



ANNO DECIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 6.

By His Excellency SIR WILLIAM THOMAS DENISON, *Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.*

AN ACT to regulate the Conveyance and Postage of Letters.
[31st August, 1853.]

WHEREAS a certain Act of Council or Ordinance of this Island **PREAMBLE.**
was passed in the Ninth year of the reign of His Majesty King George
the Fourth intituled *An Act to provide for the Temporary Conveyance* 9 Geo. 4, No. 6.
and Postage of Letters—AND WHEREAS a certain other Act of
Council or Ordinance of this Island was passed in the Fourth year of
the reign of His late Majesty King William the Fourth intituled *An* 4 W. 4, No. 18.
Act to amend and consolidate the Laws providing for the Conveyance
and Postage of Letters—AND WHEREAS a certain other Act of
Council or Ordinance of this Island was passed in the Fifth year of the
reign of Her present Majesty Queen VICTORIA intituled *An Act to* 5 Vict., No. 15.
amend an Act passed in the Fourth Year of the Reign of His late
Majesty King William the Fourth intituled An Act to amend and
consolidate the Laws providing for the Conveyance and Postage of
Letters—AND WHEREAS it is expedient that the said recited Acts
of Council or Ordinances of this Island should be repealed and that
the several enactments thereof should with certain alterations amend-
ments and modifications be consolidated into one Act in the manner
hereinafter provided—BE IT THEREFORE ENACTED by His
Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-
Governor of the Island of Van Diemen's Land and its Dependencies
with the advice of the Legislative Council of the said Island that on
from and after the first day of November now next ensuing this Act
shall come into operation and the said several recited Acts of Council or
Ordinances of this Island shall be and the same are hereby repealed
excepting always as to all or any offences committed or matters or things
done before that day all which offences matters and things shall be
dealt with as if this present Act had not been passed.

Repeals above
recited Acts.

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Lieutenant-Governor may abolish and establish Post Offices.

And make rules and regulations.

II. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor of this Island and he is hereby empowered with the advice of the Executive Council thereof to abolish such existing Post Offices in this Colony and to establish such new Post Offices therein as to such Lieutenant-Governor with such advice as aforesaid shall from time to time seem desirable or necessary and also to make such rules and regulations for the establishing governance and managing of Post Offices within this Colony—for the receiving despatching conveying carrying and delivering of Letters and Packets—for the making custody and sale of Stamps—for the receipt and payment of moneys in connection with the said Post Offices and the conduct of all Postmasters and other Officers of and belonging to the Postal Department as shall from time to time be deemed expedient and it shall also be lawful for such Lieutenant-Governor with such advice as aforesaid from time to time to amend alter vary revoke or annul any such rules or regulations as aforesaid and to make other rules and regulations in the stead of such rules or regulations as shall be so revoked or annulled.

Lieutenant-Governor to appoint Postmaster-General &c.

III. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor of this Island and he is hereby empowered from time to time to appoint a Postmaster-General an Inspector or Inspectors of Stamps and such and so many Postmasters and other Officers Clerks and Servants for the conducting and managing of the Post Offices within this Colony and to cause to be paid to them respectively such reasonable Salaries and Allowances as to such Lieutenant-Governor shall seem meet and it shall also be lawful for the Lieutenant-Governor from time to time to remove any such Postmaster-General Inspector of Stamps Postmaster Officer Clerk or Servant and to appoint some other person in the place and stead of such Postmaster-General Inspector of Stamps Postmaster Officer Clerk or Servant so removed as occasion may require.

Oath to be taken by Postmasters &c.

IV. AND BE IT ENACTED that the Postmaster-General and every other Postmaster Clerk Letter Carrier or other person appointed under this Act and employed in the receiving despatching conveying carrying sorting or delivering of Letters or Packets shall previously to the exercise by him of the duties of his office take and subscribe an oath for the due performance and execution of such duties such oath to be taken before any one of Her Majesty's Justices of the Peace for this Island and its Dependencies who is hereby authorised and required to administer the same in the words following that is to say—

“ I *A.B.* [*Postmaster-General as the case may be*] do swear 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 or Packet which “ shall come into my hands power or custody by reason of my employ- “ ment relating to the Post Office except in cases authorised by this Act “ or by any rule or regulation made under or by virtue thereof.”

Postage to be payable by weight.

V. AND BE IT ENACTED that all Letters and Packets transmitted or received by Post save as hereinafter excepted shall on from 17 VICT. No. 6.

and after the day when this Act shall come into operation be charged by weight only according to the following scale that is to say—for any weight not exceeding half an ounce avoirdupois one rate of Postage—and for each additional half ounce or fraction of half an ounce beyond half an ounce one additional rate of Postage—PROVIDED ALWAYS that it shall be lawful for the Postmaster-General or any Postmaster under this Act to refuse to transmit by Post any Letter or Packet exceeding sixteen ounces in weight or of inconvenient form or dimensions or containing or reasonably suspected to contain any article or thing likely to be injurious to the other contents of the mail-bags.

Certain Letters and Packets may be refused.

VI. AND BE IT ENACTED that save as hereinafter excepted the following shall be the rates of Postage payable according to the scale aforesaid upon Letters and Packets transmitted or received by Post that is to say—upon all Letters and Packets received at any Post Office for delivery at such Post Office or at any place within the limits of the City or Town in which such Post Office is situate the sum of One Penny—and upon all Letters and Packets received at any Post Office for delivery beyond the limits of the City or Town in which such Post Office is situate or for transmission by ship to any place beyond the limits of this Colony the sum of Four Pence.

Rates of Postage.

Town Letters.

Country Letters.

Ship Letters.

VII. AND BE IT ENACTED that the sum of Sixpence only for any weight not exceeding four ounces and the additional sum of Sixpence for each additional four ounces or portion thereof shall be paid as the rate of Postage on Packets of the following descriptions that is to say—Packets containing notes orders specie or pass-books sent by or to any Bank or Banker—Packets containing patterns or samples of merchandize *bond fide* sent as such—Packets open at each end containing prices current and catalogues of merchandize—Packets containing writs and proceedings of any Court of Justice or deeds or conveyances or wills or any memorial of any deed conveyance or will or of any judgment *bond fide* intended for registration according to law or affidavits or letters of attorney—and Packets open at each end containing printed Votes and Proceedings of Parliament or of any Colonial Legislature or pamphlets magazines reviews or other periodical publications (newspapers excepted)—PROVIDED that there shall not be in or upon any such Packet any letter or epistolary communication or intelligence and that on the outside thereof in addition to the name and address of the person to whom the same is to be delivered the sender thereof shall subscribe with his name and address a statement of the contents thereof (as the case may be) in such form as the following—that is to say—“Banker’s Parcel” or “Patterns of Merchandize” or other proper and appropriate description within and in accordance with the terms in this section contained—AND PROVIDED ALSO that it shall be lawful for the Postmaster-General or any Postmaster under this Act to refuse to transmit by Post any such Packet exceeding sixteen ounces in weight or of inconvenient form or dimensions or containing or reasonably suspected to contain any article or thing likely to be injurious to the other contents of the mail-bags.

Postage on Packets containing certain articles.

No writing to be contained in such Packets and form of endorsement thereon.

Power to refuse certain Packets.

Postage on
Packets contain-
ing books &c.

Sea-postage
thereon.

No writing to be
contained in such
Packets and form
of endorsement
thereon.

Power to refuse
certain Packets.

Postage on Pack-
ets containing
maps &c.

No writing to be
contained in such
Packets and form
of endorsement
thereon.

Power to refuse
certain Packets.

Penalty for such
Packets contain-
ing writing or
other than articles
specified thereon.

VIII. AND BE IT ENACTED that the sum of Sixpence only for any weight not exceeding four ounces and the additional sum of Sixpence for each additional four ounces or portion thereof shall be paid as the rate of postage on any Packet containing a single printed book of what nature soever or containing placards or prospectuses—PROVIDED that upon every such Packet as last aforesaid which shall be received at any Post Office for transmission by ship to any place beyond the limits of this Colony there shall be paid the sum of Sixpence as Sea-postage thereon in addition to each sum of Sixpence payable as inland Postage upon such Packet—PROVIDED ALSO that there shall not be in or upon any such Packet as in this section mentioned any letter or epistolary communication or intelligence and that on the outside thereof in addition to the name and address of the person to whom the same is to be delivered the sender thereof shall in manner similar to that in the last preceding section mentioned subscribe with his name and address a statement of the contents thereof—PROVIDED ALSO that it shall be lawful for the Postmaster-General or any Postmaster under this Act to refuse to transmit by post any such Packet as last aforesaid which shall be of inconvenient form or dimensions or which shall exceed three pounds avoirdupois in weight—PROVIDED ALSO that no such Packet containing any book shall be transmitted by post to any place in this Colony to which the mail shall be conveyed on horseback or on foot unless the Lieutenant-Governor shall so authorise and direct.

IX. AND BE IT ENACTED that the sum of Sixpence only for any weight not exceeding four ounces and the additional sum of Sixpence for each additional four ounces or portion thereof shall be paid as the rate of Postage on any Packet containing maps charts or music—PROVIDED that there shall not be in or upon any such Packet as last aforesaid any letter or epistolary communication or intelligence and that on the outside thereof in addition to the name and address of the person to whom the same is to be delivered the sender thereof shall in manner similar to that in the last two preceding sections mentioned subscribe with his name and address a statement of the contents thereof—PROVIDED ALSO that it shall be lawful for the Postmaster-General or any Postmaster under this Act to refuse to transmit by Post any such Packet as last aforesaid which shall exceed three pounds avoirdupois in weight or which shall be folded in size and dimensions exceeding fifteen inches in length or six inches in breadth—PROVIDED ALSO that no such Packet as last aforesaid shall be transmitted by Post to any place in this Colony to which the mail shall be conveyed on horseback or on foot unless the Lieutenant-Governor of this Island shall so authorise and direct.

X. AND BE IT ENACTED that if any person shall wilfully or knowingly send to or put into or cause to be sent to or to be put into any Post Office any Packet having a cover marked and subscribed as in the three lastly preceding sections mentioned which shall contain any other article than the articles thereby described to be contained therein or which shall contain any letter or epistolary communication or intelligence every such person shall for any such offence forfeit and pay a penalty or sum not exceeding Ten Pounds.

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XI. AND BE IT ENACTED that all newspapers enclosed either separately or with others in an envelope open at both ends shall be received conveyed and delivered by Post free of all Postage whatsoever—PROVIDED that no such newspaper or envelope shall contain any printing writing or thing whatsoever therein or thereon other than the contents of such newspaper as printed by the publisher or publishers thereof excepting only the direction on the outside thereof and if any person shall wilfully or knowingly send to or put into or cause to be sent to or put into any Post Office any newspaper or newspapers or envelope which shall contain any printing writing or thing whatsoever therein or thereon other than the contents of such newspaper as printed by the publisher or publishers thereof every such person shall for any such offence forfeit and pay a penalty or sum not exceeding Ten Pounds.

Newspapers to be free of Postage.

XII. AND in order to remove doubt as to what printed papers shall be deemed to be newspapers within the meaning of this Act—BE IT ENACTED that any pamphlet or paper containing any public news intelligence or occurrences or any remarks or observations thereon or upon any matter in Church or State or containing only or principally advertisements printed for sale and published periodically or in parts or numbers at intervals not exceeding Thirty-two days between the publication of any two such pamphlets papers parts or numbers shall if such pamphlet paper part or number do not exceed two sheets (exclusive of any cover or blank leaf or any other leaf upon which any advertisement or other notice shall be printed) or be published for sale at a sum not exceeding Sixpence be deemed and taken to be and shall be a newspaper within the true intent and meaning of this Act.

Definition of term Newspaper.

XIII. AND BE IT ENACTED that nothing in this Act contained shall be taken to authorise or shall authorise any charge for Postage upon any Letter or Packet addressed to the Lieutenant-Governor of this Colony or franked by him or by his Private Secretary or upon any Letter or Packet *bond fide* on the Public Service only on which there shall be indorsed the words "On Public Service only" and which shall be franked by any Member of the Legislative Council of this Island or upon any Packet enclosing maps or plans transmitted by or addressed to the Surveyor-General or Deputy-Surveyor-General of this Island or upon any Packet containing returns of births baptisms marriages or deaths transmitted in compliance with the provisions of any law then in force by any minister of religion or other person whose duty it may be to transmit such returns to any officer whose duty it may be to receive the same or upon any Packet containing depositions in any case of felony or misdemeanor—PROVIDED that there shall not be in or upon any such Packet enclosing or containing maps plans returns or depositions any letter or epistolary communication or intelligence and that on the outside thereof the sender thereof shall subscribe with his name and address a statement of the contents thereof (as the case may be) in such form as the following—that is to say—"Maps" "Plans" "Returns of Births" or other proper and appropriate description within and in accordance with the terms in this Section contained.

Certain Letters and Packets exempted from Postage.

No writing to be contained in certain of such Packets and form of endorsement thereon.

Postage on Letters of soldiers and sailors.

XIV. AND BE IT ENACTED that no Letter from or to any non-commissioned officer private soldier seaman or marine employed in the Army Navy or Marines shall be chargeable with a higher rate of Postage than the sum of One Penny—PROVIDED that every such Letter shall not exceed one half-ounce in weight and that upon the outside of any such Letter from any such non-commissioned officer private soldier seaman or marine there shall be written in the handwriting of and signed by the Commanding Officer for the time being of the corps regiment detachment or ship to which such non-commissioned officer private soldier seaman or marine belongs the name of such Officer and of such corps regiment detachment or ship—PROVIDED ALSO that any such Letter to any such non-commissioned officer private soldier seaman or marine shall specify upon the same the corps regiment detachment or ship to which such non-commissioned officer private soldier seaman or marine belongs.

Franking.

XV. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor and he is hereby empowered from time to time as to him shall appear expedient to exempt from Postage all Letters and Packets which shall be *bonâ fide* on the public service only and be addressed to or franked by such Public Officers of the Government as such Lieutenant-Governor shall from time to time for that purpose specify and name—PROVIDED ALWAYS that on every such Letter or Packet there shall be endorsed the words "On Public Service only" and that on any such Letter or Packet franked by any such Public Officer as aforesaid such frank shall be subscribed to such words "On Public Service only" and that on any such Letter or Packet addressed to any such Public Officer the sender thereof shall endorse the words "On Public Service only" and shall subscribe his signature to such words and if any such Public Officer as aforesaid or any person being the sender of any such Letter or Packet as last aforesaid shall send to or put into or cause to be sent to or put into any Post Office any Letter or Packet endorsed franked or subscribed as aforesaid which shall not be on public service only every such Public Officer or person shall for any such offence forfeit and pay a penalty or sum not exceeding Ten Pounds.

Certain Petitions and Addresses exempted from Postage.

Form of endorsement.

XVI. AND BE IT ENACTED that all Petitions and Addresses to Her Majesty the Queen or to the Lieutenant-Governor of this Island and any Petition for presentation to the Executive or Legislative Council of this Island addressed to any Member of such Executive or Legislative Council shall be received conveyed and delivered free of all Postage whatsoever—PROVIDED that every such Petition or Address shall be enclosed in a cover open at both ends and that the sender thereof shall endorse on such cover that the contents thereof is such Petition or Address as the case may be and shall subscribe his signature thereto and if any person shall wilfully or knowingly send to or put into or cause to be sent to or put into any Post Office any Letter or Packet enclosed endorsed and subscribed as last aforesaid which shall not contain solely and only the document described upon the cover thereof to be contained therein every such person shall for any such offence forfeit and pay a penalty or sum not exceeding Ten Pounds.

XVII. AND BE IT ENACTED that the Postmaster-General or Inspector or Inspectors of Stamps under this Act shall with the approval of the Lieutenant-Governor of this Island from time to time cause stamps to be made and sold indicating such amounts of Postage as may in that behalf be directed by such Lieutenant-Governor.

Postage Stamps to be made and sold.

XVIII. AND BE IT ENACTED that if any person shall fraudulently forge or imitate or assist in forging or imitating any stamp made under the authority of this Act or shall offer utter dispose of or put off any forgery or imitation of any such stamp with intent to defraud such person so offending shall be guilty of felony and on conviction thereof shall be subject and liable to imprisonment with or without hard labour or if a male to be worked on the roads or other public works of this Colony for such term not exceeding seven years as the Court before whom such person shall be tried shall think fit to award.

Punishment for forging or uttering Stamps.

XIX. AND BE IT ENACTED that on from and after the said First day of November the Postage upon all Letters and Packets which shall be posted at any Post Office within this Colony shall be prepaid and that (save as by this Act is excepted) such prepayment shall be made by the affixing thereon of stamps issued by the Postmaster-General or the Inspector or Inspectors of Stamps and that (save as by this Act is excepted) no Letter or Packet shall be received or if received shall be transmitted by any Postmaster unless the stamp or stamps required by this Act shall be affixed thereon—PROVIDED ALWAYS that it shall be incumbent on every Postmaster to procure and keep on hand such supply of stamps for sale without premium to any person desirous of purchasing the same as the Lieutenant-Governor shall from time to time in that behalf authorise and direct and that whenever it shall happen that any Postmaster shall not have any stamps on hand for sale as aforesaid of the required value then and in such case prepayment on any Letters or Packets received by such Postmaster may be made in money and such prepayment by monies shall be acknowledged by such Postmaster upon the face of such Letters or Packets so prepaid.

The Postage on all Letters and Packets save as excepted to be prepaid by Stamps.

Postmasters to keep a supply of Stamps.

XX. AND BE IT ENACTED that the Stamps upon all Letters and Packets shall be affixed to or impressed upon the outside thereof and above the address written thereon and that no Postmaster shall be bound to take any notice of or pass any Stamp or Stamps which shall be affixed to or impressed elsewhere upon any Letter or Packet than as herein directed.

How Postage Stamps to be affixed.

XXI. AND BE IT ENACTED that all Letters or Packets bearing any Stamp or Stamps which shall have been previously used and having any mark thereon which shall have been made at any Post Office by way of obliteration or defacement for the purpose of indicating that such Stamp or Stamps had been once used shall be treated as Unpaid Letters or Packets as the case may be and if any person shall wilfully knowingly and fraudulently remove or attempt to remove from any Stamp which shall have been previously used any such mark which

Letters and Packets bearing Stamps with obliterating marks to be treated as unpaid.

Punishment for removing obliterating marks from Stamps.

shall have been so made thereon by way of obliteration or defacement for such purpose as aforesaid or shall wilfully knowingly and fraudulently put off or use or attempt to put off or use any such obliterated or defaced Stamp as aforesaid with intent in any such case to defraud every such person shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned with or without hard labour or if a male to be worked on the roads or other public works of this Colony for such term not exceeding Three Years as the Court before whom such person shall be tried shall think fit to award.

Registration of
Letters.

XXII. AND BE IT ENACTED that any person who shall send any Letter or Packet by post shall be entitled to have the same registered at the Post Office at which the same shall be posted upon payment of the sum of One Shilling as a fee for such registration and any such Registered Letter or Packet shall be received at such Post Office and be delivered at the place to which the same shall be addressed at or between such hours in the day and subject to such rules and regulations as the Postmaster-General shall from time to time in that behalf direct make and appoint—PROVIDED that no such registration shall render any Postmaster liable for the loss of any such Letter or Packet so registered as aforesaid or of the contents thereof—PROVIDED ALSO that every such registration fee shall be prepaid by Stamps affixed to or impressed upon every such Letter or Packet so registered as aforesaid.

A List of the un-
claimed unde-
livered and refused
Letters and Pack-
ets at each Post
Office to be ex-
hibited for three
months.

XXIII. AND BE IT ENACTED that within Sixteen days after the receipt of any Mail the Postmaster by whom or into whose Post Office the same shall have been received shall cause a list of all the then remaining unclaimed undelivered or refused Letters and Packets received in and by such Mail to be made out in writing and affixed to in or on some conspicuous part of such Post Office so that the same may be legible from the outside thereof and such list or other like list or lists containing a true account or statement of all Letters and Packets from time to time remaining unclaimed undelivered or refused shall be so kept affixed clearly written and legible as aforesaid for the space of not less than Three calendar months next following the first receipt of such Letters and Packets respectively and at the expiration of the said period of Three calendar months or as soon as possible afterwards such Letters or Packets as shall still remain unclaimed undelivered or refused shall be transmitted by such Postmaster to the General Post Office at Hobart Town to be there dealt with as by this Act is in that behalf provided.

Such Letters and
Packets then to be
sent to the General
Post Office
Hobart Town.

Postmaster-
General to publish
lists of all un-
claimed unde-
livered and re-
fused Letters and
Packets received
at General Post
Office Hobart
Town.

XXIV. AND BE IT ENACTED that the Postmaster-General shall once in every month or oftener if he shall so think fit cause a list to be published in the *Hobart Town Gazette* of all unclaimed undelivered and refused Letters and Packets (Newspapers excepted) which shall have been received at the General Post Office at Hobart Town since the last preceding publication of the like kind and upon the expiration of Three calendar months from the date of any such publication such Letters and Packets mentioned therein as shall not have been claimed and delivered shall be opened in manner hereinafter provided.

XXV. AND BE IT ENACTED that it shall be lawful for the Postmaster-General and for every Postmaster under this Act to detain any Letter or Packet which shall be posted contrary to the provisions thereof or of any rule or regulation made under or by virtue thereof and every such Postmaster shall forward all Letters and Packets so detained for any such cause as aforesaid to the General Post Office at Hobart Town and all such detained Letters and Packets shall be forthwith opened at the said General Post Office at Hobart Town aforesaid in the manner hereinafter provided for the purpose of ascertaining the writer or sender thereof.

Letters and Packets posted contrary to Act may be detained.

XXVI. AND BE IT ENACTED that all Letters and Packets which under the provisions of this Act shall be required to be opened shall be opened by the Postmaster-General in the presence of an Officer of the General Post Office at Hobart Town aforesaid to be specially nominated for that purpose by the Postmaster-General or by an Officer of the said General Post Office for that purpose nominated by the Postmaster-General in the presence of some other Officer of such General Post Office for that purpose also nominated by the Postmaster-General and any such Officer shall before he shall enter upon his duties in this respect make oath before any Justice of the Peace for this Island and its Dependencies (which oath such Justice is hereby authorised and empowered to administer) that he will not intentionally read or examine the contents or any part of the contents of any Letter or Packet which he shall open except in so far as may be necessary for the purpose of ascertaining the name and address of the writer or sender thereof and that he will not divulge to any person whatsoever except to the Postmaster-General for the time being any of the contents of any such Letter or Packet which shall have come to his knowledge in the course of opening and examining such Letter or Packet for the purpose aforesaid and if any such Officer shall act in contravention of this provision of this Act or of the obligation of the oath so to be made by him as aforesaid he shall be guilty of an offence against this Act and shall for such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds to be recovered in a summary way before any two Justices of the Peace for this Island and its Dependencies upon the complaint in that behalf of the Postmaster-General or by information of debt at the suit of Her Majesty the Queen in the Supreme Court of this Island.

How and by whom unclaimed undelivered refused and detained Letters and Packets to be opened.

XXVII. AND BE IT ENACTED that the Postmaster-General shall cause any unclaimed undelivered refused or detained Letter or Packet which shall have been so opened as aforesaid to be returned to the writer or sender thereof upon the name and address of such writer or sender being ascertained by such reading and examination of such Letter or Packet as aforesaid and if the original Postage by law payable upon any such Letter or Packet the writer or sender whereof shall be so ascertained shall not have been paid such writer or sender thereof shall thereupon be liable to pay the same and if any such writer or sender shall refuse to receive any such Letter or Packet as last aforesaid or to pay the

Return of such Letters and Packets to writers or senders.

original Postage by law payable upon any such Letter or Packet upon demand thereof made by the Postmaster-General or on his behalf it shall be lawful for the Postmaster-General forthwith to destroy the same or to enforce the payment of such postage as aforesaid thereon.

Simplifying proceedings for recovery of Postage.

XXVIII. AND BE IT ENACTED that 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 or Packet in respect of which such Postage shall be sought to be recovered shall purport to have come shall be deemed the sender thereof and the *onus* shall lie upon such person of proving that such Letter or Packet did not come from or was not sent by him.

Postage-mark to be evidence of amount of Postage payable.

XXIX. AND BE IT ENACTED that in any proceeding whatsoever for the recovery of any Postage the Post Office mark upon the Letter or Packet in respect of which such postage shall be sought to be recovered shall be evidence of the liability of such Letter or Packet to the postage marked thereon.

Letters and Packets not to be sent or delivered otherwise than directed except as provided.

XXX. AND BE IT ENACTED that saving and excepting such Letters and Packets as shall by virtue of the provisions of this Act be opened for the purpose of ascertaining the writers or senders thereof no Letter or Packet whatsoever shall after the same shall have been once put into any Post Office under any circumstances be returned to the writer or sender thereof or be sent or delivered otherwise than according to the direction thereof without the express consent of the person to whom the same shall be directed or an express warrant or authority in writing under the hand of the Lieutenant-Governor of this Island.

Postmaster-General may sell or destroy certain articles contained in Packets remaining unclaimed &c. for a certain period.

XXXI. AND BE IT ENACTED that it shall be lawful for the Postmaster-General and he is hereby empowered to cause to be destroyed or sold all pamphlets magazines reviews and other periodical publications and all printed votes and proceedings of Parliament or of any Colonial Legislature and all prices current catalogues of merchandize and patterns or samples of merchandize which shall continue to be unclaimed undelivered or refused for the period of three calendar months from the date of the publication of the hereinbefore required list in which the Packet containing any such pamphlet magazine review periodical publication votes and proceedings prices current catalogues patterns or samples shall have been so notified and published as aforesaid and it shall also be lawful for the Postmaster-General to cause to be destroyed all newspapers which shall continue to be unclaimed for the period of three calendar months from the receipt thereof at any Post Office under this Act and also to cause to be destroyed all unclaimed undelivered refused and detained Letters and Packets the writers or senders whereof it shall be impossible to ascertain and which shall in the case of Letters or Packets by this Act required to be published have continued to be so unclaimed or undelivered for the period of one year from the date of the publication of any list in which the same shall have been so notified and published as aforesaid—And the proceeds of all

such sales as herein mentioned shall be paid into the Colonial Treasury of this Island and shall be applied in aid of the General Revenue thereof in such manner as by any Act or Acts passed for the appropriation of the Revenue is or are or shall be from time to time in that behalf appointed and directed.

XXXII. AND BE IT ENACTED that all Letters and Packets which shall be opened under the authority of this Act and which shall be found to contain any money or other valuable article shall be safely kept and a list thereof together with a note of the contents thereof be made and preserved and if the person to whom any such Letter or Packet shall be addressed and the writer or sender thereof shall be known the Postmaster-General shall cause information respecting such Letter or Packet and the contents thereof to be given to such person to whom the same shall be addressed and to such writer or sender thereof and if both of such parties shall not be known such information shall be given to such one of such parties as shall be known and upon demand made by the person to whom any such Letter or Packet shall be addressed if known such Letter or Packet together with the contents thereof shall be delivered to such person and if the person to whom any such Letter or Packet shall be addressed shall not be known or if known shall not make such demand as aforesaid within such time as shall appear to the Postmaster-General to be reasonable upon demand made by the writer or sender thereof if known such Letter or Packet together with the contents thereof shall be delivered to such writer or sender thereof and if in any case neither of such parties shall be known or if in the event of both of such parties being known or in the event of one only of such parties being known neither of such parties nor such one party as the case may be shall make such demand as aforesaid within such time as shall appear to the Postmaster-General to be reasonable it shall be lawful for the Postmaster-General and he is hereby empowered to cause the contents of such Letter or Packet if other than money to be sold and the proceeds of all such sales as last aforesaid and all money which shall be found in any Letter or Packet in any case where such parties or party as aforesaid shall not be known or where no such demand shall be made as aforesaid shall be paid into the Colonial Treasury of this Island and shall be applied in aid of the General Revenue thereof in such manner as by any Act or Acts passed for the Appropriation of the Revenue is or are or shall be from time to time in that behalf appointed and directed—PROVIDED ALWAYS that upon proof to the satisfaction of the Lieutenant-Governor of the justice of the claim of any person to any such money or to the proceeds of any such sale which shall have been so paid into the said Colonial Treasury such person shall be entitled to have the amount of such money or proceeds of such sale restored subject in the case of any proceeds of any such sale to a deduction of the costs and expenses incident to such sale.

How Letters or Packets opened and found to contain money &c. to be dealt with.

XXXIII. AND WHEREAS after the arrival of vessels in the Ports or Harbours of this Island Letters Packets and Newspapers directed to persons in this Colony have been in some instances detained a long

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Ship Letters &c. inwards to be delivered on arrival and demand made.

Exceptions.

Penalty for breach of this Section.

Penalty for retarding delivery of Mails &c.

Packets exceeding 8 ozs. in weight may be detained for not more than one week.

Allowance to masters of vessels for conveyance of Ship Letters inwards.

time on board of such vessels—BE IT THEREFORE ENACTED that all bags boxes or packages containing Letters Packets or Newspapers forwarded by post and all loose Letters Packets and Newspapers which at the time of the arrival of any steam or other vessel within the limits of any Port Harbour or place within this Island shall be on board thereof directed to persons within this Colony shall on the request of the Postmaster-General or any Postmaster under this Act or of the Port Officer of such Port Harbour or place or of any person duly authorised by and acting for such Postmaster-General Postmaster or Port Officer as aforesaid be delivered up to such Postmaster-General Postmaster Port Officer or person as aforesaid save and excepting always Letters or Packets concerning goods on board any such vessel and to be delivered with such goods and Letters or Packets containing any conveyance or other deed commission writ or affidavit and Letters or Packets sent by any private friend by way of introduction only or concerning his private affairs and if any master of or person commanding any such steam or other vessel or any passenger or other person on board of any such vessel shall knowingly and wilfully detain on board of such vessel or keep in his or her possession any such bag box package letter packet or newspaper as aforesaid (except as aforesaid) after any such request made as aforesaid such master person commanding passenger or other person as aforesaid shall for every Letter Packet or Newspaper so detained or kept as aforesaid forfeit and pay a penalty or sum not exceeding Twenty Pounds.

XXXIV. AND BE IT ENACTED that if any Postmaster Port Officer or other person duly authorised to receive or dispatch any such mail as aforesaid shall neglect or fail to receive or deliver the same or shall retard the delivery of any such bag box package letter packet or newspaper such Port Officer Postmaster or other person so offending shall for every such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds.

XXXV. AND BE IT ENACTED that it shall be lawful for the Postmaster-General or any Postmaster under this Act to delay for any period not exceeding one week the transmission or delivery of any Packet exceeding eight ounces avoirdupois in weight upon such occasions and under such circumstances as it shall appear to such Postmaster-General or Postmaster necessary or expedient so to do.

XXXVI. AND in order to encourage the due and expeditious delivery of all Letters Packets and Newspapers forwarded by Post which shall arrive at any Port Harbour or place within this Colony in any steam or other vessel—BE IT ENACTED that for the conveyance of any mail to any Port Harbour or place within this Colony the master of or person commanding such steam or other vessel which shall convey such mail shall be entitled to demand and receive from the Postmaster-General or the nearest Postmaster the sum of One Penny for every Letter or Packet contained in such mail and so delivered as aforesaid and such Postmaster-General or nearest Postmaster is hereby required to make such payment accordingly

and every such master of or person commanding any such vessel shall give a receipt for the amount so received by him which receipt shall be to such Postmaster-General or such Postmaster making such payment as aforesaid a full and valid discharge for the same and such Postmaster-General and every such Postmaster shall in passing his accounts receive credit for every such sum or sums of money as shall have been so paid as aforesaid—PROVIDED that no master of or person commanding any such vessel as aforesaid shall be entitled to demand or receive any such payment in respect of any newspaper forwarded by such vessel or of any Letter or Packet addressed to the Lieutenant-Governor of this Island.

Newspapers &c.
excepted.

XXXVII. AND BE IT ENACTED that if the master of or person commanding any steam or other vessel proceeding or about to proceed from any Port Harbour or place within this Colony to any other Port Harbour or place whether within this Colony or not shall on being thereto required by any Officer of the Post Office or by the Port Officer refuse or neglect to receive any mail on board such vessel or to give a receipt for such mail or to deposit such mail in some secure and dry place on board of such vessel or to convey such mail upon the then intended voyage of such vessel such master of or person commanding such vessel shall for any such offence forfeit and pay a penalty or sum not exceeding One hundred Pounds—PROVIDED ALWAYS that the master of or person commanding any such steam or other vessel as aforesaid who shall duly receive on board thereof any mail for the purpose of conveying the same upon the then intended voyage of such vessel shall upon such receipt of such mail be entitled to demand and receive from such Officer of the Post Office or Port Officer as aforesaid the sum of One Penny for the carriage of each Letter or Packet contained in such mail (excepting always Newspapers and Despatches from the Lieutenant-Governor of this Island) and the master of or person commanding any such vessel shall give a receipt for any money so received by him which receipt shall be a sufficient voucher for such payment and the same shall be allowed in account at the Post Office accordingly.

Penalty on masters of vessels departing for refusing to convey Mails.

Allowance to masters of vessels for conveyance of Ship Letters outwards.

Newspapers &c.
excepted.

XXXVIII. AND BE IT ENACTED that the master of or person commanding any steam or other vessel which shall arrive at or be about to proceed from any port harbour or place within this Colony shall give timely notice to the Post Office authorities at such port harbour or place of such vessel's arrival or intended departure so as to enable them to be prepared to receive any mail from or dispatch any mail by such vessel and if any master of or person commanding any such vessel shall refuse fail or neglect to give such timely notice as aforesaid he shall for any such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Masters of vessels to give notice of arrival and departure.

XXXIX. AND BE IT ENACTED that it shall be lawful for the Postmaster-General under such instructions as shall from time to time in that behalf be issued by the Lieutenant-Governor from time to time to enter into any contract or contracts in writing in his own name on

Contracts for conveyance of the Mails within this Colony.

Penalty on Contractor for default.

behalf of Her Majesty the Queen for or in respect of the carriage or conveyance of mails throughout this Colony and it shall be lawful for such Postmaster-General to sue and be sued in his own name upon any such contract and if any party to such contract shall during the continuance thereof refuse or neglect to perform the same or shall in any manner be guilty of any breach thereof or omit to comply with any stipulation or provision contained therein every such party shall be guilty of an offence against this Act and shall upon conviction thereof forfeit and pay a penalty or sum not exceeding Fifty Pounds irrespective of any penalty recoverable for such default by virtue of any bond or instrument into which any such party or his sureties may have entered for the due performance of such contract.

Contracts for the conveyance of the Mails by sea.

Penalty on Contractor for default.

XL. AND BE IT ENACTED that it shall be lawful for the Postmaster-General under such instructions as shall from time to time in that behalf be issued by the Lieutenant-Governor from time to time to enter into any contract or contracts in writing in his own name on behalf of Her Majesty the Queen for or in respect of the carriage or conveyance of mails by sea and therein to fix the amount to be paid for such carriage or conveyance either by periodical payments of agreed sums or by payments at any agreed rate for each and every Letter and Packet and also therein to impose such terms and conditions as to such Postmaster-General shall seem fit with regard to the vessels to be employed—the times of starting—and otherwise for securing the due regular and efficient performance of such service and it shall be lawful for such Postmaster-General to sue and be sued in his own name upon any such contract and if any party to such contract shall during the continuance thereof refuse or neglect to perform the same or shall in any manner be guilty of any breach thereof or omit to comply with any stipulation or provision contained therein every such party shall be guilty of an offence against this Act and shall upon conviction thereof forfeit and pay a penalty or sum not exceeding Fifty Pounds irrespective of any penalty recoverable for such default by virtue of any bond or instrument into which any such party or his sureties may have entered for the due performance of such contract.

Lockers to be provided in vessels carrying Mails.

XLI. AND BE IT ENACTED that in all vessels by which mails shall be conveyed between any ports harbours or places within this Colony or between any port harbour or place within this Colony and any port harbour or place in any other of Her Majesty's Australasian Colonies there shall be provided a suitable locker or other secure place in which such mails and all letters and packets forwarded by Post shall be locked up and carried apart from all other articles and things on board of such vessels and if such locker or other secure place shall not be so provided or if any such mail or any such letter or packet shall be conveyed or carried in any such vessel during the whole or any part of the voyage between any such ports harbours or places or port harbour or place as aforesaid otherwise than as aforesaid the master of or person commanding such vessel shall be guilty of an offence against this Act and shall on conviction thereof forfeit and pay a penalty or sum not exceeding Twenty-five Pounds.

XLII. AND BE IT ENACTED that from and after the passing of this Act no Letter or Packet shall be carried for hire or reward otherwise than by Post and if any person not being employed in the Post Office or in the conveyance of Letters or Packets forwarded by Post shall so carry or convey any Letter or Packet or if any Letter or Packet shall be sent to or be taken charge of by any person except as aforesaid for the purpose of being so carried or conveyed such person so sending to taking charge of carrying or conveying any such Letter or Packet shall for every such Letter or Packet forfeit and pay a penalty or sum not exceeding Twenty Pounds—AND in all proceedings under this Section every Letter or Packet carried or conveyed otherwise than by Post or sent or taken charge of as aforesaid shall be deemed to have been carried or conveyed for hire or reward or to have been taken charge of or to have been sent to be taken charge of for hire or reward unless the contrary thereof shall be shown by the defendant.

Penalty for carrying Letters or Packets otherwise than by Post.

XLIII. PROVIDED ALWAYS AND BE IT ENACTED that nothing in the preceding clause contained shall extend to any Letter or Packet exceeding eight ounces avoirdupois in weight or to any Letter or Packet concerning goods sent with such goods and to be delivered therewith or to any Letter or Packet containing any writ or proceeding of any Court of Justice or deed conveyance or any memorial thereof or any will or affidavit or letter of attorney or to any Letter or Packet sent by any person concerning his or her private affairs by any special messenger or to any Letter or Packet *bond fide* sent or carried to or from any Post Office or to or from any place distant five miles or upwards from any Post Office or place appointed for the receipt or delivery of Letters or Packets forwarded by Post.

Preceding Section not to apply to certain Letters and Packets.

XLIV. AND BE IT ENACTED that if any Postmaster or other Officer belonging to the Post Office or any person employed by or under any Postmaster in the receiving sorting carrying conveying or delivering of Letters or Packets forwarded by Post or any person whatsoever employed under or in the carrying out of the provisions of this Act shall wilfully offend against or fail refuse neglect or omit to comply with or to observe or fulfil any of the provisions thereof or any rule or regulation which shall from time to time be made thereunder every such Postmaster Officer or person shall for any such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalty on Postmaster &c. offending against this Act.

XLV. AND BE IT ENACTED that if the driver of any mail coach or other carriage or vehicle used for the conveyance of any mail or the guard or any person in charge of any mail whether conveyed by any such mail coach or other carriage or vehicle or on horseback or on foot shall loiter on the road or wilfully misspend or lose time so as to retard the arrival of the mail at its proper destination or shall not convey such mail at the speed of such a number of miles per hour as shall be for that purpose fixed by the Postmaster-General unless prevented from so doing by the state of the weather or the badness of the roads or the occurrence of some accident or other excusable

Penalties on mail-coach drivers &c. in certain cases.

circumstance then and in every such case such driver guard or person in charge as aforesaid so offending shall on conviction thereof by his own confession or on view of any Justice of the Peace for this Island and its Dependencies or on the oath or oaths of one or more credible witness or witnesses forfeit and pay for any such offence a penalty or sum not exceeding Five Pounds.

Penalty for losing
Mail-bag &c.

XLVI. AND BE IT ENACTED that if any person employed in the carrying conveying or delivering of any bag box or packet containing posted Letters or Packets or of any Letter or Packet forwarded by Post shall whilst the same shall be in his charge lose any such bag box package letter or packet every such person shall whether the same shall afterwards be recovered or not forfeit and pay for any such offence a penalty or sum not exceeding Twenty-five Pounds.

Penalty for frau-
dulently retaining
Mail-bag or
Letter &c. lost or
misdelivered.

XLVII. AND WHEREAS Letters and Packets forwarded by Post are sometimes by mistake delivered to the wrong person and Letters and Packets forwarded by Post and bags containing posted Letters and Packets are sometimes lost in the course of conveyance or delivery thereof and are detained by the finders thereof in expectation of gain or reward—for remedy thereof—BE IT ENACTED that any person who shall fraudulently retain or wilfully secrete keep or detain or who shall after demand made by an Officer of the Post Office neglect or refuse to deliver up any Letter or Packet forwarded by Post which shall have been wrongfully delivered and which shall be in the possession power or custody of such person or any Letter or Packet forwarded by Post or any bag box or package containing posted Letters or Packets which shall have been lost in the course of conveyance or delivery thereof and which shall come to or be in the possession power or custody of such person whether such Letter Packet bag box or package shall have been found by such person so retaining secreting keeping detaining or neglecting or refusing to deliver up the same or by any other person whatsoever shall be guilty of an offence against this Act and shall on conviction thereof forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Penalty for un-
lawfully opening
&c. Letters and
Packets.

XLVIII. AND BE IT ENACTED that if any person shall except as by this Act is provided knowingly open detain or delay or cause or suffer to be opened detained or delayed any Letter or Packet after the same shall have been delivered into any Post Office or into the house of any person employed in the receiving carrying or delivering of Letters or Packets under this Act without the express authority of the person to whom such Letter or Packet shall be directed every such person shall for any such offence forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Taking Letters or
Packets from
Post Office &c.
felony.

XLIX. AND BE IT ENACTED that if any person shall frau-
dulently take from the possession of any Postmaster or person employed in the receipt conveyance or delivery of Letters or Packets forwarded by Post or from or out of any Post Office or place appointed for the receipt or delivery of Letters or Packets forwarded by Post or

shall steal embezzle or secrete or shall for any purpose whatsoever take or destroy except as by this Act provided any posted letter packet or newspaper or any bag box or package containing posted letters packets or newspapers or any posted letter packet or newspaper contained in any bag box or package containing posted letters packets or newspapers every person so offending shall be guilty of felony and on conviction thereof shall be liable and subject to imprisonment with or without hard labour for any term not exceeding three years or if a male to be worked on the roads or other public works of this Colony for any term not exceeding seven years.

L. AND to prevent obstructions—BE IT ENACTED that no hackney carriage shall stand or ply for hire opposite the General Post Office at Hobart Town or the Post Office at Launceston or any part thereof respectively and if the driver or person for the time being having the actual management of any hackney carriage shall permit the same to stand or shall ply for hire opposite any such Post Office or any part thereof such driver or person shall be guilty of an offence against this Act and shall on conviction thereof forfeit and pay a penalty or sum not exceeding Five Pounds and for the purposes of this provision of this Act every vehicle with two or more wheels whatever may be the form or construction of such vehicle or the number of persons which such vehicle shall be calculated to convey or the number of horses by which the same shall be drawn shall be deemed and taken to be a hackney carriage and in all proceedings at law or otherwise and upon all occasions whatsoever it shall be sufficient to describe any such vehicle by the term hackney carriage.

Preventing obstructions in roadways before General Post Offices at Hobart Town and Launceston.

LI. AND BE IT ENACTED that if any hawker newsvender or idle or disorderly person shall stop or loiter on the flagway or pavement opposite any such Post Office as in the preceding Section mentioned or any part thereof such hawker newsvender or idle or disorderly person shall be guilty of an offence against this Act and shall on conviction thereof forfeit and pay a penalty or sum not exceeding Five Pounds.

Preventing obstructions on footpaths before such Post Offices.

LII. AND for the more effectual prosecution of offences committed against the Laws relating to the Post Office—BE IT ENACTED that in any information for any offence committed upon or in respect of any property which may be laid in or stated to belong to the Postmaster-General it shall be sufficient to state any such property to belong to and to lay it in "The Postmaster-General of Van Diemen's Land" and it shall not be necessary to specify the name or addition of any such Postmaster-General and whenever in any information for any offence committed against this or any other Act hereafter passed relating to the Post Office it shall be necessary to mention for any purpose whatever the Postmaster-General it shall be sufficient to describe such Postmaster-General as "The Postmaster-General of Van Diemen's Land" without any further or other name addition or description whatsoever.

Property may be laid in Postmaster-General.

How Postmaster-General to be described.

LIII. AND BE IT ENACTED that no action suit or proceeding
17 VICT. No. 6.

Limitation of actions.

shall be brought against any person for anything done in pursuance of this Act unless the same shall be commenced within twelve months after the cause of action accrued or the act committed and the defendant in any such action suit or proceeding may plead the general issue and give this Act and the special matter in evidence thereupon and if the matter complained of shall appear to have been done *boná fide* in the execution of this Act or if it shall appear that such action suit or proceeding shall have been brought after the time limited for that purpose then the jury shall find a verdict for the defendant and if the plaintiff shall become nonsuit or shall discontinue his action suit or proceeding after the defendant has appeared thereto or shall have a verdict given against him or if upon demurrer judgment shall be given against any such plaintiff then the defendant shall be entitled to and shall recover treble costs and have the like remedy for the enforcement and recovery thereof as is by law in that behalf provided.

Proceedings for penalties.

LIV. AND BE IT ENACTED that any breach of this Act or of any or either of the provisions thereof or of any or either of the rules or regulations so to be made as aforesaid under or by virtue thereof in respect of which any pecuniary penalty is imposed shall be deemed and taken to be an offence against this Act and where no other mode or remedy is by this Act specifically provided shall upon information in that behalf exhibited be heard and determined in a summary way by and before any two Justices of the Peace in the mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all fines penalties and forfeitures imposed or incurred by or under this Act shall except as aforesaid be levied and recovered in the manner prescribed by the said lastly-recited Act and shall go and be applied as thereby directed and all persons aggrieved by any summary conviction under this Act shall be entitled to appeal therefrom in the manner by the said lastly-recited Act provided.

Appropriation.

LV. AND BE IT ENACTED that the amount of all rates sums and monies received for Postage under this Act and also all sums of money levied and recovered by way of fine penalty or forfeiture under this Act (except such portions thereof as shall be payable to the party suing or informing in respect thereof) shall from time to time be paid into the Colonial Treasury of this Island and shall be applied in the first place towards the support of the Post Office Department of this Colony and the defraying of all charges and expenses occasioned by or incident to the carrying of this Act into effect and the surplus (if any) in aid of the General Revenue of this Colony in such manner and to such purposes as by any Act or Acts duly passed for the appropriation of the Revenue is or are or shall be from time to time in that behalf appointed and directed.

Interpretation.

LVI. AND BE IT ENACTED that the term Lieutenant-Governor used in this Act shall be construed equally to extend and apply to the person for the time being lawfully administering the Government of
17 VICT. No. 6.

this Colony and that in the construction of this Act every word or term used in the singular number only and every word importing the masculine gender only shall be respectively construed to signify and include the plural number and feminine gender or *vice versa* unless such construction be in anywise repugnant to the spirit or context of the provisions of this Act.

LVII. AND BE IT ENACTED that nothing in this Act contained shall be construed to abridge or interfere with the powers vested respectively in the Postmaster-General in England and the Commissioners of Her Majesty's Treasury or any three of them by virtue of a certain Act of the Imperial Parliament of Great Britain and Ireland passed in the eighth year of the reign of Her present Majesty and intituled *An Act for the better Regulation of Colonial Posts*. This Act not to abridge powers of Postmaster-General in England. 8 Vict. cap. 49.

LVIII. AND BE IT ENACTED that this Act may be called and cited as "The Post Office Act 1853." Citation of Act.

RICHARD DRY, *Speaker*.

Passed the Legislative Council this twenty-third day of August one thousand eight hundred and fifty-three.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

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

Government House, Hobart Town,
31st August, 1853.

W. DENISON,
Lieut.-Governor.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) and (2) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if and only if the condition $\alpha + \beta > 0$ is satisfied. In the case when $\alpha + \beta < 0$, the system has no solutions.

2. In the second part of the paper, the problem of the existence of solutions of the system (1) and (2) for arbitrary values of the parameters α and β is solved. It is shown that the system has solutions for all values of the parameters α and β if and only if the condition $\alpha + \beta > 0$ is satisfied. In the case when $\alpha + \beta < 0$, the system has no solutions.