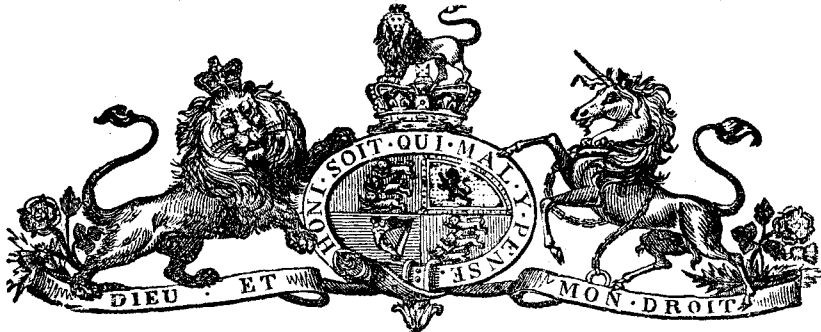


TASMANIA.



1862.

ANNO VICESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to enable the Public to remit small Sums of Money through the Post Office by means of Money Orders. [25 September, 1862.]

WHEREAS it is desirable to enable the public to remit small Sums of Money through the Post Office by means of Money Orders: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 The Governor in Council may, subject to the provisions of this Act, authorise the issue of Money Orders for the transmission of small Sums of Money through the Post Office, from any one part of *Tasmania* to another.

Governor in Council may authorise issue of Money Orders.

2 The Governor in Council may make, or cause to be made, arrangements with the constituted authorities in *England*, or in any Colony, or in Foreign parts, for the transmission of money through the medium of the Post Office, between *England*, any Colony or Foreign parts, and *Tasmania*, by order or otherwise, and for the delivery and payment of the same, for accounting for all moneys which shall be due and owing to any Country or Colony on account of such arrangements, and for the transmission of any balance thereon; and to make such rules and

Power to make arrangements for payment of Money Orders in *England* and elsewhere.

regulations and to appoint such Agents, and to pay such Salaries thereto, and also to defray such discounts and exchanges as may be necessary, and to establish such rates of payment as shall seem fit in such behalf respectively.

No Money Order for more than £10.

3 No Money Order shall be granted for a larger sum than Ten Pounds.

Governor in Council may make Regulations relating to the issue &c. of Money Orders; and may repeal, remodel, and alter the same.

4 The Governor in Council may, from time to time, make such Regulations as he shall see fit 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 in which all 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 payable under any Money Order; and to the manner of forwarding advices, of transmitting moneys, and of managing credits, accounts, and other matters and things necessary to be forwarded or managed in reference to Money Orders, and relating to every other matter or thing necessary to be regulated or done for perfecting a system whereby the public may be enabled promptly and safely to remit small sums of money through the Post Office; and all such regulations may, from time to time, be altered, repealed, remodelled, varied, or rescinded as may be found expedient; and all such Regulations shall be binding and conclusive upon the persons to 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 whomsoever; and shall have the same force and effect in all respects as if contained and enacted in and by this Act.

Regulations to be published in *Gazette*, which shall be evidence of same.

5 All Regulations made by the Governor in Council under the provisions of this Act shall be published in the *Gazette*; and in all civil or criminal proceedings whatsoever, at law or in equity, the production of the *Gazette* containing any such Regulations shall alone be sufficient *prima facie* evidence that such Regulations have been duly made; and the *onus* of proving the contrary shall in every case be on the person disputing the validity of such Regulations.

Rates of poundage &c. to be fixed by the Governor in Council, and to be published in *Gazette*.

6 Every Officer of the Post Office issuing any Money Order in pursuance of the provisions of this Act shall demand and receive for the use of Her Majesty, in respect of every Money Order so issued by him, such rates of poundage as the Governor in Council from time to time orders: Provided that no poundage, nor any impost or charge whatsoever, shall be demandable or receivable by any person under this Act in respect of any Money Order to be issued, until the Order of the Governor in Council imposing the same shall have been published in the *Gazette*.

Appropriation of moneys received under Act.

7 All moneys received under the provisions of this Act shall be forthwith paid into the Colonial Treasury, and shall form part of the General Revenue.

No Action, &c. for anything done in pursuance of Act.

8 No action, suit, or other proceeding of any sort, at law or in equity, shall be brought, instituted, or commenced in any Court, or before any

Judge or Justice of the Peace, or otherwise howsoever, against the Postmaster-General, or any Officer of the Post Office, or any other person whomsoever, for, or by reason, or in consequence of any such 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 therefor 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.

9 Every action against the Postmaster-General, or any Officer of the Post Office, or any other person, for anything done in pursuance of the provisions of this Act, shall be commenced within One year after the cause of action arises, and the Defendant in any such action may plead the general issue and give the special matter and this Act, and the Regulations framed in pursuance thereof, in evidence upon the trial ; and if the Plaintiff is nonsuited or discontinues, or if upon a verdict or demurrer judgment is given against him, the Defendant shall be entitled to costs, as between attorney and client, and have such remedy for recovering the same as any other Defendant now has in other cases where costs are legally recoverable.

Actions against Officers to be brought within One year after cause arises.

10 Any person who unlawfully issues any Money Order with a fraudulent intent shall be guilty of Felony, and, upon conviction thereof, shall be liable to be kept in Penal Servitude for a term not exceeding Five years.

Fraudulently issuing Money Orders, felony.

11 Every Money Order issued under the provisions of this Act shall, in all criminal proceedings, be deemed and taken to be a "Valuable Security."

Money Orders "Valuable Securities" in criminal proceedings.

12 In referring to this Act it shall be sufficient to use the expression *The Money Order Act*.

Short Title.

