



ANNO DECIMO-NONO

VICTORIÆ REGINÆ,

No. 4.

*By His Excellency SIR HENRY EDWARD FOX YOUNG, Knight,
Captain-General and Governor-in-Chief of the Island of Van
Diemen's Land and its Dependencies, with the Advice and
Consent of the Legislative Council.*

AN ACT to amend "The Post Office Act, 1853."
[21st August, 1855.]

WHEREAS "The Post Office Act, 1853," requires amendment: **PREAMBLE.**
Be it therefore enacted by His Excellency the Governor of Van
Diemen's Land, by and with the advice and consent of the Legislative
Council, as follows:—

1 For the purpose of discovering whether any newspaper sent by the post contains any article, letter, printing, writing, or thing contrary to the provisions of "The Post Office Act, 1853," it shall be lawful for the Postmaster-General, or any officer of the Post Office authorised by him in that behalf, to open, examine, and search any newspaper put into or sent by the post; and in case any such newspaper shall be found to contain any article, letter, printing, writing, or thing whatsoever contrary to the provisions of the said Act, it shall be lawful for the said Postmaster-General, or such other officer as aforesaid, to detain such newspaper and the contents thereof; and the same may be destroyed by the Postmaster-General at such periods as he may think fit. **Newspapers may be opened and examined.**

2 All inland letters and packets addressed to or by any Member of the Legislature for the time being of this Colony during Session, **Certain letters and packets exempted from postage.**

and all inland letters and packets *bonâ fide* on the public service only addressed at any period to any such Member on which there shall be endorsed the words "On Public Service only," with the signature and address of the sender subscribed thereunto, and all letters and packets addressed to the Private Secretary, shall be exempt from postage: Provided, that no such letter or packet addressed to or by any such Member shall exceed, in the case of a letter one ounce in weight, and in the case of a packet four ounces in weight.

Refused letters and packets may be opened and dealt with forthwith,

3 The twenty-third and twenty-fourth sections of the said Act, so far as such sections affect or relate to refused letters and packets, shall be and are hereby repealed; and henceforth all letters and packets refused by the parties to whom they are addressed shall be forwarded to the Postmaster-General by the first opportunity after such refusal, and shall forthwith after receipt at the General Post Office at *Hobart Town* be opened and dealt with in the manner provided by the twenty-sixth and twenty-seventh sections of the said Act.

Provides for persons employed in the Post Office stealing letters, &c.

4 Any Postmaster or other Officer belonging to the Post Office, or person employed by or under any Postmaster in the receiving, sorting, carrying, conveying, or delivering of posted letters or packets, or other person whomsoever employed under or in the carrying out of the provisions of "The Post Office Act, 1853," who shall steal, or shall for any purpose whatsoever embezzle, secrete, or destroy, any posted letter, packet, or newspaper shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for any term not less than four and not exceeding eight years; and if any such letter or packet so stolen, or embezzled, secreted, or destroyed, shall contain therein any chattel, money, or valuable security, such offender shall be liable to be kept in penal servitude for the term of life, or for any term not less than four years.

Provides for persons stealing property out of letters.

5 Any person who shall steal from or out of a posted letter or packet any chattel, money, or valuable security shall be guilty of felony, and shall, on conviction thereof, be liable to be kept in penal servitude for the term of life, or for any term not less than four years.

Provides for persons stealing abgs of letters, &c.

6 Any person who shall steal or unlawfully take any bag, box, or package containing posted letters, packets, or newspapers, or who shall steal or unlawfully take any posted letter or packet, containing any chattel, money, or valuable security, from or out of any bag, box, or package containing posted letters, or packets, or from or out of any Post Office, or from any person whomsoever employed under or in carrying out the provisions of "The Post Office Act, 1853," or who shall steal or unlawfully take any posted letter, packet, or newspaper from a mail, or who shall rob or search a mail, or stop a mail with intent to rob or search the same, shall be guilty of felony, and shall, on conviction thereof, be liable to be kept in penal servitude for the term of life, or for any term not less than four years.

Provides for stealing letters, &c.

7 Any person who shall steal or unlawfully take any posted letter, packet, or newspaper from or out of any bag, box, or package containing posted letters, packets, or newspapers, or from or out of any Post Office, or from any person whomsoever employed under or in carrying out the provisions of "The Post Office Act, 1853," or who shall unlawfully open any bag, box, or package containing posted

letters, packets, or newspapers, shall be guilty of felony, and shall, on conviction thereof, be liable to be kept in penal servitude for any term not less than four and not exceeding eight years.

8 Any person who shall receive any posted letter, packet, or newspaper, or any bag, box, or package containing posted letters, packets, or newspapers, or any chattel, money, or valuable security, the stealing, embezzling, secreting, or taking whereof shall amount to a felony under this Act, knowing the same to have been feloniously stolen, embezzled, secreted, or taken, and to have been sent or to have been intended to have been sent by post shall be guilty of felony, and may be tried and convicted either as an accessory after the fact or for a substantive felony; and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable to be kept in penal servitude for the term of life, or for any term not less than four years.

Provides for receivers of stolen letters, &c.

9 In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver) shall, on conviction, be liable to be imprisoned with or without hard labour for any term not exceeding two years, and to be kept in solitary confinement for such portion of such term of imprisonment not exceeding in the whole three months as to the Court shall seem meet.

Provides for principals in the second degree and accessories.

10 Any person who shall solicit or endeavour to procure any other person to commit a felony punishable by this Act shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned, with or without hard labour for any term not exceeding two years, and to be kept in solitary confinement for such portion of such term of imprisonment not exceeding in the whole three months, as to the Court shall seem meet.

Provides for persons procuring the commission of a felony under this Act.

11 In every case where an offence shall be committed in respect of a posted letter, packet, or newspaper, or a bag, box, or package containing posted letters, packets, or newspapers, or a chattel, money, or valuable security forwarded by the post, it shall be lawful to lay in the information to be filed against the offender the property in such letter, packet, or newspaper, or bag, box, or package, or chattel, money, or valuable security, to be in the Postmaster-General, and it shall not be necessary to allege in the information, or to prove upon the trial or otherwise, that such letter, packet, or newspaper, or bag, box, or package, or chattel, money, or valuable security, was of any value; and in any information to be filed against any person employed under or in the carrying out of the provisions of "The Post Office Act, 1853," for any offence committed against the Laws for the time being in force relating to the Post Office, it shall be lawful to state and allege that such offender was employed under the Post Office of the Colony of Van Diemen's Land at the time of the committing of such offence, without stating further the nature or particulars of his employment.

Property in letters, &c. stolen may be laid in the Postmaster-General.

12 In the construction and for the purposes of the Laws relating Interpretation.

to the Post Office from time to time in force, and of all proceedings under such Laws, the following terms and expressions shall have the several interpretations hereinafter set forth, unless there is something in the context repugnant to such construction :—

- “ Mail.” The term “ Mail ” shall extend to and include every conveyance by which posted letters, packets, or newspapers are carried, whether it be a coach or cart, or horse, or any other conveyance, and also a person employed in conveying posted letters, packets, or newspapers.
- “ Posted Letter.”
“ Posted Packet.”
“ Posted Newspaper.” The terms “ Posted Letter,” “ Posted Packet,” and “ Posted Newspaper ” shall respectively mean any letter, packet, or newspaper forwarded by the post under the authority of the Postmaster-General ; and a letter, packet, or newspaper shall be deemed a posted letter, packet, or newspaper from the time of its being delivered to a Post Office to the time of its being delivered to the person to whom it is addressed ; and the delivery to a letter-carrier or other person authorised to receive letters, packets, or newspapers for the post shall be a delivery to the Post Office ; and a delivery at the house or office of the person to whom the letter, packet, or newspaper is addressed, or to him, or to his servant or agent, or other person considered to be authorised to receive the letter, packet, or newspaper, according to the usual manner of delivering that person’s letters, packets, or newspapers, shall be a delivery to the person addressed.
- “ Post Office.” The term “ Post Office ” shall mean any house, building, room, or place where letters, packets, or newspapers forwarded by post are received or delivered, or in which they are sorted, made up, or despatched.
- Repeals sec. 49
17 Vict. No. 6. **13** From and after the passing of this Act the Forty-ninth Section of “ The Post Office Act, 1853,” shall be repealed, excepting always as to all offences committed before that time, which shall be dealt and proceeded with as if this Act had not been passed.
- 17 Vict. No. 6,
and this Act to be
read together. **14** This Act and “ The Post Office Act, 1853,” except in so far as the same is repealed or altered by this Act, shall be read and construed together as one and the same Act.

MICHAEL FENTON, *Speaker.*

Passed the Legislative Council this fifteenth day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
21st August, 1855.