ANNO TRICESIMO NONO ET QUADRAGESIMO

VICTORIÆ REGINÆ.

A.D. 1876.

No. 49.

An Act to repeal “The Post Office Act, 1866,” and to make other provisions in lieu thereof.

[Assented to, 27th October, 1876.]

WHEREAS it is expedient to repeal “The Post Office Act, 1866,” and to make other provisions in lieu thereof—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as “The Post Office Act, 1876.”

2. The “Post Office Act, 1866,” is hereby repealed, except as to any things done, appointments made, contracts entered into, offences committed, penalties incurred, or proceedings instituted previously to the commencement of this Act: Provided that all securities given before the commencement of this Act for the fidelity of any postmaster or other officer or servant of the Post Office, and for the due accounting for, and payment by them respectively of moneys shall be as valid and effectual, and of as full force and virtue as if this Act had not been passed.

3. All letters, post cards, parcels, and newspapers received at any Post Office for delivery in South Australia, shall be deemed inland letters, post cards, parcels, and newspapers, and all letters, post cards,
Preliminary.
cards, parcels, and newspapers posted in South Australia for delivery in any of the Australian Colonies, Tasmania, or New Zealand, or received from any of those Colonies, shall be deemed Inter-Colonial letters, post cards, parcels, and newspapers, and all letters, post cards, parcels, and newspapers received from other countries or posted in South Australia for other countries, shall be deemed foreign or ship letters, post cards, parcels, or newspapers, within the meaning of this Act.

4. This Act shall be divided into parts, as follows:—

PART I.—General Provisions:
PART II.—Contracts for Conveyance of Mails:
PART III.—Money Orders:
PART IV.—Offences and Penalties:
PART V.—Legal Procedure and Evidence.

PART I.

GENERAL PROVISIONS.

5. The Governor may make rules and regulations for the establishing and managing of the several Post Offices within the said Province, and the receiving, dispatching, carrying, and delivering of letters, post cards, parcels, and newspapers, and the making, custody, and sale of stamps, and the receipt and payment of moneys in connection with the said Post Offices, and the conduct of all postmasters and other officers of the department; and for the granting of money orders, and the payment thereof, and in reference thereto, as is hereinafter more particularly provided; and the said rules and regulations may alter, revoke, or vary, and such other rules and regulations may establish in their stead, as with the advice aforesaid he shall deem expedient: Provided that all rules and regulations heretofore made shall continue in force until revoked by rules and regulations made under the provisions hereof.

6. The Governor may from time to time appoint and remove a Postmaster-General, Deputy Postmaster-General, and an Inspector or Inspectors of Stamps, and may appoint and remove, or depute to the said Postmaster-General the power to appoint and remove, such officers, clerks, and servants, as may be required for the General Post Office, Adelaide; and the said Postmaster-General may, from time to time, appoint and remove postmasters for the various post towns and places out of Adelaide, and may require and take from such postmasters such security as the Governor, with the advice aforesaid, by any regulations published in the Government Gazette, shall from time to time fix; and the said Deputy Postmaster-General shall, in the absence of the Postmaster-General from his office, have and exercise the like powers as
as the Postmaster-General, and that where in this Act anything is appointed to be done by the Postmaster-General, the same may be lawfully done by the Deputy Postmaster-General, although not particularly named.

7. The Postmaster-General, Deputy Postmaster-General, and every other postmaster, letter-carrier, or other person hereafter to be appointed under this Act, shall, before the exercise by him of the duties of his office, take and subscribe a declaration for the due execution of such duties before one of Her Majesty's Justices of the Peace for the said Province (which declaration such Justice is hereby authorized and required to administer) in the form set forth in the First Schedule to this Act.

8. All letters, post cards, parcels, and newspapers transmitted or received by post, except as hereinafter excepted, shall from and after the passing of this Act be charged such postage as the Governor shall, by such rules and regulations as are herein before mentioned, provide in that behalf by Proclamation to be published in the Government Gazette: Provided that such postage shall not exceed the scale and rates set forth in the Second Schedule to this Act, except as hereinafter mentioned, or in cases where any arrangement shall be made with the Postmaster-General of the United Kingdom, or with the constituted authorities in foreign countries or separate colonies, as hereinafter provided for. But every prepaid letter, post card, parcel, and newspaper received by post from any place beyond the limits of South Australia, shall be transmitted and delivered free of charge within the said Province, except as hereinafter mentioned, and except in cases where it is necessary to collect the postage under any arrangement to be made as hereinafter mentioned, in which case the same and all fees or other dues upon such letter, post card, parcel, or newspaper, shall be collected on or before the delivery thereof respectively.

9. The Governor may also from time to time, and by a like Proclamation, increase the rate of postage payable in respect of letters, post cards, parcels, or newspapers, to be dispatched from the said Province to the United Kingdom or to any Colony or Dependency of the said Kingdom, or to any Foreign State, but so that in no case shall such rate of postage be so increased except for the purpose of assimilating the rate of postage payable as aforesaid with the rate of postage payable in the said United Kingdom, other Colonies, or Foreign States, as aforesaid, and in order to secure a system of reciprocity and uniformity of rates.

10. The Governor may also, and by a like Proclamation, from time to time impose and alter fees to be paid upon letters, post cards, parcels, and newspapers posted after the time appointed by the Postmaster-General for closing the mails, and for the use of private boxes and bags.

11. Except
11. Except in cases expressly herein mentioned in that behalf, or where any arrangements shall be or have been made with the Postmaster-General of the United Kingdom, or with the proper authorities of any British possession or foreign country, the postage upon every letter, post card, parcel, or newspaper, and all fees (if any) upon such letter, post card, parcel, or newspaper shall be prepaid; and such prepayments respectively shall be made by affixing thereon postage stamps, not obliterated or defaced, to the value of the necessary postage (except in the case of post cards, upon which stamps will be impressed before they are issued from the General Post Office), and in default thereof such letter, post card, parcel, or newspaper shall not be transmitted or delivered, but shall be returned to the sender at once: Provided that all letters, parcels, and newspapers which shall be posted in and addressed to places within the said Province without the postage being prepaid, or with deficient postage, shall be charged double the amount of deficient or unpaid postage: Provided also, that postage at the ordinary rates on loose letters, parcels, and newspapers, received from masters of vessels, may be collected on delivery.

12. Notwithstanding the enactment lastly hereinbefore contained, whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale, then and in such case the postage and fees (if any) upon any letter, post card, parcel, or newspaper, may be prepaid in coin, and shall be acknowledged by such postmaster on the face or cover of such letter, parcel, or newspaper.

13. It shall not be necessary to prepay, by stamp or otherwise, the postage upon letters or parcels containing only returns of births, marriages, and deaths, transmitted in compliance with the provisions of the law in that behalf, by ministers of religion or other persons, whose duty it may be to transmit such returns to any officer appointed to receive the same; but the postage thereon shall be paid by the said officer on delivery of such letters or parcels respectively: Provided that the same shall contain such returns only, and shall, on the outside thereof, be stated to contain such returns only, and be signed by the minister or other person transmitting the same.

14. Members of the Executive Council and Members of the Legislature may receive or send by post Parliamentary documents, petitions, and addresses to Her Majesty, His Excellency the Governor, the Executive Council, or either branch of the Legislature, exempt from postage: Provided such documents, petitions, and addresses be sent without covers, or in covers open at both ends, and do not exceed thirty-two ounces in weight.

15. The following classes of persons may both send and receive letters, not exceeding half an ounce in weight, by post, on their own private concerns, on prepayment of a postage of One Penny for each letter, either in the said Province, or elsewhere (as the case may be), namely, every seaman employed in Her Majesty's Navy, whilst such seaman
seaman shall be actually employed in Her Majesty's service; every
sergeant, corporal, drummer, trumpeter, fifer, and private soldier in
Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery,
or Royal Marines, whilst actually employed in Her Majesty's service;
but the letters of commissioned officers, or warrant officers, whether
in the Army or Navy, or midshipmen or mates of the Navy, are not
included in this provision; and with respect to letters sent by any
such privileged persons, the following conditions shall be observed,
that is to say—the postage of each letter, unless sent from parts
beyond the seas as hereinafter mentioned, shall be paid on such
letter being put into a Post Office; and upon such letter shall be
subscribed the name of the writer, and his class or description in the
vessel, regiment, corps, or detachment to which he shall belong;
and upon every such letter there shall be written, in the handwriting
of, and signed by the officer having at the time the command of the
vessel, or of the regiment, corps, or detachment to which the privi-
leged person belongs, the name of such officer, and the name of such
vessel, or of such regiment, corps, or detachment; and with respect
to letters received by post by any of the said privileged persons, the
following conditions shall be observed, that is to say—the postage
of each letter, unless sent from parts beyond the seas as hereinafter
mentioned, shall be paid on its being put into a Post Office, and
it shall be directed to the privileged person, specifying on the super-
scription thereof the vessel, or the regiment, corps, or detachment to
which he shall belong; and whenever the letters sent or received
by any such privileged person shall be sent from parts beyond the
seas, and shall appear to have had any postage whatsoever prepaid
thereon, no Colonial postage shall be charged on delivery thereof
within the said Province.

16. The Governor may, from time to time, make, or cause
to be made, arrangements with the Postmaster-General of the
United Kingdom, or with the constituted authorities of any
British possession or foreign country, for the transmission to
any place beyond the limits of South Australia of letters,
parcels, or newspapers, posted in South Australia, and for the
delivery in South Australia of letters, parcels, or newspapers
received from such countries, either in closed 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, and every such arrangement here-
tofofore made for the purpose aforesaid is hereby confirmed and made
valid.

17. All newspapers printed in the said Province, posted at some
office within the limits of the city or town in which such news-
papers shall have been printed, and within six days of the date
of publication, and all newspapers published and posted within the
said Province for delivery beyond the limits of the same, and all
newspapers received through the Post Office from places beyond

Arrangements as to
prepayment or other-
wise of letters, &c.,
to or from other
countries.

Colonial newspapers,
and newspapers
received from abroad,
if under open covers,
and not written upon
excepting address,
exempt.
the limits of the said Province for delivery within the same shall, if unenclosed, or enclosed in any envelope open at both ends, be received, conveyed, and delivered free of all postage whatever, except where under arrangement made with the constituted authorities of other countries postage (payable in such countries) has to be prepaid or collected on delivery: Provided that no newspaper shall contain any note, letter, memorandum, or other thing, or writing therein or thereon, excepting only the direction on the outside thereof, and that the exemption from postage shall not extend to newspapers posted at any office for delivery at such office, or at any place within the limits of the city or town in which such office is situate.

18. The sum of One Penny shall be prepaid for every newspaper posted in South Australia for delivery in the said Province that is not entitled to be delivered free of postage.

19. Every publication consisting wholly or in part of political or other news, or of articles relating thereto, or to other current topics with or without advertisements, provided that it be published in numbers at intervals of not more than one month, that it be printed for sale on a sheet or sheets unstitched, that it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page, with or without a supplement, consisting wholly or in part of such matter as aforesaid, or consisting wholly or in part of engravings, prints, or lithographs illustrative of articles in such newspaper or supplement: Provided that no such supplement shall consist of only one advertisement, placard, or circular, and that every such supplement be enclosed in every copy or issue of the paper of which it forms the supplement, and in every case be printed on a sheet or sheets of paper unstitched, and published with such newspaper, and having the title and date of publication of the newspaper printed at the top of every page, or at the top of the first sheet or side on which any such matter appears, may be sent by post as a newspaper within the meaning of this Act.

20. The Governor may, from time to time, by order published in the Government Gazette, direct what parcels may be sent by post as parcels within the meaning of this Act, and upon what terms and conditions the same may be sent; and until any such order shall be made, the following may be sent by post as parcels within the meaning of this Act, that is to say—

i. Bankers' parcels containing notes (if registered), orders, cheques, or pass books, sent by or to any bank or banker:

ii. Parcels containing process of, or proceedings or pleadings in, any Court, briefs, cases, and instructions for counsel, and their opinions thereon respectively, deeds, instruments under the Real Property Act, affidavits, policies of assurance, letters of attorney, depositions, or recognizances:

iii. Parcels
III. Parcels containing patterns or samples of merchandize, either unenclosed or enclosed in transparent bags, or in bags tied round the neck and unsealed, so as to be easily loosened and refastened, if addressed to any place within the limits of the said Province, but if addressed to any place beyond the limits of the said Province, such parcels must not contain any articles having any saleable value of their own apart from their mere use as patterns or samples:

IV. Parcels open at both ends containing prices current (prices in which may be filled in in ink), pay sheets, invoices, circular letters (printed, engraved, or lithographed), and catalogues:

V. Parcels containing Acts of the South Australian or Imperial Parliament, or printed Votes and Proceedings of either House thereof respectively, or returns, or copies of returns, made by or to any officer in the Public Service:

VI. Parcels containing scrip, pamphlets, maps, plans, specifications, music, photographs (on paper), magazines, placards, almanacks, prospectuses, paintings, engravings, printers’ proofs, writing paper, music paper, periodical publications, bills of lading, drawings, and parchment or vellum (printed, engraved, or lithographed), intended for transmission in identical terms to several persons, names and dates being allowed to be filled in in writing:

VII. Parcels containing printed or plain books:

VIII. And (as inland and intercolonial parcels) parcels containing seeds in bags or paper, tied and unsealed, so as to be easily loosened and refastened.

Provided that all parcels posted for delivery beyond the limits of the said Province shall be open at the ends or sides thereof, excepting such as contain seeds, as provided for in subsection VIII.

21. The weight and dimensions of parcels shall be fixed by regulations approved by the Governor and published in the Government Gazette: Provided that no parcel shall exceed one pound in weight, nor be of greater dimensions in any one way than two feet in length by one foot in width and one foot in depth, nor shall there be in or upon any parcel or the cover thereof, any letter or epistolary communication or intelligence whatever, and on the outside of every parcel, in addition to the name and address of the person to whom such parcel is to be delivered, the sender thereof shall subscribe, or cause to be printed, his name and address, with a statement of the contents, thus—“Parcel without letter.”

22. No parcel containing any perishable substances, or any bladder or vessel containing any liquid, except any liquid medicines strongly packed in a tin case, and marked “Liquid medicines,” or any matches or other inflammable or explosive substance or compound, or any article, matter, or thing whatever which might by pressure or otherwise be

Provido, Weight and size of parcel limited.

What things not to be deemed parcels, or sent by post.
or be rendered in any way injurious to the contents of the mail-bags or to the officers of the Post Office, shall be deemed to be a parcel within the meaning of this Act, nor shall any such parcel be sent or transmitted by post, whether as a parcel or otherwise; and any postmaster may refuse to transmit by post any parcel purporting to be a parcel which shall contain or be reasonably suspected to contain any such thing as last aforesaid.

23. Every parcel or thing whatsoever, by whatever name called, or howsoever made up, which may be sent by post, or put or received into any Post Office for transmission or delivery by post, not being a newspaper or parcel as hereinbefore defined, or not being entitled to be transmitted free of postage under any of the provisions of this Act, or any parcel closed against inspection, except where allowed by this Act, shall be deemed to be a letter, and shall be liable to, and chargeable with, postage accordingly.

24. The Governor may authorize the Postmaster-General to cause postage stamps indicating such amounts of postage as may be from time to time deemed necessary for the purposes of this Act to be made or procured and sold to any person applying for the same.

25. The Postmaster-General may grant a licence to any person to deal in or to retail stamps; and any such person or any postmaster who may obtain from the Postmaster-General, at any one time, stamps to the value of Five Pounds or upwards, shall be allowed thereon a rebate at the rate of Two Pounds and Ten Shillings in the Hundred Pounds.

26. The stamps upon all letters and parcels shall be affixed or impressed upon the outside thereof, and on the same side as the address, and no postmaster shall be bound to take any notice of stamps which shall be affixed elsewhere upon any such letters or parcels.

27. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Postmaster-General shall from time to time authorize and direct, and shall sell the same, without premium, to any person desirous of purchasing them.

28. Except in the cases expressly herein mentioned, it shall be the duty of every postmaster to see that every letter, post card, parcel, or newspaper bears a stamp or stamps of the proper amount, according to the rate for the time being established by law.

29. In case any postmaster shall suspect or believe that any letter, newspaper, or parcel put into his office or received by him as such postmaster, and purporting to be a letter, newspaper, or parcel coming within any of the exemptions hereby created, or belonging, in respect of its contents, to one of the classes in which
The lower rate of postage hereinbefore mentioned is chargeable, does not in fact contain solely and only that which the same shall so purport to contain as aforesaid, or contains some paper, note, or other thing in writing, which under this Act would subject such letter, or parcel, or newspaper to postage, or to the higher rate of postage as the case may be, it shall be lawful for such postmaster, and he is hereby required, to mark upon such letter, newspaper, or parcel, treble the amount of postage to which such letter, newspaper, or parcel was originally liable, and such amount shall be demanded and received accordingly: Provided that in every such case of surcharge, if it shall at any time within ten days next following the delivery of the letter, newspaper, or parcel, be made to appear to the satisfaction either of the postmaster to whom the same was so delivered, or of the Postmaster-General, that the same was not in fact liable to postage, or to a higher rate of postage, then the amount of such surcharge shall be returned to the party who shall have paid the same: Provided also, that if the person to whom the letter, newspaper, or parcel is delivered shall so require, the postmaster by whom the same shall be so delivered shall, at the time of such delivery thereof, examine not only the outside but the contents of the said letter, newspaper, or parcel, in that person's presence, and thereupon demand and take only the postage lawfully due thereon, according to the provisions of this Act.

30. The Postmaster-General may detain or cause to be detained any letter, post card, newspaper, or parcel which shall be posted, or reasonably suspected to be posted, contrary to the provisions of this Act; and the same, and all refused and undelivered letters, post cards, newspapers, or parcels shall be forwarded to the General Post Office at Adelaide; and all such irregularly posted and refused and undelivered letters, post cards, newspapers, and parcels shall be immediately opened at the said General Post Office at Adelaide, in manner hereinafter provided, for the purpose of ascertaining the writer or sender thereof; and the Postmaster-General may detain any such letter, post card, newspaper, or parcel so posted contrary to the provisions of this Act, for the purpose of enabling him to sustain any prosecution which he may institute in respect of such letter, post card, newspaper, or parcel so posted as aforesaid.

31. The sender of any letter, post card, parcel, or newspaper, upon which the proper amount of postage shall be prepaid, shall be entitled to have the same registered at any Post Office on payment of the proper fee in postage stamps affixed to such letter, post card, parcel, or newspaper; but such registration shall not render the Crown, or the Postmaster-General, or any person in any manner liable for the loss of any such letter, post card, newspaper, or parcel, or the contents thereof; and all registered letters, post cards, parcels, and newspapers shall be received at any Post Office, and also be delivered at the place of delivery, at or between such hours in the day, and under such regulations in every respect as the Postmaster-General shall from time to time appoint.

32. Except
32. Except in the case of unclaimed, refused, undelivered, and irregularly posted letters, no letter, post card, parcel, or newspaper whatsoever shall, under any circumstances, be returned to the writer or sender thereof, without the express consent of the person to whom the same is directed; nor (except as hereinafter provided), unless by virtue of an express warrant in writing under the hand of the Minister in charge of the department, or some person by him duly authorized to sign such warrant, shall any letter, post card, parcel, or newspaper be sent or delivered to any other than the person to whom it is addressed, or his agent; or, in case of such person's death or absence, to his personal or other lawful representative or assignee.

33. All letters, post cards, parcels, or newspapers (other than those hereinafter directed to be transmitted to the General Post Office without delay) which shall have been received at any post office for delivery, shall be kept therefor a period not exceeding thirty days, during which time a list thereof shall be exposed in a conspicuous place in such post office, and at the expiration of such period of thirty days, or sooner if the postmaster at any such Post Office shall ascertain that the person to whom the same is addressed is not to be found at such address, the same shall be forwarded to the General Post Office at Adelaide; and forthwith, upon receipt of any such letters, post cards, parcels, or newspapers, so to be forwarded as aforesaid, if the same have been posted in the said Province, the Postmaster-General may cause the same to be treated as dead letters, and opened as hereinafter mentioned; or (excepting newspapers) if originally posted elsewhere, dealt with in the manner provided for in the clause immediately following; but every newspaper, wheresoever it was originally posted, shall be opened in the same manner as letters and parcels originally posted in South Australia.

34. The Postmaster-General shall, once in every month, or oftener if he shall think fit, cause a list to be published in the Government Gazette of all detained, unclaimed, refused, and undelivered letters, post cards, and parcels lying at the General Post Office, Adelaide, which shall have been received from any Australian Colony, Tasmania, New Zealand, or other country, since the last preceding publication of the like kind, and after a period of three months such of the letters, post cards, and parcels mentioned therein as shall have been originally posted in any other Australian Colony, Tasmania, or New Zealand, or after a period of six months such as shall have been originally posted elsewhere, and shall remain undelivered, shall be treated as dead letters, and be returned to the country or Colony from which they were originally received.

35. The Postmaster-General may cause all unclaimed and undelivered intercolonial or ship letters or parcels originally posted within the said Province which shall have been returned from the country
country or Colony to which they were forwarded, to be treated as dead letters and opened as hereinafter mentioned.

36. Every letter, parcel, or newspaper, which shall be opened under the provisions of this Act, 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 shall enter upon his duties in this respect, make and subscribe before the Postmaster-General or a Justice of the Peace, a declaration in the form set forth in the Third Schedule to this Act; and if any such officer shall act contrary to such declaration he shall be guilty of a misdemeanor, and punished accordingly.

37. The Postmaster-General shall cause all detained, unclaimed, refused, and undelivered letters, newspapers, or parcels whatsoever, posted in any part of the said Province, which shall have been opened under the provisions of this Act, to be forthwith returned to the writers or senders thereof, if the name and address of the writer or sender can be ascertained by examination of such letters, newspapers, or parcels, and such writers and senders shall thereupon be liable to pay the original postage payable thereon, if not prepaid; and if any such writer or sender shall refuse to receive any such letter, newspaper, or parcel, the same may be forthwith destroyed, but he shall nevertheless be liable to pay such postage as aforesaid thereon.

38. If upon the opening of any unclaimed, refused, or undelivered letter or parcel posted at any Post Office in South Australia, the same shall be found to contain any money or article of value, then the Postmaster-General (unless such contents shall have been posted 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 Act, or with intent to evade payment of the postage properly chargeable on such letter or parcel containing them) shall cause the same to be forthwith returned to the writer or sender thereof in the manner hereinbefore provided as a registered letter, such writer or sender to be liable for the registration fee payable in respect of a registered letter; and should any such letter or parcel be unclaimed by, or undelivered to, the writer or sender thereof at the expiration of twelve calendar months, and (it a letter) be destroyed under the provisions of this Act, then the Postmaster-General shall pay the same money, or the net proceeds of such article of value, after disposing of the same by public auction, to the Treasurer of the said Province as Ordinary Revenue: Provided, however, that the said money, or such proceeds of such article of value, shall be paid to the person entitled thereto, upon proof being given to the satisfaction of the said Treasurer that the person claiming is so entitled.

39. The Postmaster-General may cause to be destroyed all inland newspapers which shall be unclaimed, refused, or undelivered at any time.
PART I.

remaining unclaimed for six months, and letters remaining unclaimed for one year.

time after the expiration of three calendar months from the date of their being posted or returned from Inland Post Offices to the General Post Office; and all intercolonial or ship newspapers which shall be unclaimed, refused, or undelivered at any time after the expiration of six calendar months from the date of their receipt in the Colony or return from Inland Post Offices to the General Post Office. He may also cause to be destroyed or sold by public auction all inland parcels not dealt with under clause 37 of this Act which shall be unclaimed, refused, or undelivered at any time after the expiration of three calendar months from the date of their being posted or returned from Inland Post Offices to the General Post Office; he may also cause to be destroyed or sold as aforesaid all parcels received from places beyond the limits of the Colony and not returned as hereinbefore mentioned after the expiration of three calendar months from the date of the publication of the list in which they shall have been advertised; he may also cause to be destroyed all unclaimed, refused, undelivered, and irregularly posted letters, which shall continue to be so unclaimed after the expiration of one year from the date of the publication of the list in which they shall have been advertised in the Government Gazette: Provided that a list shall be preserved of every letter containing money or valuables, showing the address thereof, with the name of the writer, and the place at which the same purports to have been written.

40. Whenever any person shall be adjudged insolvent within the meaning of the laws for the time being in force in the said Province, it shall be lawful for the Commissioner of Insolvency to order that, until a date to be specified in such order, such date not to be later than the time when such insolvent shall have passed his last examination, the Postmaster-General shall deliver any letter addressed to such insolvent to the Official Assignee or other person in such order named, and the Postmaster-General shall deliver such letters accordingly.

41. Letters or parcels addressed to persons deceased may be delivered to the executors or administrators of such deceased person on production of probate of will or letters of administration; but in the event of there being no legal representative, the Postmaster-General may open such letters or parcels and deliver the same to some near relative of the deceased person.

42. Telegraphic messages upon which all fees payable in South Australia have been paid, may be transmitted by post as letters for delivery in South Australia, or in any of the Australian Colonies, Tasmania, or New Zealand without any payment for postage.

43. Every postmaster or other officer of the Post Office shall without delay transmit to the General Post Office every letter, post card, parcel, or newspaper not being exempt from postage, addressed to places beyond the limits of the Colony, which shall have been posted without any postage stamps thereon, or having stamps
stamps which have been previously obliterated or defaced (unless the postage thereon shall have been prepaid in coin), or bearing stamps of less value than one rate in the case of letters; and any such insufficiently-paid letter shall, upon its receipt at the General Post Office, be opened in the manner hereinafore provided, and be returned to the writer or sender thereof; also every inland, intercolonial, or ship letter, post card, parcel, or newspaper, posted, or reasonably suspected to be posted, or to contain any enclosure in fraud or violation of this Act, or of any Act relating to the Customs, or of any regulations or order made under the authority of this Act, or with intent to evade payment of the postage properly chargeable on such letter, post card, parcel, or newspaper, or which the person to whom it is addressed shall refuse to receive, or which bears a profane, obscene, or libellous address or signature, or which (in case any postage on the same respectively shall be payable) the person to whom it is addressed shall refuse to pay for.

44. Any letter or parcel received from the United Kingdom, any British possession, or foreign country, which may contain or be reasonably suspected to contain any article or articles or enclosure forwarded in violation of any Act or regulation of the Customs, or on which a Customs duty should be paid, shall be detained in the General Post Office, and shall be opened by the Postmaster-General or other duly authorized officer of the Post Office, in the presence of the person to whom such letter or parcel is addressed, and if found to contain any such dutiable article or articles or enclosure, such letter or parcel shall be forwarded to the Collector of Customs.

45. The Postmaster-General may at any time cause any letter, post card, parcel, or newspaper having anything blasphemous, obscene, offensive, or libellous written or drawn on the outside thereof, or any obscene enclosure found in any letter, parcel, or newspaper, to be forthwith destroyed.

46. The transmission of any letter, post card, parcel, or newspaper directed to any person in South Australia 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 be deemed sufficient delivery to such person, unless he or she shall by notice to the Postmaster-General signed by him or her have prohibited such delivery.
PART II.

CONTRACTS FOR CONVEYANCE OF MAILS.

47. The Governor may from time to time (subject to the provisions of this Act) make arrangements with the Postmaster-General of England, or with the constituted authorities of any British possession or foreign country, for the following purposes, that is to say—

First—For the establishment of mail communication by steam or otherwise, between South Australia and the United Kingdom and for payment of the expenses thereof:

Second—For the transmission by land or sea, of mails between South Australia and the United Kingdom, or any British possession or foreign country, as the case may be, and for payment of the expenses thereof:

Third—For the appointment, determining, and collection of postage and fees or other dues upon letters, parcels, and newspapers, conveyed between South Australia and such kingdom, possession, or country:

Fourth—For the division and mutual accounting for, and payment of the money collected under any such arrangement:

Fifth—For the purposes above mentioned, in the case of letters, parcels, and newspapers transmitted through South Australia, or the said kingdom, possession, or country, to or from any part of the world:

Sixth—For the prepayment in full or otherwise of the postage due on any letters, parcels, or newspapers.

48. The Postmaster-General (or any person from time to time authorized in that behalf by the Governor) may enter into contracts in writing on behalf of the Government, for or in respect of the carriage of mails by land and sea, or either of such modes, for a lump sum, or for a sum depending upon the number or weight of the letters, post cards, parcels, or newspapers so carried, and may impose such terms and conditions as to him shall seem fit, as to the vehicles and vessels to be employed, the times of departure and arrival, and otherwise for securing the due, regular, and efficient performance of the contract; and the said Postmaster-General, or other authorized officer, may sue and be sued upon such contracts accordingly.

49. All mail bags and packages, and also all loose letters and newspapers which at the time of the arrival of any ship or vessel within the limits of any port or harbor in the said Province, shall be on board of such ship or vessel, directed to any person or persons within the said Province or its dependencies, shall be delivered immediately on demand to the Postmaster-General, or any postmaster or port officer of such port or harbor, or to any person duly acting for
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for such Postmaster-General, postmaster, or port officer; excepting always letters concerning goods on board such ship or vessel, and to be delivered with such goods, and letters containing any conveyance or other deed, commission, writ, or affidavit, and letters sent by way of introduction only, or concerning the bearer’s private affairs.

50. The master, commander, or person in charge of any ship or vessel arriving at any port or harbor in the said Province, shall repair to the Post Office at such port, as soon after his arrival as shall be practicable, and shall then subscribe a declaration in the presence of some person authorized by the Postmaster-General to take such declaration; which declaration shall be in the form set forth in the Fourth Schedule to this Act; and until such declaration shall have been made, and a certificate of the making thereof, under the hand of the officer taking the same, shall have been produced to the Collector, Comptroller, or principal officer of Customs at such port or harbor, he shall not permit such ship or vessel to report.

51. Every master or person having the command of any ship or vessel (except Government or contract vessels, or packets as aforesaid) about to depart from the said Province for any port or place in or beyond the same, who shall receive on board any mail-bag or packages, for the purpose of conveying the same, according to the directions thereof, shall be entitled to demand and receive from the Postmaster-General, or postmaster, or port officer, who shall require him to take the same, for the carriage thereof, One Penny for every letter, post card, or parcel contained therein, addressed to places beyond the limits of the said Province, and One Halfpenny for every letter, post card, or parcel contained in any mail addressed to any place within the limits of such Province, newspapers excepted, such master or person giving a receipt for the amount so received by him, which receipt shall be a sufficient voucher for such payment, and the same shall be allowed such postmaster or port officer in his account accordingly; but nothing herein contained shall entitle the master or person in charge of any vessel under contract for the conveyance of mails to receive any gratuity for the same as aforesaid.

52. In all vessels by which mails shall be 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, post cards, parcels, and newspapers shall be locked up and carried apart from all other articles and things. And if such locker or place shall not be so provided, or if such mails, or any letter, post card, parcel, or newspaper shall be 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, on conviction thereof, forfeit and pay a penalty not exceeding Fifty Pounds, or where there is no contract the master of such vessel shall not be entitled to any reward or gratuity for carrying such letters or mails.

53. Every
PART II.

Twenty-four hours' notice of time of sailing to be given.

Six hours if coastwise.

53. Every master of any vessel, except Government or contract vessels, or packets as aforesaid, shall before sailing from any port within the said Province for any place beyond the limits thereof, give to the postmaster at the port from which such vessel shall be about to sail twenty-four hours' notice, in writing of the time or intended time of sailing of such vessel; and every master of any vessel not carrying mails under any such contract as aforesaid shall, before sailing from any port within the said Province for any other port within the same, give to the postmaster at the port from which such vessel shall be about to sail, six hours' notice, in writing, of the time or intended time of sailing of such vessel: And every such notice shall expire between the hours of nine o'clock in the morning and five o'clock in the afternoon; and every such master shall also from time to time give notice to such postmaster as aforesaid, of any postponement of such time of sailing; 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 shall have been given the vessel shall not be cleared.

PART III.

MONEY ORDERS.

54. The Governor may, from time to time (subject to the provisions of this Act), make arrangements with the Postmaster-General of 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 South Australia and the said United Kingdom, possession, or country, and for the accounting for and transmission of moneys connected therewith.

55. The Governor may, from time to time, make, rescind, or alter such regulations as shall be needed 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, and the restrictions as to number and amount under which money orders shall be issued, and to the persons in favor of whom, and the places where, and the times when, and the manner and form in which money orders issued shall be payable, and to the length of time during which money orders shall be current, and after which they shall become void, and to the circumstances under which the Postmaster-General may refund the whole or part of the money paid for any money order, and under which he shall cease to be liable to pay the money made payable under any money order, and to the manner of forwarding messages or advices through the electric telegraph, or otherwise 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.
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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.

56. All such arrangements and regulations shall be binding and conclusive upon the persons in favor of whom such money orders shall be issued, and the payees thereof, and all persons interested through or claiming under them, and upon all other persons whosoever, and shall have the same force and effect in all respects as if contained in this Act.

57. No action, suit, or other proceeding at law, or in equity, shall be brought, instituted, or commenced against the Postmaster-General, or any officer of the Post Office, or any other person whosoever 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 the refunding or the payment of the amount or part of the amount of any money order or any poundage thereto being refused or delayed, or on account of accidental neglect, or 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.

58. No money order shall be granted for a larger sum than Ten Pounds; and the Postmaster-General shall levy and receive, in respect of all money orders issued under the provisions of this Act, such rates of commission as the Governor shall, from time to time, by such regulations as aforesaid, appoint and fix.

59. 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 shall have been granted, his executors or administrators, whether such money order shall remain or be in his or their possession or not; and immediately after such repayment or refunding as aforesaid, all liability by or on the part of the Postmaster-General, or any 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 refunding of the amount thereof, shall as against all persons whatsoever cease and determine.

PART IV.

OFFENCES AND PENALTIES.

60. The Postmaster-General, or other officer duly authorized for the time being, shall have power, and it shall be his duty, to inflict fines upon officers employed in the service of the Post Office for neglect of duty or for mistakes in the transmission, sorting, or delivery of any mails, letters, post cards, or parcels, or for the omission to forward or deliver.
deliver any such mails, letters, or parcels, or for any error in the transmission or payment of any money order, advice, or money, the limit of such fines to be fixed by regulations to be approved by the Governor.

61. If any person having entered into any contract with the Postmaster-General for the carriage or conveyance of any mails shall, during the continuance thereof, unlawfully refuse or neglect to perform the same, or shall in any manner omit to comply with any stipulation or provision therein, he shall forfeit and pay a penalty or sum of not more than One Hundred Pounds over and above the penalty recoverable upon such default, by virtue of any bond into which such person, or his surety or sureties, may have entered for the due performance of the contract.

62. Any master, passenger, or other person on board of any ship or vessel arriving at any port or harbor in the said Province, who shall delay the delivery of, or shall knowingly or negligently detain on board of such ship or vessel, or keep in his possession any mail-bag, mail-box, packet of letters, letter, post card, or newspaper (except as mentioned in clause 49 of this Act), after demand made, as in such clause mentioned, shall forfeit and pay for every letter, post card, or newspaper so delayed, detained, or kept, a penalty or sum not exceeding Fifty Pounds.

63. Any master or commander of any ship or vessel arriving at any port or harbor in the said Province, failing or neglecting to make the declaration prescribed by clause 50 of this Act, or making a false declaration, shall forfeit and pay a penalty or sum not exceeding One Hundred Pounds.

64. All mail-bags and packages which are conveyed, or required by law to be conveyed by post, from one part of the said Province to another, and which, at the time of the arrival of any steam-boat or other vessel, within the limits of any port, post town, or other place at which mails or mail-bags are to be delivered, shall be on board such steam-boat or other vessel, shall be delivered on demand to any port officer or postmaster of such port, post town, or other place, as aforesaid, or to any person duly authorized to act for them, or either of them; and any master, commander, or other person belonging to any such steam-boat or other vessel having charge of such mails, who shall neglect or refuse to deliver or return the same on demand, as aforesaid, or shall detain, or permit the detention of the same on board such steam-boat or other vessel, or shall not use such diligence in the delivery thereof, as well as for the secure and dry custody of the same, while they shall be in his charge, shall forfeit and pay for every such offence a penalty or sum not exceeding Fifty Pounds.

65. If any master or person having the command of any ship or vessel about to depart from the said Province shall (after being thereto
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Part IV.

Masters of steamers or other vessels coast-wise compelled to take mails, under a penalty.

Penalty for not giving notice of sailing.

Vessels not sailing pursuant to notice, mails and gratuities may be recovered back.

Penalty for not having-to for mail-boat.

Penalty on persons putting in or sending letters as exempt from postage, or as liable to

thereto required by the Postmaster-General, or by any such postmaster, or port officer, or by any person duly authorized to act for them, or either of them) refuse or wilfully neglect to receive on board such ship or vessel, any mail-bags or packages, or to give a receipt for the same, or shall refuse or neglect carefully to deposit such mail-bag or packages in some secure and dry place on board of such ship or vessel, or to convey the same upon her then intended voyage, such master or person shall for every such offence forfeit and pay a penalty or sum not exceeding One Hundred Pounds.

66. If the master, commander, or other person having the charge of any steam-boat or other vessel proceeding or about to proceed from any port or place within the said Province to some other port or place within the same, shall refuse or neglect to receive any such Post Office mail on board such steam-boat or other vessel, or to give a receipt for the same, being thereto required, he shall forfeit and pay a penalty or sum not exceeding Fifty Pounds.

67. Every master or person in charge of any steam-boat or other vessel not carrying mails under a contract with Her Majesty's Government, or with the Government of any British possession or foreign country, or with the Government of the said Province, who shall omit to give notice as is required by clause 53 of this Act, or who shall depart from the said port before the expiration of the time mentioned in such notice, shall for every such offence forfeit and pay the sum of Fifty Pounds.

68. Whenever the master or person in charge of any steam-boat or other vessel shall have received mails from any postmaster, for conveyance on board of such steam-boat or other vessel, and such steam-boat or other vessel shall not depart on her voyage according to the time fixed for the departure thereof, by any notice given as herein provided, such master or person having the command 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 on conviction thereof forfeit and pay any sum not exceeding Two Hundred Pounds.

69. Every master or person in charge of any steam-boat or other vessel who shall refuse to heave-to or stop for the mail-boat, when required by the person in charge of the same, such mail-boat carrying a distinguishing flag with the words “Mail-Boat” inscribed thereon, and every master of a vessel who shall evade, or attempt to evade, any such mail-boat, shall for every such offence forfeit and pay a sum not exceeding Ten Pounds nor less than Forty Shillings.

70. If any person shall knowingly send or put, or cause to be sent or put, to or into any Post Office, any letter, newspaper, or parcel, purporting to come within any of the exemptions mentioned in
in Part I. of this Act, or to belong in respect of its contents to one of the classes in which a lower rate of postage as mentioned in Part I. is chargeable, but which letter, newspaper, or parcel shall, to the knowledge of such person, not contain solely and exclusively that which the same is by this Act authorized to contain, or shall, to the knowledge of such person, contain or have written thereon or therein some letter, paper, note, communication, writing, or thing which under this Act would subject the same to postage, or to the higher rate of postage, the person so offending shall forfeit and pay a penalty of not less than Ten nor more than One Hundred Pounds.

71. If any person shall fraudulently forge, alter, or imitate, or assist in forging, altering, or imitating, or shall use, offer, utter, or dispose of any forgery or imitation of any stamp, 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.

Penalty for engraving false plates, &c.

72. If any person, without the authority of the Postmaster-General (the proof of which authority shall be upon the party accused), shall make, or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his custody or possession any plate peculiarly employed for printing any stamp used for the purposes of this Act, or any Act relating to postage, or any die or seal peculiarly used for preparing any such plate, or any plate, die, or seal intended to imitate any such plate, die, or seal as aforesaid, shall be guilty of felony, and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labor for any term not exceeding ten years.

Making moulds for stamps, or making or possessing paper for imitating stamps, felony.

73. If any person shall make, or cause to be made, or assist in making, or knowingly have 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 postage stamps, or if any person (except as before excepted) shall make, or procure to be made, or aid, or assist in making, or knowingly have in his custody or possession, without lawful excuse (the proof whereof shall lie on the party accused), any paper, in the substance of which shall appear visible any words, letters, figures, marks, lines, or devices peculiar to paper heretofore or hereafter to be used or provided for postage stamps, or any parts of such words, letters, figures, marks, lines, or devices, and intended to imitate or pass for the same, then, and in every such case, every person so offending shall, for every such offence, be adjudged a felon, and shall be imprisoned for any period not exceeding seven years as the Court shall award, with or without hard labor.

Penalty for counterfeiting stamps.

74. If any person without lawful excuse (the proof whereof shall lie on the party accused) shall purchase, or receive, or take, or have in
in his custody or possession, any paper, provided by the Postmaster-General for the purpose of being used for postage stamps, before the same shall have been issued by him for public use, every such person shall for such offence be deemed guilty of a misdemeanor, and shall be imprisoned, with or without hard labor, for not more than two years nor less than six months.

75. Letters, post cards, newspapers, or parcels bearing stamps which have been previously obliterated or defaced, shall be treated as unpaid, and the Postmaster-General may open, detain, and keep such letters for a reasonable time, until the same shall have been used or produced by him in evidence; and if any person shall wilfully and fraudulently remove from any postage stamp which has been previously used, any mark which shall have been made thereon at any Post Office by way of obliteration or defacement, for the purpose of indicating that such stamp has been once used, or shall knowingly or fraudulently put off or use, or attempt to put off or use, any such stamp, the person so offending shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any period not exceeding three years.

76. No letter shall be sent or carried for hire or reward otherwise than by post. And any person who for hire or reward shall send or convey any letter otherwise than by post, or who shall take charge of the same for such conveyance, shall on conviction thereof forfeit and pay for every such letter any sum 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 deemed to have been so sent, conveyed, or taken charge of for hire or reward, unless the contrary shall 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 bona fide sent or carried to or from the nearest Post Office.

77. If any postmaster, post officer, or master of any steamboat or vessel, or other person duly authorized to receive or dispatch any mails, shall neglect or fail to deliver, or shall retard the delivery of, any bag, box, mail, letter, post card, parcel, or newspaper, he shall, for every such offence, forfeit and pay a penalty or sum not exceeding Fifty Pounds.

78. Any postmaster or other officer belonging to the Post Office, or master of a vessel, or other person employed by or under a postmaster, or in the receiving, sorting, carrying, conveying, or delivering of letters, or otherwise in the business of the Post Office, who shall offend against, or wilfully neglect or omit to comply with, any
any of the rules and regulations so from time to time to be made as hereinbefore mentioned, or any of the provisions of this Act, for breach or neglect of which no other punishment is hereby provided, shall for every such offence, neglect, or omission, forfeit and pay a penalty or sum not exceeding Fifty Pounds.

79. If any person, whether employed in the Post Office or otherwise, shall fraudulently take from the possession of any postmaster, or person employed to convey letters, or from out of any Post Office, or place appointed for the receipt or delivery of letters, or shall steal, or shall for any purpose embezzle, take, secrete, or destroy any letter, post card, newspaper, or parcel, or mail of letters, or other printed paper, or any matter or thing enclosed in any such letter, parcel, or mail sent, or to be sent, by such post, every such person so offending shall be deemed guilty of felony, and on conviction thereof shall be liable to be imprisoned, with or without hard labor, for any term not exceeding seven years.

80. Any person who shall fraudulently or wilfully, for the space of twenty-four hours, retain, secrete, keep, or detain, or being required by any officer of the Post Office, shall neglect or refuse to deliver up any post letter, post cards, newspaper, or parcel, which ought to have been delivered to any other person, or a letter-bag or mail, whether the same shall have been received or found by the person secreting, keeping, or detaining, or neglecting, or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard labor, for any period not exceeding twelve months.

81. If any person shall by means of any false pretence or misstatement induce any postmaster or other officer or servant of the Post Office to deliver to such person any letter, post card, parcel, or newspaper sent by post, and not addressed to such person, he or she shall on conviction thereof forfeit and pay any sum not exceeding Fifty Pounds.

82. If any postmaster or other officer or servant of the Post Office shall, contrary to his duty, open or tamper with, or suffer to be opened or tampered with, any mail-bag, mail-box, or mail-parcel, or any letter, post card, parcel, or newspaper, he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned, with or without hard labor, for any term not exceeding three years.

83. Any person not being a postmaster, or not being duly authorized, who shall on any pretence whatever, open, or endeavour to open any letter bag or mail, shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned, with or without hard labor, for any term not exceeding three years.

84. If any officer of the Post Office who shall be specially nominated by the Postmaster-General, in accordance with the provisions
visions of this Act, for the purpose of opening all letters, newspapers, and parcels, which shall require to be opened, as hereinbefore mentioned, shall act in contravention of this Act, or of his oath or affirmation, to be made as set forth in the Third Schedule to this Act, he shall for every such offence forfeit and pay a sum of not less than Five Pounds nor more than One Hundred Pounds.

85. If the driver of any mail coach or other carriages used for the conveyance of the mail, or the guard, or any person in charge of a mail, whether conveyed by any such carriage, or on horseback, or foot, shall loiter on the road, or wilfully misspend or lose time, or shall not in all possible cases convey such mail at the speed of such a number of miles an hour as are fixed by the Postmaster-General for the conveyance thereof, unless the circumstances of the weather, or the badness of the roads, or the occurrence of any accident, shall prevent the same, then, and in every such case, such driver, or guard, or person in charge, as the case may be, so offending, shall forfeit and pay a sum not exceeding Five Pounds for every such offence without prejudice to any penalties or fines that may be inflicted in terms of the contract or agreement for the conveyance of such mails.

86. If any person shall put into any Post Office, or into any pillar or box, or other receptacle for the receipt of letters or newspapers to be sent by post, any filth, stones, dirt, or rubbish of any description, he shall forfeit and pay a sum not exceeding Ten Pounds.

87. Any person who shall post or cause to be posted, or attempt to post at any Post Office, or put into any Post Office, or any pillar, or box, or other receptacle for letters or newspapers, any matches or other inflammable or explosive substance or compound, or any letter or parcel containing any liquid, or liquid medicines, unless such liquid medicines be strongly packed in a tin case and marked "Liquid Medicines," or any article or thing which might, by pressure or otherwise, be or be rendered in any way injurious to the contents of the mail bags or to the officers of the Post Office, shall forfeit and pay a penalty of not less than Five Pounds nor more than Fifty Pounds.

88. Whoever shall enclose in or with any letter, parcel, or newspaper, or shall put into any Post Office, or into any pillar, box, or other receptacle for the receipt of letters, parcels, or newspapers, to be sent by post, any of the several poisons called arsenic, corrosive sublimate, prussic acid, essential oil of bitter almonds, or strychnine, shall be liable on conviction thereof to a penalty not exceeding Fifty Pounds.

89. No licensed vehicle shall stand or ply for hire opposite the General Post Office, nor within twenty yards on either side thereof, and every driver or person having the management of any vehicle, who shall permit the same to stand or ply for hire contrary to this provision
provision, shall forfeit for every such offence a sum not exceeding Five Pounds; and every hawker, newsvendor, or idle or disorderly person, who shall loiter in or about the hall, or any part of the building for the time being used as the General Post Office, or on the flagway or pavement in front thereof, shall forfeit for every such offence a sum not exceeding Two Pounds.

90. If any person or owner or occupier of any building shall, without the permission of the Postmaster-General, knowingly suffer or permit any letter-box or receptacle for letters to remain open thereon or therein, or who shall knowingly suffer or permit to be or remain in or upon any building, not being a Post Office, any words, letters, marks, or devices whatsoever, whereby any person may be misled or induced to believe that such building is a Post Office; or any person who shall place or keep upon any vehicle, carriage, or boat, except the same shall be used with the sanction of the Postmaster-General, the words "Royal Mail," "Mail Coach," "Mail Boat," the letters "R.M.," or any other words, letters, marks, or devices whatsoever, calculated to lead to the belief that such vehicle, carriage, or boat, is employed with such sanction as aforesaid, or for carrying mails, shall forfeit and pay a penalty of not less than Five Pounds nor more than Twenty Pounds.

91. Any person who shall post, or cause to be posted, any insulting letter or post card without any signature, or with an anonymous signature, or a signature purporting to be the signature of any other person, or of some person who never existed, or who shall under any circumstances post, or cause to be posted, any obscene letter, shall forfeit and pay for every such offence a penalty of not more than Twenty Pounds, or at the discretion of the Court shall be imprisoned for any term not exceeding six months, with or without hard labor.

92. Any person who shall be employed in the carrying or delivering of any mails, letters, post cards, newspapers, or parcels, who shall lose or omit to deliver the same in due course, and notwithstanding that the same may be subsequently found and delivered, shall be liable for every such loss or omission to forfeit and pay a penalty of not more than Twenty-five Pounds.

93. The provisions of an Act, passed on the ninth day of December, one thousand eight hundred and fifty-three, No. 19, intituled "An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle;," also, an Act, passed on the fourteenth day of September, one thousand eight hundred and fifty-four, numbered 1, intituled "An Act to amend an Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill-treatment of horses and cattle," shall extend and apply to all conveyances used for carrying mails, and whether at a greater distance from the external boundary of the City of Adelaide than thirty miles or not.

94. If
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94. If any person shall knowingly and fraudulently put into any Post Office any parcel, or any packet purporting to be a parcel, in or upon which, or the cover thereof, there shall be any letter, communication, or intelligence not allowed by law, or shall wilfully subscribe on the outside of any parcel or packet as aforesaid a false statement of the contents thereof, he shall, on conviction, forfeit and pay a sum of not less than Ten Pounds nor more than One Hundred Pounds.

95. If any person shall knowingly and fraudulently put into any Post Office any newspaper, in or upon which or the cover thereof there shall be any communication, character, figure, letter, or number (other than a line drawn through any report, article, or paragraph therein, the printed title of such newspaper, the 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 words “Newspaper only”), or in or with which anything shall be enclosed, or which anything shall accompany, or if any person shall wilfully place 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, on conviction thereof, forfeit and pay a sum of not less than Ten Pounds nor more than One Hundred Pounds.

96. Any person who shall unlawfully issue any money order with a fraudulent intent shall be guilty of felony, and on conviction thereof shall be liable to be imprisoned, at the discretion of the presiding Judge, for any term not exceeding three years, with or without hard labor, and with or without solitary confinement.

97. Every person who shall with fraudulent intent send, or cause to be sent, any message or advice through the electric telegraph or otherwise concerning any money order, or any money, or commission due or receivable from or by any person, in respect of any money order, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be punished with fine or imprisonment, or both, at the discretion of the presiding Judge, such imprisonment not to exceed three years, and to be with or without hard labor, and with or without solitary confinement, and such fine not to exceed One Hundred Pounds.

PART V.
LEGAL PROCEDURE AND EVIDENCE.

98. All proceedings for offences against this Act or against any rule or regulation to be made by virtue hereof as aforesaid, in respect of which offences any pecuniary fine or penalty is imposed, shall be heard and determined, and such fines and penalties may be inflicted in a summary way by any Special Magistrate or two or more Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, “To facilitate the performance of the duties...
of Justices of the Peace out of Sessions with respect to summary convictions and orders,” or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance is mentioned.

99. In any suit or other proceeding for the recovery of any postage, payable under or by virtue of this Act, the person from whom any letter, post card, newspaper, or parcel, in respect of which any postage shall be sought to be recovered, shall purport to have come, shall be deemed the sender thereof, and the onus shall lie upon the party proceeded against, to prove that the same did not come from, and was not sent by him.

100. In all proceedings whatsoever for the recovery of any postage, the Post Office charge upon any letter, post card, newspaper, or parcel shall, in all cases, be evidence of the liability thereof to be so charged, and that the sum so charged thereupon is payable as and for the postage thereof.

101. In any indictment, information, or complaint, for any offence committed upon or in respect of any mail-bag, mail, box, or mail-parcel, or any letter, post card, parcel, or newspaper, sent by post, or any property, moneys, money orders, goods, chattels, or effects, under the management or control of the Postmaster-General, or where any act, matter, or thing shall have been done or committed with any malicious, injurious, or fraudulent design, intent, or purpose, in anywise relating to or concerning the Post Office, or any such property, moneys, money orders, 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 of South Australia, without any further or other name, addition, or description whatever.

102. When any fine or penalty shall have been imposed under the authority of this Act, it shall be lawful for the Special Magistrate or Justices of the Peace, or Local Court of Adelaide, as the case may be, by whom such fine or penalty shall have been imposed, to order that, in default of payment thereof, the person on whom such fine or penalty shall have been imposed may be imprisoned, with or without hard labor, for any period not exceeding six calendar months.

103. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts;
but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

104. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court may make such order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be enforced in manner provided for the enforcement of orders of Justices under the said Ordinance No. 6 of 1850.

105. Save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by certiorari or otherwise, into the Supreme Court of the said Province.

106. All moneys that may be received for postage rates or duties to be levied as aforesaid, or for penalties, or as fees under and by virtue of this Act, shall be and are hereby reserved to Her Majesty, Her heirs and successors, for the public uses of the said Province, and the support of the Government thereof.

107. All actions and suits to 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 shall be commenced within three calendar months after the act was committed or omitted, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends, but in such last-named case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue, or if upon demurrer judgement shall be given against the plaintiff, the defendant shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.

FIRST
FIRST SCHEDULE.

I, A.B., do solemnly and sincerely declare, that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter, post card, or parcel which shall come into my hands, power, or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom such letter, post card, or parcel shall be directed, or by an express warrant in writing for that purpose under the hand of the Governor, or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act, law, or duly authorized regulation of the Province of South Australia, now or hereafter passed and made, or to be passed and made, for or in relation to the postage and conveyance of letters.

SECOND SCHEDULE.

<table>
<thead>
<tr>
<th>Description</th>
<th>Inland</th>
<th>Intercolonial</th>
<th>Foreign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post Cards</td>
<td>0 1</td>
<td>0 2</td>
<td>0</td>
</tr>
<tr>
<td>Upon Letters—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not exceeding half an ounce</td>
<td>0 2</td>
<td>0 2</td>
<td>0 6*</td>
</tr>
<tr>
<td>For every additional half-ounce, or fraction of half-ounce</td>
<td>0 2</td>
<td>0 2</td>
<td>0 6*</td>
</tr>
<tr>
<td>Upon Parcels—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not exceeding one ounce</td>
<td>0 1</td>
<td>0 1</td>
<td>0 1*</td>
</tr>
<tr>
<td>Not exceeding two ounces</td>
<td>0 1</td>
<td>0 2</td>
<td>0 2*</td>
</tr>
<tr>
<td>Exceeding two, but not exceeding four ounces</td>
<td>0 2</td>
<td>0 4</td>
<td>0 4*</td>
</tr>
<tr>
<td>For every additional two ounces, or fraction of two ounces</td>
<td>0 1</td>
<td>0 2</td>
<td>0 2*</td>
</tr>
</tbody>
</table>

* In addition to any Foreign Postage to be levied.

THIRD SCHEDULE.

I, A.B., do solemnly declare, that I will not intentionally read the contents, or any part of the contents, of any letter, newspaper, or parcel which I may open in the discharge of my duty, except so far as it may be necessary so to do for the purpose of ascertaining the same and address of the writer or sender of the same; and that I will not divulge to any person whomsoever, except to the Postmaster-General upon demand by him, any of the contents of any such letter, newspaper, or parcel which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

FOURTH SCHEDULE.

I, A.B., the master or person in charge of [state the name of the ship or vessel], arrived from [state the place], do, as required by law, solemnly declare, that I have to the best of my knowledge and belief delivered, or caused to be delivered, to the person duly authorized to receive delivery thereof, every letter, bag, package, or parcel of letters or packets, that were on board the [state the name of the ship or vessel], except such letters as are exempt by law from postage.