of
party address-
ed.

Proviso.

XIV. And be it enacted, that to steal, embezzle, secrete
 or destroy any Post-letter shall be felony, punishable in the
 26 discretion of the court by imprisonment in the Provincial
 Penitentiary, for not less than *three* nor more than *fourteen*
 28 years; unless such Post Letter shall contain any chattel,
 money or valuable security, in which case the offence shall
 30 be punishable by imprisonment in the said Penitentiary
 for *life*:

Certain offen-
ces to be
felonies:
Stealing or
receiving sto-
len letters, &c.

To steal from or out of a Post Letter any chattel,
 money or valuable security, shall be felony, punishable by
 34 imprisonment in the said Penitentiary for *life*:

To steal a Post Letter Bag, or a Post Letter from a Post
 36 Letter Bag, or a Post Letter from any Post Office, or from
 any office of the Provincial Post-Office, or from a Mail,
 38 or to stop a Mail with intent to rob or search the same,
 shall be felony punishable by imprisonment in the said
 40 Penitentiary for *life*:

To open unlawfully any Post-letter bag, or unlawfully
 42 to take any letter out of such bag, shall be felony punish-
 able by imprisonment in the said Penitentiary for *fourteen*
 44 years:

To receive any Post Letter, or Post Letter Bag, or any
 46 chattel, money or valuable security, the stealing, taking,

secreting or embezzling whereof is hereby made felony, knowing the same to have been feloniously stolen, taken, secreted or embezzled, shall be felony, punishable by imprisonment in the said Penitentiary for , and the offender may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon hath or hath not been previously convicted or shall not be amenable to justice; and however such receiver shall be convicted, the offence shall be punishable as aforesaid : 10

Forging
stamps, &c.

To forge, counterfeit or imitate any Postage Stamp issued or used under the authority of this Act, or by 12 or under the authority of the Government or proper authority of the United Kingdom, or of any British 14 North American Province, or of any Foreign Country; or knowingly to use any such forged, counterfeit or imitated 16 stamp, or to engrave, cut, sink or make any plate, die or other thing whereby to forge, counterfeit or imitate such 18 stamp or any part or portion thereof, except by the permission in writing of the Provincial Post Master General, 20 or of some officer or person who under the regulations to be made in that behalf, may lawfully grant such permission, 22 or to have possession of any such plate, die or other thing as aforesaid, without such permission as aforesaid, or to 24 forge, counterfeit or unlawfully imitate, use or affix to or upon any letter or packet, any stamp, signature, initials, 26 or other mark or sign purporting that such letter or packet ought to pass free of postage, or at a lower rate of postage, 28 or that the postage thereon or any part thereof hath been prepaid or ought to be paid by or charged to any person, 30 department or party whomsoever, shall be felony, punishable by imprisonment in the Provincial Penitentiary for life, 32 and to such felony, all the provisions of the Act passed in the Session held in the tenth and eleventh years of Her 34 Majesty's Reign, and intituled, "*An Act to consolidate and amend the laws and to repeal certain Acts relating 36 to the crime for forgery,*" shall apply as if such offence were made felony under that Act, in so far as the provi- 38 sions thereof may not be inconsistent with this Act, and the accessories to any such offence shall be punishable 40 accordingly :

10 & 11 Vic.
cap. 9.

Misdemean-
ors.

To open unlawfully, or wilfully to keep, secrete, delay or 42 detain, or procure or suffer to be unlawfully opened, kept, secreted or detained, any Post Letter Bag, or any Post 44 Letter, or after payment or tender of the postage thereon, (if payable to the party having possession of the same) 46

to neglect or refuse to deliver up any Post Letter to the
2 person to whom it shall be adressed or who shall be legally
entitled to receive the same, shall be a misdemeanor ;

4 To steal or for any purpose to embezzle, secrete, destroy,
wilfully detain or delay, any printed vote or proceeding,
6 newspaper, printed paper or book sent by Post, shall
be a misdemeanor ;

8 To obstruct or wilfully delay the passing or progress of
any Mail, or of any carriage, horse, animal or carriage
10 employed in conveying any Mail, or any public highway
in this Province, shall be a misdemeanor ;

12 To solicit or endeavour to procure any person to commit
any act hereby made or declared a felony or misdemeanor,
14 shall be a misdemeanor ;

And every such misdemeanor as aforesaid shall be pun-
16 ishable by fine or imprisonment or both in the discretion
of the Court before whom the offender shall be convicted ;

18 And every principal in the second degree and every ac-
cessory before or after the fact to any such felony as aforesaid,
20 shall be guilty of felony, and punishable as the principal
in the first degree ; and every person who shall aid, abet,
22 counsel or procure the commission of any such misde-
meanor as aforesaid, shall be guilty of a misdemeanor and
24 punishable as a principal offender ;

And any imprisonment awarded under this Act, shall be
26 in the Provincial Penitentiary, if for a term of or exceeding
years ; and if the imprisonment awarded be for
28 a less term, it may be with or without hard labour in the
discretion of the Court awarding it.

30 XV. And be it enacted, That any indictable offence
against this Act may be dealt with, indicted and tried
32 and punished, and laid and charged to have been com-
mitted either in the district or county, or place where the
34 offence shall be committed, or in that in which the
offender shall be apprehended or be in custody, as if
36 actually committed therein ; and where the offence shall
be committed in or upon, or in respect of a Mail, or upon
38 a person engaged in the conveyance or delivery of a Post
Letter Bag, or Post Letter, or chattel or money or valua-
40 ble security sent by Post, such offence may be dealt and
inquired of, tried and punished and charged to have been
42 committed as well within the district, county or place in

As to the lo-
cality of any
offence.

which the offender shall be apprehended or be in custody, as in any district, county or place through any part whereof such Mail, person, Post Letter bag, Post Letter, chattel, money or valuable security, shall have passed in the course of conveyance and delivery by the Post, in the same manner as if it had been actually committed in such district, county or place; and in all cases where the side or centre or other part of a highway, or the side bank, centre or other part of a River or Canal, or navigable water, shall constitute the boundary between two districts, counties or places; then to pass along the same, shall be held to be a passing through both; and every accessory before or after the fact, if the offence be felony, and every person aiding or abetting or counselling or procuring the commission of any offence if the same be a misdemeanor, may be dealt with, indicted, tried and punished as if he were a principal, and his offence may be laid and charged to have been committed in any district, county or place, where the principal offence may be tried.

Property of
Post letters,
&c., stolen
how to be laid.

XVI. And be it enacted, That in every case where an or a Post letter, packet, chattel, money or a valuable security, sent by Post, it shall be lawful to lay in the indictment to be preferred against the offender, the property of such Post Letter Bag, Post Letter, Packet, chattel, money or valuable security, sent by Post, in the Provincial Post Master General; and it shall not be necessary to allege in the indictment or to prove upon the trial or otherwise, that the Post Letter Bag, Post Letter, Packet, chattel or valuable security was of any value: but except in the cases aforesaid, the property of any chattel or thing used or employed in the service of the Provincial Post Office or of monies arising from duties of postage, shall be laid in Her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by the Province and not by any party in his private capacity: and in any indictment against any person employed in the Provincial Post Office for any offence against this Act, or in any indictment against any person for an offence committed in respect of some person so employed, it shall be sufficient to allege that such offender or such other person as aforesaid, was employed in the Provincial Post Office, at the time of the commission of such offence, without stating further the nature or particulars of his employment.

Certain provi-
sions of 10 &

XVII. And be it enacted, that all enactments of the Act passed in the sessions held in the tenth and eleventh years

of Her Majesty's Reign, and intituled, *An Act for consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, for the purpose of protecting officers and others employed in collecting duties or in preventing the evasion of the laws imposing duties, when in the performance of the duties of their office, or in respect of suits or proceedings against them for things done or alleged to be done in pursuance of any Act or Law, shall extend and apply in like manner to officers and persons employed in or under the Provincial Post Office, and to suits or proceedings against them for things done or alleged to be done under this Act; and the provisions of the said Act relative to the publication and proof of regulations or orders made under it and to the time of their coming into force, shall, apply to the publication and proof of regulations and orders made under this Act and to the time of their coming into force; and any Bond or security required or authorized by any such regulation or by any order of the Governor in Council, in any matter relative to the Provincial Post Office, or to the observance of any provision of this Act or of any regulation or order made under it, shall be valid in law and may be enforced according to its tenor on breach of the condition thereof.

11 Vic. cap. 31,
extended to
Officers of
P. O.

XVIII. And be it enacted, that the Provincial Post-Master General, (subject always to the orders of the Governor,) may compromise and compound any action, suit or information which shall at any time hereafter be commenced by his authority or under his control, against any person for recovering any penalty incurred under this Act, on such terms and conditions as he shall in his discretion think proper, with full power to him or any of the officers and persons acting under his orders to accept the penalty so incurred or alleged to be incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof.

Actions, &c.,
may be com-
pounded.

XIX. And be it enacted, That all mere pecuniary penalties imposed by this Act or by any regulation of the Governor in Council to be made under this Act, shall be recoverable with costs by the Provincial Post Master General, by civil action in any Court having jurisdiction to the amount, and shall belong to the Crown, saving always the power of the Governor to Council to allow any part or the whole of such penalty to the Officer or party by whose information or intervention the same shall have been recovered, as in the case of penalties recovered

Penalties how
recoverable,
&c.

under other Acts relating to collection of the Revenue ;
 but all such penalties shall be sued for within one year after 2
 they are incurred and not afterwards : provided always,
 that if the penalty do not exceed it may be 4
 recovered before any one Justice of the Peace in summary
 manner, and if not paid may be levied by distress under 6
 warrant of such Justice ; and if the penalty exceed
 the offender may be indicted for a misdemeanor in contra- 8
 vention of the provisions of this Act or of the regulations made
 under it, (instead of being sued for such penalty) and if 10
 convicted shall be punishable by fine or imprisonment or
 both, in the discretion of the Court. 12

Who may be
 a Witness.

XX, And be it enacted, That in any action or proceeding
 for the recovery of postage, or of any penalty under this Act, 14
 the same may be recovered on the evidence of any one
 credible witness, and any Post Master or other Officer or 16
 Servant of the Provincial Post Office, shall be a competent
 witness, although he may be entitled to or entertain rea- 18
 sonable expectation of receiving some portion or the whole
 of the sum to be recovered ; and the *onus* of shewing that 20
 any thing proved to have been done by the Defendant was
 done in conformity to or without contravention of this Act, 22
 shall lie upon the Defendant.

Interpretation
 clause.

XXI. And be it enacted, That the Interpretation Act 24
 shall apply to this Act which shall be cited and known as
The Post-Office Act ; and that the following terms and 26
 expressions therein, shall have the meanings hereinafter
 assigned to them, unless such meaning be repugnant to the 28
 subject or inconsistent with the context ; the term "Letter"
 shall include Packets of Letters ; the term "Postage" shall 30
 mean the duty or sum chargeable for the conveyance of
 Post Letters, Packets and other things by Post ; the term 32
 "Foreign Country" shall mean any country not included
 in the dominions of Her Majesty ; the term " Foreign 34
 Postage " shall mean the postage on the conveyance of
 Letters, Packets or other things within any Foreign Coun- 36
 try ; the term " Colonial Postage" shall mean the postage
 on the conveyance of Letters, Packets or other things 28
 within any of the British Colonies in North America,
 which Colonies when referred to in this Act shall be under- 40
 stood to be those only which, being parties to the agreement
 aforesaid, shall have acquired the right of establishing and 42
 regulating Inland Posts under the Act of the British Par-
 liament mentioned in the Preamble of this Act :— 44
 the term " Provincial Postage" shall mean the postage
 on the conveyance of letters, packets and other things 46
 by Post within this Province ; the term " Mail " shall

include every conveyance by which Post Letters are
 2 carried, whether it be by land or by water; the term
 "British Packet Postage" shall mean the postage due
 4 on the conveyance of letters by British Packet Boats,
 between the United Kingdom and any British North
 6 American Colony; and the term "British Postage" shall
 include all Postage not being Foreign, Colonial or Provin-
 8 cial, the expression "employed in the Provincial Post
 Office" shall apply to any person employed in any busi-
 10 ness of the Provincial Post Office; the term "Post
 Letter" shall mean any letter transmitted or deposited in any
 12 Post Office to be transmitted by the Post, and a letter shall
 be deemed a Post Letter from the time of its being
 14 so deposited or delivered at a Post Office, to the time
 of its being delivered to the party to whom it is addressed,
 16 and a delivery to any Letter Carrier or other person
 authorized to receive letters for the Post, shall be
 18 deemed a delivery at the Post Office; and a delivery
 at the House or Office of the person to whom the
 20 letter is addressed, or to him, or to his Servant or Agent, or
 other person considered to be authorized to receive the
 22 letter, according to the usual manner of delivering that
 person's letters, shall be a delivery to the person addressed:
 24 the term "Post Letter Bag" shall include a Mail Bag or
 Box, or Packet or Parcel, or other envelope or covering
 26 in which Post Letters are conveyed, whether it does
 or does not actually contain Post Letters; the term
 28 "any Post Office" shall mean any building, room or
 place where Post letters are received or delivered, sorted,
 30 made up or despatched; the term "valuable security"
 shall include the whole or any part of any tally, order or
 32 other security or document whatsoever, entitling or evi-
 dencing the title of any party to any share or interest in
 34 any Public Stock or Fund, whether of this Province,
 or the United Kingdom, or any British Colony or Posses-
 36 sion, or of any Foreign Country, or in any Fund or Stock
 of any Body Corporate, Company or Society in this
 38 Province or elsewhere, or to any Deposit in any Savings'
 Bank, or the whole or any part of any Debenture, Deed,
 40 Bond, Bill, Note, Cheque, Warrant or order or other
 security for the payment of money, or for the delivery or
 42 transfer of any goods, chattels or valuable thing, whether
 in this Province or elsewhere; and the term "between"
 44 when used with reference to the transmission of letters or
 other things, shall apply equally to such transmission from
 46 either place to the other.