POST OFFICE ACT 1890.

An Act to consolidate the Law relating to the Post Office and for other purposes.

[10th July, 1890.]
"Letters" and "inland letters" shall include post cards and letter cards:

"Post office" shall include any pillar or box opened for the reception of letters packets or newspapers under the authority of the Postmaster-General:

"Postmaster-General" shall whenever the words occur in this "Postmaster-General." or any other Act now or hereafter to be in force include for the purposes of this Act any Deputy Postmaster-General or Secretary of the Post and Telegraph Department who has been or may be hereafter appointed by the Governor in Council:

"Stamp" shall mean any stamp available for denoting fees or dues under this Act, and shall include the stamp impressed or printed on any post card or letter card:

"Telegraph" and "telegraphic" shall include telephone and telephonic respectively.

4. Any stamp issued under the authority of the Stamp Act 1890 or of any Act repealed thereby or of "The Post Office Statute 1866" or of "The Post Office Act 1883" hereby repealed or of this Act may be used for any of the purposes of the said first-mentioned Act or of this Act, save and except where an embossed stamp is required.

PART I.—GENERAL PROVISIONS.

5. A post shall be and the same is hereby established in and for Victoria; and the Governor in Council may from time to time make, alter and repeal regulations for the establishment and management of post offices and the receipt despatch carriage and delivery of letters packets and newspapers and for the conduct and guidance of all postmasters and other officers and servants of the Post Office, and may from time to time appoint such officers and servants as may be necessary for the purposes of this Act.

6. Except where otherwise specially provided by any Act now or hereafter in force and except as herein mentioned, postage upon every inland and foreign letter packet and newspaper respectively shall be levied according to the scale and at the rate set forth and indicated in the Second Schedule to this Act; but every letter packet and newspaper sent by post from any place beyond the limits of Victoria shall be transmitted and delivered free of charge within Victoria, except as herein mentioned and except in cases where it is necessary to collect the postage under any arrangement to be made as herein mentioned, in which case the same and all fees or other dues upon such letter packet or newspaper shall be collected on and before the delivery thereof respectively.

7. Inland and foreign letters not exceeding one-half ounce in weight addressed to or forwarded by any seaman on actual service in Her Majesty's navy or by any sergeant corporal drummer trumpeter fifer or private soldier on actual service in Her Majesty's regular forces militia fencible regiments or royal marines shall be charged the
"The Post Office Act 1890."

The sum of One penny in lieu of the postage hereinbefore mentioned. But no such letter shall be transmitted or delivered unless (in case of a letter forwarded as last aforesaid) there be on the face thereof the name of the writer and his class or description in the vessel regiment corps or detachment to which he belongs and the signature of the officer having command of such vessel regiment corps or detachment, nor unless (in case of a letter addressed as last aforesaid) there be specified on the superscription thereof the vessel regiment corps or detachment to which the person to whom it is addressed belongs. But this section shall not apply to letters addressed to or forwarded by any commissioned or warrant officer whether in the army or navy or midshipman in the navy.

8. Post cards may be sent by post between places in Victoria at a postage rate of One penny each impressed or printed thereon; and subject to such regulations as the Governor in Council may from time to time make as to the size weight the manner of the impressing or printing thereof and any other conditions which may be necessary, private cards may be impressed or printed with stamps, and such private cards so impressed or printed shall for the purposes of this Act be deemed post cards.

9. The Governor in Council may from time to time impose and alter fees to be paid upon letters packets and newspapers registered under this Part of this Act or posted after the time appointed by the Postmaster-General for closing the mails and for the use of private boxes and private bags.

10. The Governor in Council may from time to time by order published in the Government Gazette direct what packets may be sent; by post as inland and foreign packets within the meaning of this Act and upon what terms and conditions the same may be sent.

11. Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper and may be sent by post as an inland or foreign newspaper (that is to say):—Any publication consisting wholly or in great part of political or other news or of articles relating thereto or to other current topics with or without advertisements, subject to these conditions:—

That it be published in numbers or parts at intervals of not more than three months:

That it have the full title and date of publication printed at the top of the first page.

And the following shall for the purposes of this Act be deemed a supplement to a newspaper (that is to say):—A publication consisting wholly or in great part of matter like that of a newspaper or of advertisements printed on a sheet or sheets or a piece or pieces of paper or consisting wholly or in part of engravings prints or lithographs illustrative of articles in the newspaper, such publication in every case being published with the newspaper and having the title and date of publication of the newspaper printed at the top of every page or at the top of every sheet or side on which any such engraving print or lithograph appears.
12. Every inland or foreign newspaper shall be sent without a cover or in a cover open at both ends; and there shall not be in or upon any such newspaper or the cover thereof any communication character or figure letter or number (other than the words "newspaper only" or a mark to indicate any report article or paragraph therein, the printed title of such newspaper, the printed names occupations and places of business of the printer publisher and vendor thereof, the name occupation and address of the person to whom it is sent and the name of the person who sends the same); nor shall anything be enclosed in or with or accompany such newspaper or cover: otherwise such newspaper shall not be transmitted or delivered.

13. The Government Printer shall cause to be printed upon Government official covers for enclosing the Government Gazette the words "On Her Majesty's Service" with the title of the said newspaper and the imprint of the said printer; and the said gazette when enclosed in one of the said covers and open at both ends shall (if received at the General Post Office from the office of the said printer but not otherwise) be exempt from postage.

14. Every postmaster may refuse to transmit by post any letter or packet exceeding sixteen ounces in weight or of inconvenient form or dimensions or containing or reasonably suspected to contain articles likely to injure the other portions of the mail or the person of any officer or servant of the Post Office; and under such circumstances and upon such occasions as seem to him expedient such postmaster may delay for any period not exceeding fourteen days the transmission of any letter or packet exceeding eight ounces in weight.

15. The Postmaster-General shall cause stamps indicating such amounts as may be from time to time deemed necessary for the purposes of this Act to be made and sold to any person applying for the same; and shall also cause such office stamps for denoting dates and for other purposes as may be from time to time deemed necessary for the purposes aforesaid to be made and used in the general or any other post office.

16. Any company firm or person with the permission in writing of the Postmaster-General may perforate stamps with such letters figures or design as are prescribed in such writing, and stamps so perforated shall not be considered to be defaced within the meaning of this Act and shall be received in payment of any postage fees or dues and telegraph fees, but no stamps so perforated shall be purchased upon commission or exchanged by any postmaster or officer or servant of the Post Office or accepted for a Savings Bank deposit.

17. Every postmaster shall procure and keep on hand for sale without premium such quantities of stamps as the Postmaster-General directs; and shall sell the same (without any commission or allowance for so doing) to any person applying for them, and the Postmaster-General may for the convenience of the public from time to time grant licences revocable at pleasure to any persons to sell stamps and give such other directions as to the sale thereof as he may think fit.
18. Any person licensed as aforesaid who obtains from the Postmaster-General at any one time stamps to the amount of five pounds shall be allowed thereon a commission to be paid in stamps only of one shilling in the pound or commission at such lower rate as the Governor in Council may from time to time direct.

19. Except in the cases expressly herein mentioned in that behalf, the postage upon every inland and foreign letter packet and newspaper and all fees (if any) upon such letter packet or newspaper shall be prepaid; and such prepayments respectively shall be made by affixing thereon stamps not obliterated or defaced; and in default thereof such letter packet or newspaper shall not be transmitted or delivered. Provided that postage on loose letters received from masters of vessels may be collected on delivery.

20. Notwithstanding the enactment lastly hereinbefore contained, the postage on bulk parcels of circulars may be prepaid in money and whenever it happens that any postmaster has not any stamps of the requisite value for sale, then and in such case the postage and fees if any upon any letter (not being a post card) packet or newspaper may be prepaid in coin, and shall be acknowledged by such postmaster on the face or cover of such letter packet or newspaper.

21. Any inland letter or inland packet or inland newspaper posted with an unobliterated Victorian stamp of any denomination shall be regularly transmitted and delivered although the stamp be insufficient, but before delivery in Victoria there shall be paid double the amount of postage omitted to be prepaid, and the sum to be so paid shall be written in a stamp impressed on such letter packet or newspaper by the postmaster who transmits the same.

22. Any wholly unpaid inland letter, that is to say any inland letter bearing no stamps, shall be regularly transmitted and delivered, but before delivery in Victoria there shall be paid double the amount of the postage which ought to have been prepaid on such letter. The sum to be so paid before delivery shall be written in a stamp impressed on such letter by the postmaster who transmits the same.

23. Urgent letters, that is to say letters on which a fee of sixpence for urgency is paid, shall in places where there is a delivery by letter carriers be delivered by special messenger and not be detained until the next ordinary delivery by letter carrier.

24. Except in the cases in this Act expressly mentioned, every postmaster shall see that every inland and foreign letter packet and newspaper bears either stamps or a proper acknowledgment for coin respectively equal in value or amount to the postage due thereon.

25. The stamps upon all inland and foreign letters packets and newspapers shall be impressed or affixed upon the face thereof respectively and near the address written thereon; and no postmaster shall be bound to take any notice of stamps which shall be impressed or affixed elsewhere.

26. Newspapers bearing sufficient stamps for postage as packets may be posted and transmitted as packets without payment of any additional postage to which they would be subject as newspapers.
27. Telegraphic messages upon which all fees payable in Victoria have been paid may be transmitted by post as letters for delivery in Victoria or in any of the Australian colonies or New Zealand without any payment for postage; and letters addressed to any postmaster or telegraph manager in Victoria containing telegraph messages for transmission with no writing other than the necessary directions for transmission bearing the words "Telegraph message only" on the outside or cover of the letter above the address may be transmitted free of postage subject to any regulations which the Governor in Council is hereby empowered from time to time to make as to the transmission of such messages and letters.

28. Any person who sends any letter packet or newspaper by post shall subject to the provisions of this Act be entitled to have the same registered at the post office at which the same is posted upon payment of the proper fee for registration; and any person in registering a letter may have the enclosures contained therein also registered and a proper record of such enclosures shall be kept at the office where such letter is registered; but such registration shall not render the Crown or the department of the Post Office or any person liable for the loss of any such letter enclosure packet or newspaper. And all letters packets and newspapers required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under such regulations in every respect as the Postmaster-General or other proper officer shall from time to time appoint.

29. In any case where it comes to the knowledge of any postmaster or officer of the Post Office or where any postmaster or officer of the Post Office has reasonable cause to believe that any inland or foreign letter or packet not registered under this Act contains any money or other valuable enclosure, such postmaster or officer may register such letter or packet and charge it with double the proper fee for registration; and the sum to be so paid shall be written in a stamp impressed on such letter or packet by the postmaster who registers the same; and such fee shall be paid by the person to whom it is addressed before delivery unless such person before such delivery open the letter in the presence of some postmaster or officer of the Post Office and it be found not to contain money or other valuable enclosure, in which case such fee shall be remitted.

30. If the Postmaster-General has at any time reasonable ground to suppose any person to be engaged in receiving any money or valuable thing as or for the consideration for any assurance undertaking promise or agreement express or implied to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse-race or other race fight, game sport or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid, or to be engaged in promoting or carrying out any scheme connected with any such assurance undertaking promise or agreement as aforesaid, or any lottery, scheme of chance or unlawful game (excepting such lotteries or art unions as may be sanctioned by the Attorney-General), or to be engaged in receiving money under pretence of foretelling future events or to be engaged in any fraudulent business or undertaking, then the
The Postmaster-General may if he think fit order and declare by notification under his hand duly published in the Government Gazette that no letter packet, newspaper or parcel addressed to any such person (either by his own or any fictitious or assumed name) or to any address without a name shall be either registered or delivered to any such person. Such notification shall specify every such name whether real fictitious or assumed or any address in respect of which such order is made; and such order shall upon such notification thereof be of full force and effect notwithstanding anything contained in this Act or in any rules or regulations under this Act until such order is cancelled by the Postmaster-General, which he is hereby empowered to do; and if any letter addressed to any such person by any such name be received at any post office, it shall not be delivered to the person to whom or at the address to which it is addressed but shall be at once sent to the dead letter office in Melbourne, and shall if it were originally posted in Victoria be opened and immediately returned to the sender, or if not originally posted in Victoria be returned unopened to the colony or country whence it originally came.

No money orders shall be issued in favour of any such person with respect to whom any such order has been made and declared by notification as aforesaid, and no money order shall be paid to any such person.

31. Except in the cases expressly mentioned in this Act, no letter packet, parcel or newspaper whatever shall under any circumstances be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction of the Postmaster-General, and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction as aforesaid.

32. The transmission of any letter packet or newspaper directed to any person in Victoria to the post office of the post town to which it is addressed or to that of the post town nearest to the address where none is named in the address shall be sufficient delivery under this Act; and where delivery by letter-carrier is provided for, delivery according to the address or at the last-known place of residence of the person named in the address shall notwithstanding anything in the last preceding section be sufficient delivery to such person unless he have by notice to the Postmaster-General signed by him prohibited such delivery.

33. Every postmaster or other officer of the post office shall transmit to the General Post Office without delay any letter packet or newspaper having no stamp thereon or as to foreign letters packets and newspapers having insufficient stamps thereon (unless prepaid in coin or contained in an official envelope or cover or subject to any arrangement for transmission out of Victoria), having anything blasphemous obscene offensive or libellous written or drawn on the outside thereof, having no address or no legible or intelligible address, which the person to whom it is addressed refuses to receive or to pay for when postage is payable—known or reasonably suspected to be posted or to
contain an enclosure in fraud or violation of this Act or of any regu-
lation thereunder or of any Customs Act or to contain any obscene
e enclosure, and every letter packet or newspaper as aforesaid posted at
the General Post Office may be there retained and dealt with as if it had
been transmitted as aforesaid.

34. Any postmaster may open or unfasten any packet or parcel
which he suspects to be posted in fraud or violation of this Act or any
regulation thereunder, and shall close or refasten any packet or parcel
so open which he finds not to have been so posted.

35. Notwithstanding anything in this Act contained, the Post-
master-General may at any time direct any letter packet or newspaper
having anything blasphemous obscene offensive or libellous written or
drawn on the outside thereof or any obscene enclosure found in any
letter packet or newspaper to be destroyed.

36. Every letter packet and newspaper which remains undelivered
at the post office to which the same has been transmitted for delivery
shall save as in this Act otherwise provided be kept thereat for delivery,
during one month if it was originally posted in Victoria, and during
three months or in the case of a newspaper one month if it was originally
posted in any other Australian colony or in New Zealand, and during six
months or in the case of a newspaper three months if it was originally
posted elsewhere. And as soon as possible after the expiration of the
periods in that behalf lastly hereinbefore mentioned, the postmaster at
every such post office as last aforesaid shall transmit to the General
Post Office every letter packet and newspaper that has been kept as
aforesaid for the period during which the same is hereinbefore required
to be so kept.

37. On the receipt at the General Post Office of any such unde-
livered letter packet or newspaper hereinbefore required to be trans-
mitted to such office, or of any letter packet or newspaper returned to
Victoria by the proper authorities of any other colony or country, any
such letter or packet, if it was originally posted in Victoria or if it was
posted elsewhere and has been posted or be reasonably suspected to have
been posted or to contain any enclosure in fraud or violation of this Act
or of any Act relating to the Customs or of any regulation or order
made under the authority of this Part of this Act may be opened in the
said last-mentioned office in the manner hereinafter mentioned; and
every such letter and packet, if it was originally posted elsewhere, shall
except as last aforesaid be returned, to the proper authorities in the
colony or country in which it was so posted; but every such newspaper
wheresoever it was originally posted shall be opened in the same place
and manner as packets originally posted in Victoria.

38. Every undelivered letter packet and newspaper which is opened
under the provisions of the last preceding section shall be opened in the
presence of not less than two officers of the Post Office specially
nominated for that purpose by the Postmaster-General or other officer
in immediate charge of the Post Office Department. And every such
officer shall before he enters upon his duties in this respect make and
subscribe before a justice a declaration in the form set forth in the Third
Schedule to this Act; and if any such officer acts contrary to such declara-
tion, he shall be guilty of a misdemeanor and punished accordingly.
39. Every undelivered letter and packet which is opened under the provisions of this Part of this Act (unless it contains any valuable or saleable enclosure or has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Part or with intent to evade payment of the postage properly chargeable thereon) shall be returned to the writer or sender thereof if his name and address can be ascertained by examination of such letter or packet; but if he refuse to receive such letter or packet or if his name and address cannot be ascertained, the same may be forthwith destroyed.

40. Every undelivered letter and packet which is opened under the provisions of this Part of this Act (if it contains any valuable or saleable enclosure) shall be safely kept, and a list thereof together with a memorandum of such contents shall be made and preserved; and the Postmaster-General or officer in immediate charge of the Post Office Department shall (unless such contents have been posted or be in fraud or violation of this Act, of any Act relating to the Customs, or of any regulation or order made under the authority of this Part or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer thereof if he be known. And upon demand by the first-mentioned person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the party so making such demand. But if neither of such parties can be found or makes such demand within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Part or with intent to evade payment of the postage properly chargeable on the letter or packet containing them shall be destroyed and its contents forfeited unless the Governor in Council directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer, the same may be destroyed sold or converted into money in such manner as the Postmaster-General or officer in immediate charge of the Post Office Department directs, and the proceeds shall form part of the consolidated revenue.

41. Every newspaper which is opened under the provisions of this Part of this Act may be forthwith sold destroyed or used for any public purpose, unless before such sale destruction or use thereof the same is claimed and the postage if any due thereon is paid by the person to whom the same is addressed. But if such newspaper has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Part or with intent to evade payment of the postage properly chargeable thereon, such newspapers shall be sold destroyed or used as aforesaid; and anything which is enclosed in or with which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or a security or order for money payable to bearer, the same may be destroyed sold or
converted into money in such manner as the Postmaster-General or officer in immediate charge of the Post Office Department directs, and the proceeds shall form part of the consolidated revenue.

42. The sender of any letter packet or newspaper which is opened under the provisions of this Part of this Act shall on demand pay the postage and fees respectively if any remaining due thereon, and in case of refusal so to do shall on conviction thereof forfeit and pay the sum of Forty shillings. And in any proceeding for the recovery of the said penalty, the person from whom such letter packet or newspaper purports to have come shall be deemed to be the sender thereof unless the party proceeded against proves that such letter or packet was not sent by him. And in such proceedings the stamp by which such letter packet or newspaper is taxed shall in all cases be evidence that the sum named in such stamp is payable as and for the postage or fee upon such letter packet or newspaper.

43. When on any letter packet or parcel there is an endorsement by the sender to the effect that such letter packet or parcel remains undelivered for a certain specified time it may be returned to him, the postmaster at the post office to which the same has been transmitted for delivery shall transmit the same to the General Post Office as soon as possible after the time so specified. Thereupon any such letter packet or parcel unless the same be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of any Act of Parliament or regulation duly made shall be returned to the sender thereof; but if he refuse to receive the same it may be opened and its contents dealt with and disposed of, and the sender shall be liable to pay the postage and fees respectively remaining due thereon, and in case of refusal shall on conviction thereof forfeit and pay the sum of Forty shillings.

44. The Postmaster-General may from time to time order the destruction in such manner as he thinks fit of any books of record telegraphic messages telegraph tape letter-bills registered letter receipts money orders savings bank receipts returns requisitions orders for delivery of letters or letters to the department or any other document or the butts thereof. Provided that the same have not been printed written or prepared within the period of one year from the date of any such order, and Her Majesty or the Postmaster-General or any officer of the Post Office shall not be accountable in any manner to any person for any books or documents so destroyed, and no claim for damages shall arise to any person by reason of any such destruction.

In this section “document” shall be deemed to include documents relating to the parcels post.

45. No claim or demand against Her Majesty within the meaning of the Crown Remedies and Liability Act 1890 or otherwise shall arise by reason of any default delay omission or loss in relation to any letter packet or newspaper posted or received under this Act or in relation to any telegraphic message despatch or communication sent or received or omitted to be sent or received under this Act.

46. The moneys to arise from the postage commission fees and other dues to be levied collected or received by virtue of this Act shall be carried to and form part of the consolidated revenue.
47. The Postmaster-General shall cause to be made for the use of the Governor and of each responsible Minister of the Crown respectively a stamp to be called "a frank stamp," with the title of the Governor or of such Minister thereon, and also frank stamps with an appropriate title for the use of the President of the Legislative Council and the Speaker of the Legislative Assembly and the officers in command of any portion of Her Majesty's Imperial land and naval forces and the officers of Her Majesty's Imperial Ordnance and Commissariat respectively; and every letter and packet on Her Majesty's service, and so described on the outside thereof, if impressed with a frank stamp not obliterated or defaced, shall for the purposes of this Act be deemed to be contained in an official envelope or cover (as the case may be), and shall be exempt from postage and from registration and other fees imposed under the authority of this Act.

48. The Postmaster-General may from time to time cause letter pillars or boxes suitable for the reception of letters newspapers or packets to be erected and maintained in any public road street or highway in Victoria.

49. All telegrams letters packets and newspapers sent by post and addressed to any person at any inn hotel or premises licensed under the Licensing Act 1890 or at any house at which lodgers are received and received by the occupier or manager of such inn hotel or licensed premises or house at any time after the commencement of this Act, shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same are addressed; and if the same are not so delivered within two months after the receipt of the same by such 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.

All such telegrams letters packets newspapers transmitted to the General Post Office under the provisions of this section shall be dealt with as undelivered telegrams letters packets and newspapers. Every such occupier and manager wilfully omitting or failing to return any such telegram letter or newspaper as aforesaid shall on conviction thereof be liable to two justices to forfeit and pay any sum not exceeding Forty shillings.

PART II.—CONTRACTS FOR CONVEYANCE OF MAILS.

50. The Governor in Council may from time to time (subject to the provisions of this Act) make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or foreign country for the following purposes (that is to say):

1. For the transmission by land or sea of mails between Victoria and the United Kingdom or British possession or foreign country as the case may be:

2. For determining the rate of postage fees and other dues to be levied and charged upon letters packets parcels and newspapers conveyed between Victoria and such kingdom possession or country and the mode of collection thereof:
(3) For the division and mutual accounting for and payment of the money collected under such arrangement:

(4) For the purposes above mentioned in the case of letters, packets, parcels, and newspapers transmitted through Victoria or the said kingdom, possession or country to or from any part of the world:

(5) For the prepayment (in full or otherwise) of the postage due on any letters, packets, parcels, and newspapers:

(6) For the transmission to any place out of Victoria of letters, newspapers, or packets posted in Victoria or received in mails or loose from masters of vessels on which no postage or insufficient postage has been paid free of postage or upon such terms as to the amount of postage or fine to be paid on delivery and as to the application thereof as may be agreed upon:

(7) For the carriage and delivery of parcels not exceeding fifty pounds in weight.

For the purpose of giving effect to any such arrangements, the Governor in Council may from time to time alter the scale and rates of postage provided by the Second Schedule hereto and make such other orders as may be necessary but before any such alterations of such scales and rates shall take effect a statement showing such alterations shall be laid before both Houses of Parliament.

51. Out of the consolidated revenue there shall be annually issued and applied any sum or sums not exceeding in the whole seventy-five thousand pounds for the transmission by land or sea of mails between Victoria and the United Kingdom or any British possession or foreign country as the case may be.

52. The Postmaster-General or any person from time to time authorized in that behalf by the Governor in Council may enter into contracts in writing on behalf of the Government for or in respect of the carriage of mails by land or sea and for the carriage and delivery of parcels not exceeding fifty pounds in weight for a lumped sum or for a sum depending on the number of letters, packets, newspapers, or parcels; and may impose such terms and conditions as to him seems fit as to the vehicles or vessels to be employed, the times of departure and arrival, and otherwise for securing the due regular and efficient performance of the service.

53. The Governor in Council may from time to time make alteration and repeal regulations prescribing the conditions, prohibitions, and restrictions under which parcels not exceeding fifty pounds in weight are to be received transmitted, delivered, returned to the senders or otherwise disposed of and prescribing forms of statutory declarations to be made by any person or his agent desiring to transmit or receive any such parcel, and fixing the rates of fees to be charged for the transmission, delivery, return, insurance, or registration of such parcels and prescribing the mode 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 which may
The Post Office
Act 1890.

lawfully be payable in respect of any such parcel. Such regulations shall be binding on all the persons interested in the subject-matter thereof to the same extent as if such regulations formed a portion of this Act.

54. In all vessels by which mails are conveyed under any such contract as aforesaid, there shall be provided a suitable locker or other secure place in which such mails and all letters packets and newspapers shall be locked up and carried apart from all other articles and things. And if such locker or place is not so provided or if such mails or any letter packet or newspaper are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place, the master or person in charge of such vessel shall be liable to a penalty not exceeding Fifty pounds.

55. All mails and every loose letter packet or newspaper which at the time of the arrival of any vessel within any port in Victoria are on board thereof directed to any person in Victoria or its dependencies shall be delivered on demand to any postmaster or port officer of such port or to any person duly authorized in that behalf by writing under the hand of the Postmaster-General or officer in immediate charge of the Post Office except letters concerning goods on board such vessel and to be delivered with such goods, or containing any deed commission writ or affidavit, or sent by way of introduction only or concerning the bearer's private affairs. And any person who knowingly or negligently detains or keeps in his possession or neglects or refuses to deliver any mail bag mail box or mail parcel or any letter packet or newspaper (except as aforesaid) after such demand made as aforesaid shall be liable to a penalty not exceeding One hundred pounds.

56. The master or person in charge of any vessel arriving at any port in Victoria shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form set forth in the Fourth Schedule to this Act; and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof, and until such certificate has been delivered to the proper officer of customs at such port he shall not permit such vessel to report. And any master or person in charge as aforesaid who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding One hundred pounds.

57. If any master or person in charge of any vessel about to depart from any port in Victoria to any port or place within or beyond the same (after being thereto required by any officer of the Post Office or by any port officer or by any person duly authorized in that behalf by such writing as aforesaid) refuses or neglects to receive on board such vessel any mail bag mail box or mail parcel or to give a receipt for the same being thereto required by the person tendering or delivering such bag box or parcel or refuses or neglects carefully to deposit such bag box or parcel in some secure and dry place on board of such vessel or to convey the same upon her then intended voyage, such master or person shall be liable to a penalty not exceeding One hundred pounds.
58. Out of the consolidated revenue there shall be annually issued and applied for the service next hereinafter mentioned any sum not exceeding five thousand pounds. And every such master or person in charge of any vessel about to depart as aforesaid who receives on board thereof any such mail bag, mail box or mail parcel for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive for the carriage thereof the sum of one penny for every foreign letter contained therein, or the sum of one halfpenny for every inland letter contained therein, such master or person giving a receipt for the amount so received by him; and such receipt shall be a sufficient voucher for such payment and the same shall be allowed in the account accordingly. But nothing herein contained shall entitle any such master or person to any gratuity or payment from the Victorian Government in respect of any mail bag, mail box or mail parcel which is duly sealed with the proper official seal of the place whence the same originally was despatched and which has been received in Victoria from any other place and which is intended for any port or place beyond Victoria other than such payment as may be agreed upon between the Postmaster-General and the proper authorities of such place whence such mail bag, mail box or mail parcel has come nor shall entitle the master or person in charge of any vessel under contract for the carriage of mails to receive any payment as aforesaid nor shall entitle the master or person in charge of any vessel to demand payment for any packet.

59. Every master or person in charge of any vessel about to depart from any port in Victoria to any port or place beyond the limits thereof (not being a vessel carrying mails under a contract for the carriage thereof and not being about to depart for any port or place in New South Wales, Queensland or South Australia and not being a vessel propelled by wind only about to depart to any port or place in New Zealand, Tasmania or Western Australia) shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel. And every such notice shall expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. And every such master or person in charge as aforesaid shall also from time to time give notice to such postmaster or officer as aforesaid of any postponement of such time of departure. And such postmaster or other officer of the Post Office shall upon receiving such notice grant a certificate to such master or person; and until such certificate have been given the vessel shall not be cleared.

PART III.—MONEY ORDERS AND POSTAL NOTES.

60. The Governor in Council may from time to time (subject to the provisions of this Act) make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or foreign country for the issue and payment by means of the Post Office of money orders between Victoria and the said kingdom possession and country and for the accounting for and transmission of moneys connected therewith.
61. The Governor in Council may from time to time make alter and repeal regulations relating to money orders, and to the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued, and to 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 to the length of time during which they shall be current and alter which they shall become void, and to 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, and relating to every other matter or thing necessary to be regulated or done for perfecting a system whereby the public may be enabled promptly and safely to remit small sums of money through the Post Office.

62. The Governor in Council may from time to time for the purpose of the transmission of small sums through the Post Office make and alter and repeal regulations for the issue payment and cancellation of money orders to be called postal notes for certain fixed amounts to be specified in such regulations.

63. The Governor in Council may from time to time make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or foreign country for the reciprocal payment of postal notes by means of the Post Office and for the accounting for and transmission of moneys connected therewith.

64. All such arrangements and regulations shall be binding and conclusive upon the persons in favour of whom such money orders are issued and the payees of such money orders and all persons interested through or claiming under them and upon all holders of postal notes, and shall have the same force and effect in all respects as if contained in this Act.

65. No action suit or other legal proceeding of any sort shall be brought instituted or commenced in any court or before any judge or justice or otherwise howsoever against the Postmaster-General or any officer of the Post Office or any other person whatsoever for or by reason or in consequence of any such arrangements or regulations or of any compliance therewith or otherwise in relation thereto or for or by reason or in consequence of payment of the amount of any money order or postal note being refused or delayed or on account of any accidental neglect omission or mistake, or of any other cause whatsoever without fraud or wilful misbehaviour on the part of any person chargeable therewith, any law to the contrary notwithstanding.

66. No money order shall be granted for a larger sum than twenty pounds and no postal note for a larger sum than twenty shillings; and the Postmaster-General shall levy and receive in respect of all money orders and postal notes issued under the provisions hereinafter contained a commission at such rate as the Governor in Council may from time to time appoint and fix.

67. The Postmaster-General may at any time repay or refund the amount of any money order heretofore or hereafter to be issued to the person to whom the same has been granted his executors or administrators whether such money order remain or be in his or their possession
or not; and immediately after any such repayment or refunding as
aforesaid all liability by or on the part of the Postmaster-General or
any postmaster or officer of the Post Office for or in respect of such
money order or of the issuing of the same or of the repayment or refund-
ing of the amount thereof shall as against all persons whomsoever cease
determine.

68. Notwithstanding anything contained in Parts II. and III. of
the Stamps Act 1890 no stamp duty shall be charged upon any money
order or postal note issued under the provisions of this Part.

PART IV.—Post Office Deposit for Savings.

69. The Postmaster-General may authorize and direct any post-
master or other officer of the Post Office as he thinks fit to receive
deposits for remittance to the General Post Office and to repay the
same under such regulations as the Governor in Council may prescribe
in that respect.

70. Deposits may be received under this Part of this Act from
any minor or from a parent or other relative of a minor in the name and
on behalf of such minor; and such deposits shall be repaid on the appli-
cation in writing of such parent or other relative or of the minor himself
in case he has made the deposit, and the receipt of any such minor
attested by one witness shall be a sufficient discharge notwithstanding
the infancy of such minor.

71. Deposits made by a married woman without notice to the
Postmaster-General of her marriage may be repaid to her unless the
husband of such woman in any case where no order has been made
by a court judge magistrate or justices protecting the earnings and
property of the wife give to the Postmaster-General notice in writing of
such marriage and require payment to be made to him; in which case
the Postmaster-General may in his discretion pay the same or any
portion thereof together with any interest due in respect of the same to
such husband or to such woman as to him seems proper.

72. When the trustees of any bank commonly known as a Penny
Savings Bank determine to close such bank for the receipt of deposits
and give public notice of such intention by advertisement in a news-
paper circulating in the district in which such bank is situated, such
trustees may if they think fit transmit under the hands of a majority
Transfer of
accounts of
savings banks.
18 & 19 Vict.
c. 14 s. 3.

of their number to the Postmaster-General a certified list of such
depositors as have not applied to them to receive their deposits and of
the amounts due to them respectively; and the Postmaster-General
may thereupon receive as a deposit under this Part of this Act the
moneys remaining in the hands of the trustees if the same be suf-
cient to discharge the whole of the liabilities of such trustees to the
depositors set forth in such list. The certificate of the Postmaster-
General shall be a sufficient discharge to the said trustees in respect of
all such moneys so paid over; and all such moneys shall be received
and held subject to the rights and claims of the depositors named
in such list, who shall thenceforth be considered to be depositors under
the provisions of this Part of this Act and shall be entitled subject to
the provisions and in the form prescribed under the authority of this
"The Post Office Act 1883."

Part on presenting their deposit books to any postmaster or other officer of the Post Office authorized as aforesaid to claim payment of the sums shown by such list to be due to them respectively with the interest due to them thereon.

73. Every deposit received by any postmaster or other officer appointed for that purpose shall be entered by him at the time in a depositors' book and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall upon the day of such receipt be reported by such postmaster or officer to the Postmaster-General, and the acknowledgment of the Postmaster-General signified by the officer whom he appoints for the purpose shall be forthwith transmitted to the depositors, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof with the interest thereon upon demand made by him on the Postmaster-General. In order to allow a reasonable time for the receipt of the said acknowledgment, the entry by such postmaster or other officer in the depositors' book shall also be conclusive evidence of title for ten days from the lodging of the deposit; and if the said acknowledgment have not been received by the depositors through the post within ten days and he either before or immediately upon the expiry thereof demand the said acknowledgment from the Postmaster-General, then the entry in such book shall be conclusive evidence of title during another term of ten days and toties quoties. Provided that such deposits shall not be of less amount than one shilling nor of any sum not a multiple of one shilling.

74. On demand of the depositor or person legally authorized to claim on account of a depositor made in such form as is prescribed in that behalf for repayment of any deposit or any part thereof the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith; and the depositor shall be absolutely entitled to repayment of any sum or sums that are due to him within ten days at farthest after his demand is made at any post office where deposits are received and paid.

75. Postmasters and other officers of the Post Office engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the Postmaster-General or to such officers or persons as are appointed to assist in carrying this Part of this Act into operation.

76. All moneys so deposited with the Postmaster-General shall forthwith be paid over to the Treasurer of Victoria and shall be placed to the credit of the trust fund, or shall be invested in any public or Government debentures heretofore issued or which may hereafter be issued under the authority of any law heretofore or hereafter in force, and such moneys shall be a charge upon the consolidated revenue; and all sums withdrawn by depositors or by persons legally authorized to claim on account of depositors shall be repaid to them out of the said trust fund or out of the proceeds of such debentures through the office of the Postmaster-General.

77. The interest payable to the persons making such deposits shall be at a rate not exceeding four pounds per centum per annum; but such interest shall not be calculated on any amount less than one
No. 1128. [POST OFFICE ACT 1890.

78. Interest on deposits shall be calculated to the thirty-first day of December in every year, and shall be added to and form part of the principal money.

79. The Governor in Council may from time to time make alterations and repeal regulations for superintending inspecting and regulating the mode of keeping and examining the accounts of depositors and with respect to the making of deposits and to the withdrawal control and investment of deposits and interest and all other matters whatsoever incidental to the carrying this Part of this Act into execution; and all regulations so made shall be binding on all the persons interested in the subject-matter thereof to the same extent as if such regulations formed a portion of this Act. Copies of all regulations made under the authority of this Part of this Act shall be laid before both Houses of Parliament within fourteen days from the date thereof if Parliament shall be then sitting, and if Parliament be not then sitting within fourteen days after the next meeting thereof.

80. When any depositor dies leaving any sum of money not exceeding one hundred pounds (exclusive of interest) deposited in the Post Office Savings Bank and probate of his will or letters of administration be not produced to the Postmaster-General, or if notice in writing of the existence of a will and intention to prove the same or to take out letters of administration be not given to the Postmaster-General at his principal office within the period of one month from the death of the depositor, or if such notice be given but such will be not proved or letters of administration be not taken out and the probate or letters of administration (as the case may be) produced to the Postmaster-General within the period of two months from the death of the depositor the Postmaster-General may after such period of one or two months (as the case may be) pay and divide such funds at his discretion to or amongst the widow or relatives of the deceased depositor or any one or more of them, or if he think proper in payment of death-bed or funeral expenses, in accordance with the provisions of the "Statute of Distributions."(a)

81. When any depositor dies leaving any sum of money in the Post Office Savings Bank which (exclusive of interest) exceeds the sum of one hundred pounds, the same shall only be paid to the executor or administrator on the production of the probate of will or letters of administration of the estate or effects of the deceased depositor to the Postmaster-General; but should the husband of any depositor prove to the satisfaction of the Postmaster-General that such money is the joint savings of himself and the depositor and that it was deposited in the name of the wife with his knowledge and consent, the Postmaster-General may order payment of such money in the same manner as if it did not exceed the sum of one hundred pounds.

(a) 22 and 23 Car. II. c. 10.
32. If any depositor being illegitimate dies intestate leaving any person who but for the illegitimacy of such depositor and of such person would be entitled to the money due to such deceased depositor, the Postmaster-General may with the authority in writing of the Attorney-General pay the money of such deceased depositor to any one or more of the persons who in his opinion would have been entitled to the same in accordance with the provisions of the "Statute of Distributions" if the said depositor and such person or persons had been legitimate.

33. If any depositor becomes insane or otherwise incapacitated to act and the same is proved to the satisfaction of the Postmaster-General, and if the Postmaster-General is satisfied of the urgency of the case, he may authorize payment from time to time out of the funds of such depositor to any person whom he judges proper, and the receipt of such person shall be a good discharge for the same.

34. If any dispute arise between the Postmaster-General and any individual depositor or any person claiming to be entitled to any money deposited in the Post Office Savings Bank, the matter in dispute shall be referred in writing to the Attorney-General, and whatever award, order or determination is made by the said Attorney-General shall be final to all intents and purposes without any appeal.

35. The Postmaster-General may direct that no deposit shall be received from any person whom he deems it inexpedient to admit or continue as a depositor and that any deposits made by him shall be returned to him.

36. An annual account of all deposits received and paid under the authority of this Part of this Act and of the expenses incurred during the year ended the thirty-first day of December together with a statement of the total amount due at the close of the year to all depositors, and the general report upon the affairs of the Post Office in the several departments thereof mentioned or referred to it in this Act, shall be laid by the Postmaster-General before both Houses of Parliament not later than the thirty-first day of March in every year if Parliament be sitting or if Parliament be not then sitting within fourteen days after the next meeting thereof.

37. The annual accounts of the Postmaster-General to the thirty-first day of December in each year in respect to all moneys deposited and paid and expenses incurred under the authority and in execution of the provisions of this Part of this Act shall annually prior to the thirty-first day of March in each year be submitted for examination and audit to the Commissioners of Audit; and for the purpose of such examination the Commissioners of Audit shall have all the powers conferred on them by any Act now or hereafter in force relating to the collection and audit of the public accounts.

PART V.—ELECTRIC TELEGRAPHS.

38. The Postmaster-General or any person from time to time authorized in that behalf by the Governor in Council may enter into any contract for the construction and maintenance of lines of communication of electric telegraph.
89. Every line of communication by electric telegraph constructed or to be constructed in Victoria shall be subject to the several provisions of this Part of this Act and the several rules and regulations hereinafter mentioned.

90. Out of the consolidated revenue there shall be annually issued and applied any sum or sums not exceeding in the whole twenty thousand pounds towards the maintenance of a line of telegraphic communication between Port Darwin and Penang.

91. The Governor in Council may from time to time make and alter and repeal regulations 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 line of telegraphic communication 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 rents and charges to be paid by such person as the consideration for such agreement.

92. The Postmaster-General may enter into agreements with any persons in accordance with the said regulations, and if any 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 his agreement, the Postmaster-General may by notice to such person rescind such agreement and resume possession of the line in respect of which such agreement was made and prevent the further use thereof by such person; and such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster-General of the powers hereby conferred.

93. The Governor in Council may from time to time appoint a proper person, who shall be called the General Superintendent of Electric Telegraphs, to superintend the establishment, management, maintenance and protection of lines of telegraphic communication and such other officers, clerks and servants as may be necessary.

94. Any person acting under the authority of the Postmaster-General for any of the purposes aforesaid may enter upon any lands in Victoria and may survey and take levels of the same or any part thereof, and also may dig out, remove and carry away any stone, soil, sand, gravel and indigenous trees or timber suitable or necessary for the construction, formation or maintenance of any such line of communication or any part thereof or any other works belonging or in anywise appertaining to any such line.

95. Any such person may erect, set up and maintain all masts or posts for the supporting of any cord or wire of any such line in and upon any of the lands of the Crown, any shore of the sea and any road, and may make all needful and necessary excavations in the same for erecting or placing such masts or posts and also for laying down subterranean lines of communication.

96. Every cord or wire of any such line if above the surface crossing any road shall be placed at least eighteen feet from the ground and the free use and enjoyment of any road and the navigation of any
inlet bay river creek or lake over along across or underneath which any such cord or wire or line of communication may pass shall not be hindered or obstructed further than is absolutely necessary for the proper construction establishment and maintenance of any such line of communication.

97. All indigenous trees and underwood shall be cut for the space of twenty feet on each side of any such line of communication by the proprietor of the lands upon which such trees and underwood may be, and in default thereof any such person acting under such authority as aforesaid may enter upon the said lands and cause the said 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 whatsoever for what he or any of them does by virtue of the powers hereby granted.

98. The Governor in Council may from time to time fix the amount of fees rates or dues to be demanded or received for the transmission or conveyance of any despatch message or communication by means of any such line of telegraphic communication and for the due delivery thereof respectively and for copies of any such despatch message or communication; and may make alter and repeal rules and regulations for the transmission and conveyance of all despatches messages or communications by means of any such line and for the payment of such fees rates and dues, and generally for the conduct management working and maintenance of any such line of communication. A scale of all such fees rates and dues and a copy of every such rule or regulation shall be published in the Government Gazette; and a copy of every such scale of fees rates and dues shall be laid before Parliament if then sitting or if not then sitting within one month after the commencement of the next ensuing session thereof.

99. All such fees rates and dues shall be paid for the use of Her Majesty to such person at such place and in such manner as is directed in such rules and regulations as aforesaid; and in case of refusal or neglect of payment of any such fee rate or due or any part thereof on demand to the person appointed to receive the same, such person may sue for and recover the same in any court of competent jurisdiction.

100. Every such person and all officers servants or workmen employed in the working or operating of any such line of communication shall transmit all messages despatches or communications in the order in which they are received. Provided that any message in relation to the arrest of criminals the discovery or prevention of crime or any other matter connected with the administration of justice and all Government messages or despatches shall be transmitted in preference to any other message or despatch. Provided also that urgent telegraphic messages on which double fees have been paid shall be transmitted in preference to any message or despatch or communication other than messages or despatches in the last proviso referred to.

101. Unobliterated stamps may be received as cash in payment of any sum payable in Victoria under any Act or regulation in force in Victoria with respect to telegraphic messages.
102. Any officer, clerk, operator, or other person employed in the working of any line of electric telegraph may refuse to receive or transmit any message of blasphemous obscene or scandalous character in its contents, address, or signature.

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

104. In the exercise of the powers given by sections ninety-four and one hundred and three, the Postmaster-General or any such person authorized as therein mentioned shall do as little damage as possible, and the Postmaster-General shall make full compensation to all bodies and persons interested for all damages sustained by them by reason or in consequence of the exercise of such powers; and such compensation if the amount cannot otherwise be agreed upon shall be settled by arbitration by arbitrators appointed by such bodies and persons respectively and by the Postmaster-General, and the provisions as to arbitration contained in the *Lands Compensation Act* 1890 shall be applied so far as may be to arbitrators under this Act.

**PART VI.—OFFENCES AND PENALTIES.**

105. Every master or person in charge of any such vessel as is in Part II. of this Act referred to who omits to give notice as in the said Part is required or who departs from the port before the expiration of the time mentioned in such notice shall be liable to a penalty not exceeding Fifty pounds.

106. Whenever the master or person in charge of any vessel has received any mail bag, mail box, or mail parcel for carriage on board of such vessel and such vessel does not depart on her voyage at the time fixed for the departure thereof, such master or person as aforesaid shall return to the postmaster port officer or other person duly authorized in that behalf by writing under the hand of the Postmaster-General or officer in immediate charge of the Post Office such mails and also any gratuity which may have been paid for the carriage of the same, and in default of so doing shall be liable to a penalty not exceeding Two hundred pounds.

107. If any postmaster port officer, master of a vessel or person duly authorized to receive or despatch any mail or any letter packet, parcel, or newspaper neglects or fails to despatch or retards the despatch of any mail bag, mail box, parcel, letter packet, or newspaper sent by post, he shall be liable to a penalty not exceeding One hundred pounds.

108. No letter shall be carried for hire or reward otherwise than by post. And any person who sends or conveys any letter otherwise than by post or who for hire takes charge of the same for such conveyance shall for every such letter be liable to a penalty of not less than Five nor more than Fifty pounds. And every such letter sent conveyed or taken charge of to be conveyed otherwise than by post shall be
"The Post Office Act 1855."

**Exceptions.**

"The Post office deemed to have been so sent conveyed or taken charge of for hire or reward unless the contrary be shown by the defendant. But nothing herein contained shall extend to any letter exceeding sixteen ounces in weight nor to any letter concerning goods sent and to be delivered therewith, or containing process of or proceedings or pleadings in any court of justice briefs cases and instructions for counsel and their opinions thereon respectively, deed affidavit or letter of attorney; nor to any letter sent by any person concerning his private affairs by any special messenger; nor to any letter bond fide sent or carried to or from the nearest post office.

109. If any person fraudulently forges alters or imitates or assists in forging altering or imitating any stamp envelope or cover used or made under the authority of or for the purposes of this Act or uses offers alters or disposes of any forgery or imitation of any such stamp envelope or cover knowing it to be forged or with a fraudulent intent, he shall be guilty of felony, and on conviction shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

110. If any person engraves or in anywise makes upon any plate or material whatever any stamp used for the purposes of this Act without the authority of the Postmaster-General (the proof of which authority shall lie upon the party accused), he shall be guilty of felony, and on conviction thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding ten years.

111. If any person makes or causes to be made or assists in making or knowingly has in his custody or possession without lawful excuse (the proof whereof shall lie on the person accused) any mould or frame or other instrument having thereon any words letters figures marks lines or devices peculiar to paper heretofore or hereafter to be provided or used for stamps, or if any person makes or procures to be made or aids or assists in making or knowingly has in his custody or possession without lawful excuse (the proof whereof shall lie on the party accused) any paper in the substance of which appears visible any words letters figures marks lines or devices peculiar to paper heretofore or hereafter to be used or provided for stamps or any part of such words letters figures marks lines or devices and intended to imitate or pass for the same, he shall be guilty of felony, and shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

112. If any person without lawful excuse (the proof whereof shall lie on the party accused) sells purchases disposes of or receives or takes or has in his custody or possession any paper provided by the Postmaster-General for the purpose of being used for stamps before the same has been issued by him for public use, every such person shall be guilty of a misdemeanor, and shall be imprisoned for not more than two years nor less than six months.

113. If any person wilfully removes from any stamp any mark which has been impressed or made thereon at any post office or knowingly puts off or uses any stamp from which such mark has been
If any person with a fraudulent intent removes from any letter packet, parcel, or newspaper respectively sent by post any stamp which has been affixed thereon or knowingly puts off or uses any such stamps he shall be liable to a penalty not exceeding Five pounds.

If any person knowingly and fraudulently puts or procures or causes or procures to be put into any post office anything falsely purporting to be a letter packet, parcel, or newspaper within any of the exemptions hereinafter in this Act mentioned or any letter falsely purporting to belong to a class in which a postage of one penny only is chargeable, he shall be liable to a penalty not less than Five nor exceeding Fifty pounds.

If any person knowingly and fraudulently puts into any post office any packet or parcel in or upon which or the cover whereof there is any letter communication or intelligence not allowed by law or wilfully subscribes on the outside of any packet or parcel a false statement of the contents thereof, he shall be liable to a penalty not less than Two nor exceeding Fifty pounds.

If any person knowingly and fraudulently puts into any post office any newspaper in or upon which or the cover whereof there is any communication character figure letter or number (other than a mark to indicate any report article or paragraph therein, the printed title of such newspaper, the printed names, occupations, and places of business of the printer, publisher, and vendor thereof, the name, occupation, and address of the person to whom it is sent, the name of the person who sends it, and the words "newspaper only"), or in or with which anything is enclosed or which anything accompanies, or if any person wilfully places the words aforesaid on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue, he shall be liable to a penalty not less than Two nor exceeding Fifty pounds.

If any person knowingly puts into any post office in Victoria any letter packet, parcel, or newspaper bearing any indecent, obscene, profane or libellous address, signature, marks, words, or designs or containing any indecent or obscene print, photograph, lithograph, writing, engraving, book, or card, or other indecent or obscene article, he shall be liable to a penalty not less than Five nor exceeding Fifty pounds.

If any postmaster or other officer employed in the Post Office or any master of a vessel or other person employed by or under any postmaster or employed or authorized to receive sort, carry, or deliver mails or letters, packets, parcels, or newspapers sent by post or otherwise employed in the business of the Post Office offends against or wilfully neglects or omits to comply with any of the arrangements or regulations to be made as hereinbefore in this Act mentioned or having effect hereunder or with any of the provisions of this Act (for breach of which no other punishment is hereby provided), he shall be liable to a penalty not exceeding One hundred pounds.
120. If any person not duly authorized on that behalf (the proof of which authority shall rest on such person) open with a fraudulent intent any letter packet or newspaper addressed to any other person, he shall be liable to a penalty not exceeding Fifty pounds or to imprisonment for any term not exceeding one year.

121. If any postmaster master of a vessel or other person duly authorized to receive sort convey or deliver mails letters packets parcels or newspapers sent by post negligently loses or wilfully omits or delays to deliver any such mail letter packet parcel or newspaper whether the same be or be not afterwards recovered or delivered (as the case may be) he shall be liable to a penalty not exceeding Twenty-five pounds.

122. If the driver of any vehicle used for the conveyance of the mail or the guard or any person in charge of a mail whether conveyed by such vehicle or on horseback or foot loiters on the road or wilfully mis-spends or loses time so as to retard the arrival of the mail at its proper destination, or does not in all possible cases convey such mail at the speed fixed by the Postmaster-General for the conveyance thereof, unless the weather or the condition of the roads or any accident prevents the same (the proof whereof shall lie on the defendant), he shall be liable to a penalty not exceeding Fifty pounds.

123. If any person wilfully retains secretes keeps or detains any letter packet parcel or newspaper which ought to have been delivered or forwarded to any other person or any mail bag mail box mail parcel letter packet or newspaper which has been found by the person secreting keeping or detaining the same or by any other person, he shall be guilty of a misdemeanor.

124. If any person by means of any false pretence or misstatement induces any postmaster or any officer or servant of the Post Office to deliver to such person any letter packet parcel or newspaper sent by post and not addressed to such person, he shall be liable to a penalty not less than Five pounds nor exceeding Fifty pounds or at the discretion of the justices adjudicating to imprisonment for any period not exceeding three months.

125. If any person fraudulently takes from the possession of any postmaster or person employed in the Post Office or from any post office or place appointed for the receipt or delivery of letters or steals or for any purpose embezzles takes secretes or destroys any mail bag mail box or any letter packet parcel or newspaper sent by post or any part thereof respectively, he shall be guilty of felony, and on conviction thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

126. If any person without the authority of the Postmaster-General (the proof of which authority shall rest on such person) places or permits or causes to be placed or to remain on or near to his house or premises the words "post office" or any other words or mark which may imply or give reasonable cause to believe that such house or premises is or are a post office or a place for the receipt of letters, or places or permits or causes to be placed or to remain on any vehicle the words
"royal mail" or any word or mark which may imply or give reasonable cause to believe that such vehicle is used for the conveyance of mails, he shall be liable to a penalty not less than Five nor exceeding Fifty pounds.

127. If any person unlawfully issues any money order or postal note with a fraudulent intent, he shall be guilty of felony, and on conviction thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

128. Every money order and postal note shall be deemed a "valuable security" within the meaning of any Act now or hereafter in force relative to larceny and the prosecution for and punishment of that offence.

129. If any postmaster or other officer of the Post Office re-issues a postal note originally issued under the authority of this Act which has been paid previous to such re-issue, he shall be guilty of felony and on conviction thereof shall be liable to be imprisoned for any term not exceeding five years.

130. If any person with a fraudulent intent sends any message or advice concerning any money order or postal note or any money or fees due or receivable from or by any person in respect of any money order or postal note, he shall be guilty of a misdemeanor.

131. If any person without the licence of the Postmaster-General (the proof of which licence shall rest on such person) sells or offers or exposes for sale any stamp or places or permits or causes to be placed or to remain on or near to his house or premises the words "licensed to sell stamps" or any words or mark which may imply or give reasonable cause to believe that he is duly licensed to sell stamps, he shall be liable to a penalty not exceeding Five pounds.

132. If any person encloses in or with any letter packet or newspaper or puts into any post office or into any pillar or box for the receipt of letters packets or newspapers to be sent by post any explosive dangerous or destructive substance or liquid or any matter or thing likely to injure or any letter packet or newspaper or the person of any officer or servant of the Post Office, he shall be guilty of felony, and shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

133. If any person not duly authorized on that behalf (the proof of which authority shall rest on such person) place any placard or other document writing or painting on or otherwise deface any post office pillar box or telegraph pole, he shall be liable to a penalty not exceeding Five pounds.

134. If any person enclose in or with any letter packet or newspaper or put into any post office or into any pillar or box for the receipt of letters packets or newspapers to be sent by post any filthy offensive or noxious material matter or liquid, he shall be liable to a penalty not less than Five pounds nor exceeding Fifty pounds or at the discretion of the justices adjudicating to imprisonment for any period not exceeding three months.
136. If any officer clerk operator or other person employed in the working of any line of electric telegraph neglect or refuse to transmit any message despatch or communication in the order hereinbefore directed, he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

138. If any officer clerk operator or other person employed in the working of any line of electric telegraph divulge the contents of any private or secret message despatch or communication transmitted or conveyed or to be transmitted or conveyed by any such line otherwise than by giving if duly authorized in that behalf copies of any message despatch or communication, he shall be liable to a penalty not exceeding One hundred pounds or at the discretion of the justices adjudicating may be imprisoned with or without hard labour for any period not exceeding six months.

137. If any person without the authority of the Postmaster-General (the proof of which authority shall rest on such person) sets up maintains or uses in or on any lands of the Crown or in or on any public road street or highway any line of telegraphic communication or wilfully uses any such line set up after the commencement of "The Post Office Act 1883" and neglects to comply with any notice from the Postmaster-General to pay such charges in respect of any such line as last aforesaid, as may from time to time be fixed by the Governor in Council, he 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; and the Postmaster-General may at any time authorize any person to take absolute possession of cut down or destroy the whole or any part of any such line.

138. If any person having entered into an agreement with the Postmaster-General for the use by such person of any line of telegraphic communication demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same, he shall on conviction thereof be liable to a penalty not less than Two nor exceeding Fifty pounds.

139. Any person duly authorized in that behalf by the Postmaster-General may enter into any post office and take possession of all lettera &c. on property money orders letters goods chattels or effects therein belonging or appertaining to the Postal Department of Victoria, and may for such purpose remain for any reasonable time in such post office or in or upon the premises where such post office is situate; and whoever wilfully obstructs hinders or delays such person so entering taking possession and remaining as aforesaid shall be liable to a penalty not exceeding Twenty pounds.

140. If any person wilfully sends or delivers or causes to be sent or delivered to any public officer operator clerk or servant for the purpose of being transmitted as a telegraphic message any message or writing which purports to be signed or sent by any other person the same being so signed or sent without such person's authority, or wrongfully signs any telegraphic message with the name of any other person without such person's authority or with the name of some fictitious
person or wilfully and without the authority of the sender alter any message or writing, he shall on conviction thereof be liable to a penalty not exceeding One hundred pounds or to imprisonment for any term not exceeding one year or both.

141. If any person resist any person acting in execution of Part V. of this Act, the person so offending shall be liable to a penalty not exceeding Twenty pounds or imprisonment with hard labour for any period not exceeding two months.

142. If any person negligently break or injure any post or wire belonging to any telegraph he shall be liable to a penalty not exceeding Five pounds.

143. In any information for any offence committed upon or in respect of any mail bag mail box or mail parcel or any letter packet or parcel or newspaper sent by post or any property moneys money order or parcel goods chattels or effects under the management or control of the Postmaster-General, or where any act matter or thing has been done or committed with any malicious injurious or fraudulent design or purpose in anywise relating to or concerning the Post Office or any such property moneys money order postal notes goods chattels or effects as aforesaid, it shall be sufficient to state or allege the property to belong to and such act deed matter or thing to have been done or committed with the intent to injure or defraud the Postmaster-General without mentioning his name.

144. In any information or other proceeding under Part V. of this Act, it shall be sufficient to state any property of any line of telegraphic communication or any part thereof or of any work connected therewith to belong to and to lay it in the Postmaster-General for the time being.

145. One-half of the penalty recovered for any offence relating to electric telegraphs shall be paid to the informer or party prosecuting.

146. Every conviction or warrant shall be deemed valid in which the offence is set forth in the words of this Act; and no such conviction or any adjudication made upon appeal therefrom shall be quashed for want of form or be removed by writ of certiorari or otherwise into the Supreme Court.

147. If any action or suit be commenced against any postmaster or other officer or servant of the Post Office for anything done or omitted to be done in pursuance of this Act, the same shall be commenced within three months after the fact committed or omitted and not afterwards. And no such action shall 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 such action; and upon the back of such notice shall be endorsed the name and place of abode or business of the plaintiff and his attorney or agent if such notice have been served by such attorney or agent. And the defendant in such action may plead the general issue and give the special matter in evidence; and if it appear that the action was commenced after the time before limited for bringing the same, the jury shall find for the defendant.
SCHEDULES.

FIRST SCHEDULE.

<table>
<thead>
<tr>
<th>Date of Act.</th>
<th>Title of Act.</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>47 Vict. No. 781</td>
<td>&quot;The Post Office Act 1883&quot;</td>
<td>So much, except sections 138, 139, and the following words in section 140:— &quot;If any person be found offending against any of the two preceding sections of this Act, any other person may, with or without warrant, apprehend such offender, and may deliver him to some constable, or convey him before some justice to be dealt with according to law;&quot; as is not already repealed.</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE.

POSTAGE RATES.

LETTERS.

Inland, for every half-ounce or fraction thereof... ... ... One penny.
Foreign, to New South Wales, South Australia, Western Australia, Queensland, Tasmania, New Zealand, Fiji, or British New Guinea, for every ounce or fraction of an ounce... ... ... Two pence.
Other foreign, for every half ounce or fraction of half ounce... ... ... Sixpence.
Except in cases where special arrangements may be made with other governments.

NEWSPAPERS.

Inland, for every newspaper... ... ... ... ... ... One halfpenny.
Foreign, for every newspaper, to New South Wales, South Australia, Western Australia, Queensland, Tasmania, New Zealand, Fiji, or British New Guinea... ... ... One halfpenny.
Other foreign, for every newspaper... ... ... ... ... ... One penny.
In addition to any postage to be collected under arrangements with other governments.
Inland or foreign, to New South Wales, South Australia, Western Australia, Queensland, Tasmania, New Zealand, Fiji, or British New Guinea—If posted in bulk... ... ... ... ... ... One halfpenny.
The charge to be levied on the aggregate actual weight of the parcels lodged at any one time.
When posted otherwise than by a registered newspaper publisher or newsagent—
For each copy... ... ... ... ... ... One halfpenny.

PACKETS.

Inland, for every two ounces or fraction of two ounces... ... ... One penny.
Foreign, to New South Wales, South Australia, Western Australia, Queensland, Tasmania, New Zealand, Fiji, or British New Guinea, for every two ounces or fraction of two ounces... ... ... One penny.
Other foreign, not exceeding one ounce... ... ... ... ... ... One penny.
Exceeding one ounce and not exceeding two ounces... ... ... Two pence.
For every additional two ounces or fraction of two ounces after the first two ounces... ... ... ... ... ... Two pence.
In addition to any postage to be collected under arrangements with other Governments.
SECOND SCHEDULE—continued.

BOOKS AND MAGAZINES.

Inland, for every four ounces or fraction of four ounces ... ... One penny.
Foreign, to New South Wales, South Australia, Western Australia, Queensland, Tasmania, New Zealand, Fiji, or British New Guinea, for every four ounces or fraction of four ounces ... ... One penny.
Other foreign, not exceeding two ounces ... ... ... ... One penny.
Exceeding two ounces and not exceeding four ounces ... ... Two pence.
For every additional two ounces or fraction of two ounces after the first two ounces ... ... ... ... ... One penny.
In addition to any postage to be collected under arrangements with other Governments.

THIRD SCHEDULE.

I [A.B.] do 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 except 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 Postmaster-General or other officer in immediate charge of the Post Office any of the contents of any such letter or packet.

Declared before me, one of Her Majesty's Justices of the Peace in and for the 

FOURTH SCHEDULE.

I [A.B.] do solemnly declare that I have to the best of my knowledge delivered to [C.D.] every mail bag, mail box, mail parcel, letter packet, and newspaper that were 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 the 
