

*To be construed with [Ord 29 of 1932] Ord 8 of 1933,  
 repealed by Ord  
 6 of 1935. Ord 6 of 1935.  
 5 of 1936*

## CHAPTER 185.

## POST AND TELEGRAPH.

[No. XXI of 1893.]

[No. VII of 1910.]

[No. XIX of 1921.]

[1st January, 1894.]

## PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Post and Telegraph Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“ inland,” when used in relation to any postal packet or any description thereof, means posted within the colony and addressed to some place in the colony, and, when used in relation to post or postage, means the post carrying or the postage charged on the packet;

“ master,” as applied to a vessel, includes any person (not being a pilot) for the time being having the charge or command thereof, whether the vessel is a ship of war or other vessel;

“ mail ” includes every conveyance by which postal packets are carried, whether it is a carriage, coach, cart, horse, vessel, or any other conveyance, and also a person employed in conveying or delivering postal packets;

“ mail bag ” means a bag, box, or parcel, or any other envelope in which postal packets are conveyed, whether it does or does not contain postal packets;

“ postal packet ” means anything in course of transmission by post from the time of its delivery to a post office to the time of its delivery to the person to whom it is addressed, and, in the provisions of this Ordinance for the protection or benefit of the Post Office, for the protection of mails, mail

bags and officers of the Post Office, and touching offences committed in relation to a postal packet, includes a telegram;

- “ Officer of the Post Office ” includes the Postmaster General and every clerk, postmaster, sub-postmaster, receiver, agent, officer, inspector, letter-carrier, postman, guard, post-boy, electrician, operator, line-man, mechanic, attendant, messenger, or any other person employed in any business of the Post Office, whether employed by the Postmaster General or by any person under him or on behalf of the Post Office;
- “ post office ” means any house, building, room, carriage, vessel, or place where postal packets, or any of them, are, by the permission or under the authority of the Postmaster General received, delivered, sorted, or made up, or from which postal packets, or any of them, are, by the authority of the Postmaster General, despatched, and includes a post office letter-box;
- “ post office letter-box ” includes any pillar-box, wall-box, or other box or receptacle, provided, by the permission or under the authority of the Postmaster General, for the purpose of receiving postal packets, or any of them, for transmission by or under the authority of the Postmaster General;
- “ the purpose of the post office ” means any purpose of any of the statutes for the time being in force relating to the Post Office, post office money orders, postal orders, post office telegraphs, or post office savings banks, and includes any purpose relating to or in connection with the execution of the duties for the time being undertaken by the Postmaster General or any of his officers;
- “ telegraph ” means a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube, or pipe enclosing it or them, and apparatus connected therewith for the purpose of telegraphic communication; and includes any apparatus for transmitting messages or other communications by means of electricity;
- “ wireless telegraphy ” means any system of communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received;

- “ telegraph line ” means telegraphs, posts, and any work, and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever, used for the purpose of transmitting telegraphic messages or other communications by means of electricity or maintaining telegraphic communication, and includes any portion of a telegraphic line as defined by this Ordinance;
- “ alteration,” “ alter,” and “ altering,” in respect of a telegraphic line, include the substitution of any new line or portion of a line, either in the same place or in some other place, and also any removal of or other dealing with any telegraphic line or any part of that line;
- “ telegraph post ” means any post, pole, standard, stay, strut, or other above-ground contrivance for carrying, suspending, or supporting a telegraph;
- “ work ” includes telegraphs and telegraph posts;
- “ telegram ” means any message or other communication transmitted or intended for transmission by a telegraph, and includes any message or other communication transmitted or intended for transmission by a telephone or by any similar instrument or means;
- “ tree ” means any tree, branch, wood, underwood, or other produce of the soil;
- “ street ” means any public way situated within a city, town, or village, or between lands continuously built upon on either side, and repaired at the public expense, or at the expense of any municipal or village rate, including the footpaths of that way and any bridge forming part thereof;
- “ public road ” means any public highway required to be maintained under or by virtue of the Roads Ordinance, and not being a street, including the footpaths of that highway and any bridge forming part thereof, and also any land by the side and forming part of that highway, but not including a railway or canal;
- “ railway ” includes any station, work, or building connected with a railway;
- “ canal ” includes any navigation or navigable river or creek, and any dock, basin, towing path, wharf, work, or building connected with a canal;
- “ land ” means land which is not a street or a public road nor land by the side and forming part

thereof, and includes lands laid out for, and proposed by the owner to be converted into, a street or public road;

“ body ” includes a body of trustees or commissioners, municipal corporation, board, vestry, company, or society, whether incorporated or not; and any provision referring to a body applies to a person, as the case may require;

“ undertaking ” means any work or undertaking, of whatever nature, the execution of which is authorised by any statute;

“ undertakers ” means the parties, whether trustees, commissioners, corporation, company, or private persons, empowered by any statute to execute an undertaking, and any lessee or tenant thereof;

“ agents ” includes contractors, and also the officers, engineers, workmen, or servants, as well of the Postmaster General, undertakers, bodies, or persons, as of his or their contractors;

“ the regulations ” means regulations made under any Ordinance hereby repealed, or under this Ordinance, and for the time being in force.

3. For the purposes of this Ordinance,—

(a) the delivery of a postal packet to a letter carrier or other person authorised to receive letters for the post shall be a delivery to a post office; and

Meaning of delivery to or from a post office.

(b) the delivery of a postal packet at the house or office of the person to whom the packet is addressed, or to him or to his servant or other person authorised to receive the packet, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed.

## PART I.

### ADMINISTRATION.

#### *Officers of the Post Office.*

4.—(1) The Governor may appoint some fit and proper person to be Postmaster General of the colony, who shall receive the salary provided by the Civil List Ordinance for the time being in force, and the allowances (if any) assigned to him by the Legislative Council.

Appointment, salary and duties of Postmaster General.

(2) He shall have the general control and direction of the system of posts and telegraphs established under this Ordinance, and of the other officers of the Post Office, and shall be responsible to the Governor for the efficient maintenance of that system.

Appointment and salaries of superior officers.

5. The Governor may appoint fit and proper persons to be electricians, inspectors, clerks, postmasters, and other superior officers necessary for the service of the Post Office and the government telegraphs, who shall receive the salary and allowances (if any) assigned to them by the Legislative Council, or by the Governor out of any moneys provided by that Court for the purpose.

Appointment and remuneration of subordinate officers.

6. The Postmaster General may, with the approval of the Governor, appoint fit and proper persons to be sorters, letter-carriers, operators, line men, attendants, messengers, and other subordinate officers necessary for the service of the Post Office and the government telegraphs, who shall receive the salary or wages and the allowances (if any) assigned to them by the Legislative Council, or by the Governor out of any moneys provided by the Council for the purpose.

Duties of officers.

7. Every officer of the Post Office, other than the Postmaster General, shall perform the duties in the postal department prescribed by this Ordinance and by the regulations, and, subject thereto, those assigned to him by the Postmaster General with the sanction of the Governor.

Declaration to be made by officer on appointment; first schedule.

8. Every officer of the Post Office, except the Postmaster General, shall, on appointment, appear before a magistrate and make a declaration in the form contained in the first schedule hereto or in any other form for the time being prescribed by the Governor.

Postal department.

9. The Postmaster General and other officers of the Post Office shall constitute the postal department of the colony.

*Powers and Privileges of the Postmaster General.*

General powers and rights of the Postmaster General.

10. The Postmaster General may establish, subject in each case to the approval of the Governor in Council, post and telegraph offices in any places in the colony where the public convenience requires them, and may collect,

receive, despatch, and convey, in the manner he thinks convenient, all postal packets transmitted within, or to, or from the colony.

11.—(1) The Postmaster General shall have the exclusive privilege of conveying from one place to another within the colony all letters, except in the following cases, and shall also within the colony have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, dispatching, and delivering all letters, except in the following cases, that is to say,—

Exclusive privilege of the Postmaster General as regards postal matters :

- (a) letters sent by a private friend in his way, journey, or travel, so that those letters are delivered by the friend to the person to whom they are directed;
- (b) letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof;
- (c) commissions or returns thereof, and affidavits and writs, process or proceedings, or returns thereof, issuing out of or connected with a court of justice;
- (d) letters sent out of the colony by a private vessel, not being a packet boat;
- (e) letters of merchants, owners of vessels of merchandise, or the cargo or loading therein, sent by the vessels of merchandise, or by any person employed by the owners for the carriage of the letters, according to their respective directions, and delivered to the respective persons to whom they are directed, without paying or receiving hire or reward, or other profit or advantage, for them in anywise;
- (f) letters concerning goods or merchandise sent by common known carriers, to be delivered with the goods which they concern, without hire or reward, or other profit or advantage, for receiving or delivering them; and
- (g) letters arriving by post in the colony and delivered by any officer of the Post Office to the agents of the addressees and letters for places out of the colony sent to be posted in the colony :

Provided that nothing herein contained shall authorise any person to make a collection of excepted letters aforesaid for the purpose of sending them in the manner hereby authorised.

Proviso.

(2) Subject as aforesaid, the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter, although they do not receive hire or reward for it, that is to say,—

- (a) common known carriers, their servants or agents, except letters concerning goods in their carts or wagons or on their pack animals, and owners, drivers, or guards of stage coaches;
- (b) members of the police force, except letters from an officer of police or a constable in charge of a police station, those letters being exclusively on the business of the police department;
- (c) owners, masters, or commanders of ships, vessels, steamboats, droghers, punts, or boats, called or being passage or packet boats, sailing or passing coastwise or otherwise between ports or places within the colony, or their servants or agents, except in respect of letters of merchants, owners of ships, or goods on board, or letters on the business of plantations sent by droghers or punts employed in the service of those plantations;
- (d) passengers or other persons on board any ship, vessel, steam-boat, drogher, punt, or passage or packet boat aforesaid; and
- (e) the owners of, or sailors, watermen, or others on board, a ship, vessel, steam-boat, or other boat or barge passing or re-passing on a river or navigable canal within the colony.

(3) Every person who, not being authorised by or in pursuance of this Ordinance,—

- (a) sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, or performs any service incidental to conveying, any letter not excepted from the exclusive privilege of the Postmaster General; or
- (b) makes a collection of those excepted letters for the purpose of conveying or sending them by the post or otherwise than by the post,

Penalties for infringement.

shall on conviction thereof be liable to a penalty not exceeding twenty dollars for every such letter.

(4) Every person who is in the practice of doing any of those things shall on conviction thereof be liable, for every week during which the practice is continued, to a penalty of two hundred dollars.

(5) In this section, the term "post" includes all post communications by land or by water (except by outward-bound vessels not being employed by or under the Post Office or the Admiralty to carry letters); and the above penalties shall be incurred whether the letter is sent singly or with anything else, or the incidental service is performed in respect of a letter either sent or to be sent singly or together with some other letter or thing; and, in any proceeding for the recovery of the penalty, it shall lie upon the person prosecuted to prove that the act in respect of which the penalty is alleged to have been incurred was done in conformity with this Ordinance.

12.—(1) The Postmaster General shall have the exclusive privilege of transmitting from one place to another within the colony all telegrams, except in the following cases, and shall also within the colony have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all telegrams, except in the following cases, that is to say, telegrams transmitted—

Exclusive privilege of the Postmaster General as regards telegraphic matters.

- (a) free of charge by a telegraph maintained over private lands or used solely for private purposes, and relating to the business or private affairs of the owner or owners thereof;
- (b) by a telegraph maintained for the private use of a corporation, company, or person and in respect of which, or of the receipt, collection, transmission, or delivery of which, no money or valuable consideration is or is promised to be made or given;
- (c) with the written licence or consent, either special or general, of the Governor, which may be granted on any terms and conditions to the Governor seeming fit;
- (d) by any railway company within the limits it is by any statute for the time being in force empowered to transmit them; and
- (e) to or from any place out of the colony by any corporation, company, or person thereto legally authorised.

(2) Any corporation, company, or person who—

- (a) transmits, or aids or is concerned in transmitting, any telegram in contravention of the exclusive privilege conferred on the Postmaster General by this Ordinance; or



(b) receives, collects, sends, despatches, or delivers any telegram in contravention of that privilege, or aids or is concerned in the receipt, collection, sending, despatch, or delivery of the telegram in contravention of that privilege,

Penalties for infringement.

shall on conviction thereof be liable to a penalty not exceeding twenty-four dollars; and where any person offending against this sub-section is a servant or person hired to do the act of which complaint is made, the master or other person employing the servant shall, as well as the servant himself, be liable to a like penalty for each offence.

Deputy of the Postmaster General may give notice, or make claim, entry or distress.

13. Anyone having authority in that behalf either general or special, by writing signed by the Postmaster General, may, on behalf of the Postmaster General, give any notice or make any demand, claim, entry, or distress which the Postmaster General, in his official capacity or otherwise, might give or make, and the notice, demand, claim, entry, and distress shall be deemed to have been given and made by the Postmaster General on behalf of the colony.

Exemption of officer from certain services.

14. Notwithstanding anything contained in any other Ordinance, an officer of the Post Office shall not be compelled to serve on any jury or inquest, or in the militia.

Surrender of Post Office property on officer vacating office.

15.—(1) Where an officer of the Post Office vacates his office (whether by reason of dismissal, resignation, death, or otherwise) he, or, if he is dead, his personal representative or the person so acting, shall deliver to the superior officer of the Post Office for the time being directed by or in pursuance of the regulations, all articles (whether uniform, accoutrements, appointments, or other necessaries) which have been issued to the officer vacating his office for the execution of his duty, and are not, under the regulations, the property of that officer, and shall deliver them at the time and place fixed by the superior officer to whom they are to be delivered and in good order and condition, fair wear and tear only excepted.

Penalty for default.

(2) Any person who fails to comply with the provisions of this section shall on conviction thereof be liable to a penalty not exceeding ten dollars and also any further sum not exceeding ten dollars, which the Court determines to be the value of the articles not delivered or, if they have been delivered but are not in good order and condition, of the damage done to them.

(3) Any justice of the peace may issue a warrant by virtue whereof any constable may search for and seize any articles not delivered as required by this section, in like manner as if they were stolen goods and the warrant was a warrant to search for stolen goods.

## PART II.

### THE POST OFFICE.

#### *Duties of Postage.*

16.—(1) Subject to the provisions of this Ordinance, there shall be charged by the Postmaster General for the public use of the colony on all postal packets conveyed or delivered for conveyance by post under the authority of the Postmaster General, and also on all letters not excepted from the exclusive privilege of the Postmaster General and brought into the colony, the duties of postage and other sums from time to time fixed in manner provided by this Ordinance.

Charge on  
postal  
packets.

(2) The Governor and Legislative Council may fix the rates of the duties of postage and other sums to be charged under this Ordinance, and regulate the scale of weights and the circumstances according to which those rates and sums are respectively to be charged, and the power of the Postmaster General, with or without the consent of the Governor, to remit any of them.

17.—(1) The Governor may, by Order in Council, from time to time adopt the terms, stipulations, conditions, or regulations agreed upon by the Universal Postal Union for, or respecting, or in relation to the transmission of postal matter and declare that they or any part or modification of them shall be in force in the colony.

Membership  
of the  
Universal  
Postal Union.

(2) Any Order in Council aforesaid shall have the same force and effect as if the provisions therein contained were inserted in this Ordinance.

18. Where, in consequence of the exercise of any power given under this Ordinance, any additional charge is entailed on the general revenue of the colony, or where any change is made in the rates of postage existing at the commencement of this Ordinance, a full report of each the charge or change shall be made by the Colonial Secretary to the Legislative Council at the session next after the time when the charge or change is entailed or made.

Report of  
postal  
charges  
to the  
Legislative  
Council.

Payment of postage by receiver or sender.

19.—(1) If the sender of a postal packet fails to prepay the postage chargeable thereon, that postage shall be paid by the person to whom the postal packet is addressed (in this Ordinance styled “the addressee”) on the delivery thereof to him; or, if the postal packet is refused, or the addressee is dead or cannot be found, by the sender.

(2) If the addressee, on receiving a postal packet and paying the postage thereof, desires to reject it and compel the sender thereof to pay the postage, the Postmaster General, on the application of the addressee and subject to the regulations, may charge the postage thereof to the sender, with the additional postage of returning the packet to him; and in that case the sender of the postal packet shall pay the postage of sending and also of returning the packet, and on the payment thereof the amount paid in respect of postage by the addressee shall be repaid to him by the Postmaster General.

(3) Nothing in this section shall release the addressee from his liability to pay the postage of a packet on the delivery thereof to him.

Recovery of duties of postage.

20. All duties of postage and other sums charged under this Ordinance, or under any other statute for the time being in force relating to the same subject-matter, may be recovered, with full costs of suit, in any court of competent jurisdiction, at the suit of the Postmaster General or any postmaster.

Primâ facie evidence afforded by postage mark.

21. In any proceeding for the recovery of postage,—

- (a) the production of any postal packet in respect of which any postage is sought to be recovered, having thereupon a post office stamp denoting that the packet has been refused or rejected, or that the addressee is dead or cannot be found, shall be primâ facie evidence of the fact; and
- (b) the person from whom any postal packet in respect of which the postage is sought to be recovered purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark evidence of amount of postage.

22. The official mark of any sum on any postal packet as due to the Post Office, or to any British, colonial, or foreign post office, in respect of that packet, shall, in any court of justice, be received as evidence of the liability of the packet to the sum so marked, and the sum shall be recoverable in that court as postage due to the colony.

22 A.

Ord 8 of 1933. s. 2.

**23.** All sums payable in pursuance of this Ordinance, or of any warrants, or rules, or regulations made under this Ordinance, shall be deemed to be duties of postage and shall be stamp duties under the management of the Commissioners of Stamps, and all enactments relating to stamp duties shall apply accordingly.

Duties of stamps.

**24.** The Governor may cause to be provided stamped envelopes, stamped wrappers, letter-sheet envelopes, and envelopes for registered postal matter and postal cards of all kinds; and the postal department shall have the exclusive privilege of issuing them.

Privilege of providing stamped envelopes.

*Conditions of Transit of Postal Packets.*

**25.** All postal packets shall be posted, transmitted, conveyed, and delivered, subject to such regulations, conditions, prohibitions, and restrictions respecting—

Regulations as to postal packets.

- (a) the time and mode of posting and delivery, and of the payments of duties of postage and other sums chargeable in pursuance of this Ordinance, or of any warrant, or rules, or regulations made under this Ordinance, and
- (b) the registration of, and giving receipts for, and obtaining certificates of posting and delivery of, any postal packet and the sums to be paid in addition to any other rate of postage for that registration, receipt, or certificate; and
- (c) stamps, covers, form, dimensions, maximum weight, enclosures, words, or marks on newspapers and printed papers, the use of packets (other than letters) for making communications, or otherwise,

as are directed by the regulations.

**26.** The Postmaster General, with the consent of the Governor in Council, may, either generally or in the case of any particular person, authorise—

Power to authorise collection and delivery of letters otherwise than by post.

- (a) letters or other postal packets to be sent, conveyed and delivered otherwise than by post; and
- (b) the collection, otherwise than by an officer of the Post Office, of any letters or postal packets, whether to be so sent or to be sent by post,

but the authority shall be subject in every case to any regulations, conditions, prohibitions, and restrictions specified in an order of the Governor in Council made on the representation of the Postmaster General.

Despatch and delivery of book packets and cards.

27. Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book packets, pattern or sample packets, and post cards, or any of them, those packets or cards, or any of them, may, subject and according to the regulations, be detained in the post office until the despatch or delivery next following that by which they would ordinarily be despatched or delivered.

Prohibition of sending by post explosive, inflammable, or deleterious substances, or indecent matter :

28.—(1) No one shall send or attempt to send any postal packet which either—

(a) encloses any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure either other postal packets in course of conveyance or an officer of the Post Office, or any article or thing whatsoever likely to injure either other postal packets in course of conveyance or an officer of the Post Office; or

(b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any indecent or obscene article, whether similar to the above or not; or

(c) has thereon, or on the cover thereof, any words, marks, or designs of an indecent, obscene, or grossly offensive character; or

(d) encloses any opium as defined in the Opium Ordinance, or any Indian hemp or datura as defined in the Indian Hemp and Datura Ordinance and any amending Ordinance, or any substance or drug whatever certified by the government analyst of the colony to be purely a narcotic :

Provided that the Governor may authorise the insertion in a postal packet of any substance or narcotic aforesaid according to any convention or agreement of the Universal Postal Union.

Chapter 191 :

Chapter 190 :

Proviso.

Penalty.

(2) Everyone who contravenes this section shall be liable on summary conviction to a penalty not exceeding fifty dollars and on conviction on indictment to imprisonment, with or without hard labour, for any term not exceeding twelve months.

(3) The detention in the post office of any postal packet on the ground of its being in contravention of this

section shall not exempt the sender thereof from any proceedings which might have been taken if it had been delivered in due course of post.

**29.** The Postmaster General may examine any printed paper or any packet sent by post without a cover, or in a cover open at the sides, in order to discover whether it is contrary in any respect to the conditions required by this Ordinance to be observed or to the regulations.

Printed matter sent without cover or in open cover.

**30.** If any postal packet contains or bears a fictitious stamp as defined in section eighty-one of this Ordinance, or purports to be prepaid with any postage stamp previously used to prepay any other postal packet, or is posted or sent by post in contravention of this Ordinance or of the regulations, the transmission thereof may be refused, and the packet may, if necessary, be detained and opened in the post office, and shall either be returned to the sender thereof or forwarded to its destination, in either case charged with the additional postage at a rate not exceeding the letter rate of postage, or without any additional charge, provided by an order of the Governor and Legislative Council under this Ordinance, or if that provision is not made, directed by the Postmaster General with the approval of the Governor.

Dealing with postal packet not sent in conformity with the Ordinance.

**31.** The Postmaster General and any officer of the Post Office may detain any postal packet suspected to contain any contraband goods and transmit the packet to the Comptroller of Customs, and the Comptroller, in the presence of the person to whom the packet is addressed, or if, after notice in writing from the Comptroller requiring his attendance left at or transmitted by post to the address on the packet, he fails to attend, then in his absence, may open and examine the packet, and, if the Comptroller finds any contraband goods, may detain the packet and its contents for the purpose of prosecution, and, if the Comptroller finds no contraband goods, shall either deliver the packet to the person to whom it is addressed on his paying the postage, if any, chargeable thereon, or, if he is absent, shall transmit the packet to him by post.

Dealing with postal packet containing contraband goods.

**32.** The registration of or giving a receipt for a postal packet shall not render the Postmaster General or the Post Office revenue in any manner liable for the loss of the packet or the contents thereof.

Liability for loss of postal packet.

Decision as  
to postal  
packet.

33. If any question arises whether any postal packet is a letter, post card, newspaper, supplement, book packet, circular, or other description of postal packet within the meaning of this Ordinance or of the regulations, the decision thereon of the Postmaster General shall be final, but the Governor may, if he thinks fit, on the application of any person interested, reverse or modify the decision and order accordingly.

#### *Money Orders.*

Provisions  
relating to  
money  
orders and  
postal orders.

34.—(1) The Postmaster General, subject to the approval of the Governor, may provide for the remission of small sums of money through the post office by means of money orders, and may demand and receive, for the public use of the colony, in respect of those money orders the rates of commission for the time being fixed by an Order in Council, and all commissions so received shall be deemed to be part of the Post Office revenue.

(2) No interest shall be payable in respect of any money order.

(3) If the regulations so provide, the Postmaster General may authorise any public officer to issue money orders, and any person so authorised shall, for the purpose of the issue and payment of money orders, be deemed to be an officer of the Post Office within the meaning of this Ordinance.

(4) Subject to the regulations, the Postmaster General may pay the amount of any money order to the person to whom it is granted, or his executors or administrators, whether it remains in the possession of that person or not, and, on the repayment, all liability on the part of the Postmaster General, or of the revenue of the colony in respect of the money order shall, as against the payee of the money order and the holder thereof, and every other person whomsoever, absolutely cease.

(5) No action or other legal proceedings shall be instituted against the Postmaster General, or any officer of the Post Office, or anyone whomsoever, in respect of any compliance with the regulations relating to money orders or otherwise in relation thereto, or in respect of the payment of any money order being refused or delayed by or on account of any accidental neglect, omission, or mistake by or on the part of any officer of the Post Office, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of that officer.

(6) In this section, the expression "money orders" includes postal orders.

### *Ship Letters.*

35. Every master of a vessel outward bound, or passing coastwise or otherwise between ports or places within the colony, shall receive on board his vessel every mail bag tendered to him by an officer of the Post Office for conveyance, and, having received the bag, shall deliver it, on arriving at the port or place of his destination, without delay, and, if he fails to comply with this section, he shall on conviction thereof be liable to a penalty not exceeding five hundred dollars.

Duty of master of outward-bound vessel respecting mails.

Penalty for non-performance.

36.—(1) Every master of a vessel inward bound shall collect all letters on board his vessel, not being letters excepted from the privilege of the Postmaster General and not being letters by this Ordinance defined as shipowners' letters, and enclose them in some bag or other covering, sealed with his seal, and addressed to the Postmaster General, and without delay deliver them to the proper officer of the Post Office demanding them, or, if no demand is made by that officer, then at the post office with which he can first communicate, or, if the vessel is liable to the performance of quarantine, to the person appointed to superintend the quarantine, who, after taking the proper precautions, shall deliver them at the post office.

Duty of master of inward-bound vessel respecting letters.

(2) The master of the vessel shall, at the port where the vessel reports, sign, in the presence of the proper officer of the Post Office, who shall also sign it, a declaration of compliance with this Ordinance (which may be in the form in the second schedule hereto), and shall not break bulk or make entry in any port until he has complied with this section.

Second schedule.

(3) Any master of a vessel, who acts in contravention of or fails to comply with this section, shall, if he has wilfully delayed the delivery of letters as required by this section, be liable on conviction thereof to a penalty not exceeding one hundred dollars, and, in any other case, to a penalty not exceeding two hundred dollars.

Penalty for non-performance.

(4) If any person appointed to superintend the quarantine acts in contravention of or fails to comply with this section, he shall, on being convicted thereof, be liable to a penalty not exceeding two hundred dollars.



(5) For the purposes of this section, the harbour master of any port where the vessel arrives shall be deemed to be an officer of the Post Office, and if any letters are delivered to a harbour master under this section he shall immediately transmit the same to the nearest post office.

Opening mail bag by master of vessel, or letters by carrier.

**37.**—(1) Any master of a vessel who—

- (a) opens a sealed mail bag with which he is entrusted for conveyance; or
- (b) takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing,

Penalty.

shall on conviction thereof be liable to a penalty not exceeding five hundred dollars.

(2) Any person to whom letters have been entrusted by the master of a vessel to bring on shore who breaks the seal, or in any manner wilfully opens them, shall on conviction thereof be liable to a penalty not exceeding one hundred dollars.

Penalty.

Duty of officer of customs as to delivery of letters by master of vessel.

**38.**—(1) An officer of customs shall not allow any inward-bound vessel to report until the master has made the declaration required by this Ordinance with respect to letters, and shall not permit that vessel to break bulk or make any entry until the letters on board thereof have been delivered to an officer of the Post Office or at a post office as required by this Ordinance, and shall search the vessel for letters which may be on board contrary to this Ordinance, and may seize them and forward them to the nearest post office.

Penalty for non-performance.

(2) Any officer of customs who acts in contravention of or fails to comply with this section, shall on conviction thereof be liable to a penalty not exceeding two hundred dollars.

Shipowners' letters:

**39.**—(1) The following letters (in this Ordinance referred to as "shipowners' letters"), that is to say, letters of the owners, charterers, or consignees of vessels inward bound, and of the owners, consignees, or shippers of goods on board of those vessels, when not exceeding the weights and when complying with the conditions hereinafter mentioned, shall,—

- (a) if required to be delivered at the port of the vessel's arrival, be delivered to the owners, charterers, consignees, or shippers by the

...ers the other letters to  
...be so delivered free of

...in the colony, shall be  
...ent of inland postage only :

Proviso.

...brought by any one vessel to  
...e of those persons shall not  
...ely exceed six ounces in

...charterer, or consignee shall  
...described on the address and  
...ription; and,  
...se of owners, consignees, or  
...s of goods, it shall also appear  
...ship's manifest that they have  
...on board the vessel.

...s' letters are found by an officer  
...f the weights hereinbefore limited  
...r shall seize so many of the letters  
...inder within those weights, and  
...s to the nearest post office.

of cus  
by th  
as w.  
shall

**40.** The Postmaster General may, with the approval of the Governor in Council, allow to masters of vessels in respect of postal packets or any description thereof conveyed by them on behalf of the Post Office, and also to pilots, seamen, and others in respect of postal packets or any description thereof brought by them to any Post Office from any vessels, the gratuities under the regulations and restrictions from time to time determined.

Gratuities  
to masters  
of vessels.

**41.** Anyone who, being either the master or one of the officers or crew of a vessel inward bound or a passenger thereof, knowingly has in his baggage, or in his possession or custody, any letter not excepted from the privilege of the Postmaster General after the master has sent any part of the letters on board his vessel to the post office, shall for each letter be liable on conviction to a penalty not exceeding fifteen dollars, and if he detains the letter after demand is made for it, either by an officer of customs or by a person authorised by the Postmaster General to demand the letters on board the vessel, he shall for each letter be liable on conviction to a penalty not exceeding thirty dollars.

Retention of  
ship letters  
after delivery  
of letters to  
post office.

## PART III.

## THE GOVERNMENT TELEGRAPH.

*General Powers.*

Power to  
construct and  
maintain  
telegraph.

**42.** For the purpose of enabling the Postmaster General to establish and maintain telegraphic communication between the different parts of the colony, he may, subject to the restrictions and provisions hereinafter contained, lay, construct, land, maintain, and work telegraphs, under, in, upon, over, along, or across, any of the waters, shores, or lands of the colony, and upon, over, along, or across any building in the colony, and cut down, remove, and convert to his own use any tree growing or being in any part of any lands off either side of the telegraph and within a distance not exceeding fifty feet, provided a plan of the intended works has been first submitted by him to and approved by the Governor in Council.

User of  
public ways.

**43.** Subject to the restrictions and provisions of this Ordinance, the Postmaster General shall be allowed the gratuitous use of the streets, public roads, rivers, and waters of the colony required to be used by him for the purposes of the government telegraph.

General  
description  
of works  
authorised :

**44.** Subject to the restrictions and provisions of this Ordinance, the Postmaster General may execute works as follows, that is, he may—

- (a) place and maintain a telegraph under any street or public road and alter or remove it;
- (b) place and maintain a telegraph over, along, or across any street or public road, and place and maintain posts in or under any street or public road, and alter or remove them;
- (c) for the purposes aforesaid, open or break up any street or public road and alter the position thereunder of any pipe (not being a main) for the supply of water or gas; and
- (d) place and maintain a telegraph and posts under, in, upon, over, along, or across any land or building, or any railway or canal, or any estuary or branch of the sea, or the shore or bed of any tidal water, and alter or remove them :

Proviso.

Provided that he shall not be deemed to acquire any right other than that of the user only in the soil of any

street or public road, under, in, upon, over, along, or across which he places any work.

*Restrictions on Exercise of Powers.*

45. In the exercise of the aforesaid powers, the Postmaster General shall also be subject to the following restrictions:—

Restrictions on exercise of powers relating to execution of works.

- (a) he shall cause as little detriment or inconvenience as circumstances admit to the person to or by whom any pipe for the supply of water or gas belongs or is used;
- (b) before he alters the position of that pipe, he shall give to the person to whom it belongs notice of his intention to do so, specifying the time at which he will begin to do so, the notice to be given twenty-four hours at least before the commencement of the work for effecting the alteration; and
- (c) he shall not execute the work except under the superintendence of the person to whom the pipe belongs, unless that person refuses or neglects to give the superintendence at the time specified in the notice for the commencement of the work or discontinues it during the work; and he shall execute the work to the reasonable satisfaction of that person.

46. Every underground tube or pipe of the government telegraph shall be so marked as to distinguish it from tubes or pipes of all other persons.

Marking of tube or pipe.

47. When the Postmaster General places a telegraph along, across, or over any street or public road, he shall not place it so low as to stop, hinder, or interfere with, any right of passage along, across, or over that street or road.

Prohibition of impeding of traffic.

48.—(a) The Postmaster General shall not stop or impede the traffic in any street or public road further than is necessary for the proper execution of the requisite works.

Protection of traffic.

(b) He shall not close against traffic more than one-third in width of any street or public road, or of any way opening into any street or public road, at one time.

(c) In case two-thirds of the street or road are not wide enough to allow two carriages to pass each other, he

shall not occupy with his works at one time more than fifty yards in length of the one-third thereof, except with the consent of the person having control thereof.

Restrictions  
as to opening  
up of streets  
and roads.

**49.** When the Postmaster General proceeds to open or break up a street or public road, the following provisions shall have effect, that is to say,—

- (a) he shall give notice to the person having the control of the street or public road, specifying the time at which he will begin to do so; the notice to be given, in the case of an underground work, ten days at least, and in the case of an above-ground work, five days at least, before the commencement of the work; except in case of emergency, in which case a notice of the work proposed shall be given as soon as may be after the commencement thereof; and
- (b) he shall not (except in case of emergency) open or break up any street or public road except under the superintendence of the person to whom notice is by this section required to be given, unless that person refuses or neglects to give the superintendence at the time specified in the notice for the work or discontinues it during the work.

Obligation  
to restore  
street or  
road opened.

**50.** After the Postmaster General has opened or broken up a street or public road, he shall be under the following further obligations in respect thereof, that is to say,—

- (a) he shall with all convenient speed, complete the work on account of which he opened it or broke it up, and fill in the ground and make good the surface, and generally restore it to as good a condition as that in which it was before being opened or broken up, and carry away all rubbish occasioned thereby; and
- (b) he shall, in the meantime, cause the place where it is opened or broken up to be fenced and watched and to be properly lighted at night.

Protection  
of rights of  
private  
property in  
respect of  
telegraph  
work.

**51.** The Postmaster General shall not place any work by the side of any land or building, so as to stop, hinder, or interfere with ingress or egress for any purpose thereto or therefrom, and shall execute all works under, in, upon, over, along, or across any building or land, other than

streets or public roads, subject to the following provisions, that is to say,—

- (a) twenty-one days at least before he proceeds to place a telegraph, he shall publish in the Gazette a notice describing the intended course thereof;
- (b) where he places a telegraph directly over any dwelling-house he shall not place it at a less height above the roof thereof than six feet, if the owner, lessee, or occupier thereof objects to his placing it at a less height; and,
- (c) if at any time the owner, lessee, or occupier of any building or land adjoining a building directly over which building or land the Postmaster General places a telegraph, desires to raise the building to a greater height, or to extend it over that land, the Postmaster General shall increase the height, or otherwise alter the position, of the telegraph so that it may not interfere with the raising or extension of the building, within fourteen days after receiving from the owner, lessee, or occupier a notice of his intention to raise or extend the building; or, in case of difference between the Postmaster General and the owner, lessee, or occupier as to his intention, then within fourteen days after receiving a certificate, signed by a magistrate, certifying that the magistrate is satisfied of the intention of the owner, lessee, or occupier to raise or extend the building.

52.—(1) Before the Postmaster General proceeds to place a telegraph over, along, or across any street or public road, or to place posts in or upon any street or public road, he shall publish a notice describing the course of the telegraph—

Notice of intended telegraph.

- (a) by affixing the notice on some conspicuous places by the side of the part of the street or road affected, at distances of not more than one mile apart; and
- (b) by inserting the notice once at least in each of two successive weeks in the Gazette and in one or more newspapers of the colony;

and he shall not so place the telegraph or post until the expiration of twenty-one days from the last publication of the notice.

(2) At any time during those twenty-one days, the owner, lessee, or occupier of any land or building adjoining either side of the street or road may give to the Postmaster General notice of his objection to the intended work as prejudicially affecting that land or building.

(3) Before the Postmaster General proceeds to cut down or remove any tree growing or being on any land on either side of the telegraph, he shall, twenty-one days at least before so doing, give notice of his intention to do so to the owner, lessee, or occupier of the land, and shall affix a copy of the notice in a conspicuous place near the tree; and at any time during the twenty-one days the owner, lessee, or occupier may give notice to the Postmaster General of his objection to the tree being cut down or removed.

(4) Until the objection is settled or determined in manner hereinafter provided, the Postmaster General shall not execute that part of the intended work or cut down or remove the tree, to which the objection relates.

Procedure on receipt of notice of objection to work.

**53.**—(1) As soon as may be after the receipt of any notice of objection aforesaid, the Postmaster General (unless the difference between him and the person objecting is settled) shall report the objection in writing to the Governor in Council.

(2) On considering that report and the statement of any person objecting, the Governor in Council may—

- (a) allow the objection, either wholly or in part; or
- (b) authorise the Postmaster General to proceed with the work, or to cut down or remove the tree, paying to the owner, lessee, or occupier objecting a compensation (the amount thereof to be determined in case of difference by the Governor in Council) for any damage done to him; or
- (c) authorise the Postmaster General so to proceed, subject to any conditions as to the time or mode of execution of any work, or as to the removal or alteration in any event of any work, or as to any other thing connected with or relative to any work, the Governor in Council thinks fit; or
- (d) authorise the Postmaster General so to proceed, subject to any modification of any intended work the Governor in Council prescribes; but so that in that case notice and opportunity of

objecting and being heard as the Governor in Council directs shall be given to any owner, lessee, or occupier whom the modification affects.

(3) The determination of the Governor in Council on the matter of the objection shall be final and conclusive.

(4) The Governor in Council may allow to any owner, lessee, or occupier so objecting any costs seeming just.

54.—(1) Where the Postmaster General has constructed any work under, in, upon, over, along, or across, any land or building, and any owner, lessee, or occupier of that land or building, or other person having any interest therein, desires to build upon or enclose that land, or in any manner to improve or alter it, or to use it in some manner in which it was not actually used at the time of the construction of the work, and with which the continuance of the work will interfere, then the following provisions shall have effect, that is to say—

Removal or alteration of work affecting land or building.

- (a) the owner, lessee, occupier, or other person interested may give to the Postmaster General a notice specifying the nature of the intended building, enclosure, improvement, alteration, or other use of the land or building, including ingress or egress thereto or therefrom, and requiring the Postmaster General to remove or alter the work so that it may not interfere therewith; and,
- (b) within fourteen days after the receipt of that notice, or, in case of difference between the Postmaster General and the person giving the notice as to his intention, then within fourteen days after the receipt of a certificate, signed by a magistrate, certifying that he is satisfied of the intention of the person to make the building, enclosure, improvement, alteration, or other use of the land or building, and that the continuance of the work will interfere therewith, the granting of that certificate being deemed to be a matter referred to the determination of the magistrate so certifying, the Postmaster General shall remove or alter the work, so that it shall not interfere with the intended building, enclosure, improvement, alteration, or other use of the land or building.



(2) Nothing in this section shall empower anyone to obtain the removal or alteration of any work contrary to the terms of any grant or consent in writing made or given by him or by anyone through whom he takes his estate or interest.

*Miscellaneous Matters.*

Use of lights  
and signals.

55. The Postmaster General may, in or about the construction, maintenance, or repair, of any work under, in, upon, over, along, or across, any estuary or branch of the sea or the shore or bed of any tidal water within the limits of the colony, use on board ship or elsewhere any light or signal allowed by the regulations.

Power to  
refer to  
arbitrator.

56. If, in any case where any matter is by this Ordinance authorised or directed to be determined by the Governor in Council, it appears to him to be expedient, for convenience of local investigation or for any other reason, that the matter should be determined by an arbitrator, he may, notwithstanding anything contained in this Ordinance, and whether he has entered on the investigation or not, refer the matter to some competent and impartial person as arbitrator; and, with respect to the matter so referred, the arbitrator shall have the like authority and jurisdiction as the Governor in Council has under this Ordinance, and his determination shall have the same effect as a determination of the Governor in Council under this Ordinance.

Provision as  
to notices  
and consents.

57. The following provisions shall apply to notices and consents under this Ordinance:—

- (a) every notice or consent shall be in writing;
- (b) any notice to or by the Postmaster General, or any body or person having the control of a street or public road or of the sewerage or drainage thereunder, may be given to or by the Postmaster General, or the clerk, agent, secretary, or other like officer, if any, of the Postmaster General or of that body or person, as the case may be; and
- (c) any consent, where consent is required, may be given on any pecuniary or other terms or conditions (being in themselves lawful) or subject to any stipulations as to the time or mode of

execution of any work, or as to the removal or alteration in any event of any work, or as to any other thing connected with or relative to any work, the body or person giving the consent thinks fit.

58.—(1) Where any undertakers, body, or person, by themselves or their agents, destroy or injure, or by himself or his agents, destroys or injures, any telegraph line of the Postmaster General, the undertakers, body, or person shall not only be liable to pay to the Postmaster General the expenses (if any) he incurs in making good the destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall on conviction be liable to a penalty not exceeding fifty dollars per diem for every day during which the interruption continues.

Compensation and penalty for injury to telegraph lines and for interruption to telegraphic communication.

(2) Where the undertakers, body, or person, liable to pay the daily penalty aforesaid to the Postmaster General, are or is not authorised to execute the works required for remedying the interruption, the interruption shall be deemed to continue either for the time during which it actually continues or for any less time which, in the opinion of the Court having cognizance of the case, would have been sufficient for remedying the interruption by the Postmaster General.

(3) The Postmaster General may, instead of taking proceedings for the recovery of the daily penalty aforesaid, proceed for the recovery of a penalty not exceeding two hundred dollars, to which the undertakers, body, or person shall be liable on conviction.

(4) An act done to a telegraph line in the course of work undertaken by any undertakers, body, or person, in the legal exercise of a right, shall not be deemed to be wilful destruction of or injury to the telegraph line, if due notice of the intended exercise of the right has been given to the Postmaster General, that is to say, the notice required to be given in pursuance of any Ordinance or agreement, or, where there is no Ordinance or agreement requiring the notice, fourteen clear days' notice.

(5) This section shall be deemed to be in addition to, and not in derogation of, any other power or means which the Postmaster General has of recovering damages in respect of any destruction or injury in this section mentioned under any other Ordinance, or at common law, or

otherwise, so that he shall not proceed under this Ordinance and under any other Ordinance in respect of the same destruction or injury.

Obstructing the Postmaster General in telegraph line work.

59. Where any undertakers, body, or person, or their or his agents, obstruct or obstructs the Postmaster General or his agents in placing, maintaining, altering, examining, or repairing any telegraph line in pursuance of this Ordinance or of any consent given in pursuance hereof, or in supervising or directing any alteration in any telegraph line made by any undertakers, body, or person, or their or his agents, in pursuance of this Ordinance, the undertakers, body, or person, and agents respectively shall on conviction be liable to a penalty not exceeding two hundred dollars.

Penalty.

#### *Government Telegraph Monopoly.*

Meaning of "telegraph" in this section.

60.—(1) For the purposes of this section—  
"telegraph" means an electric, galvanic, or magnetic telegraph, and includes appliances and apparatus for transmitting or making telegraphic, telephonic, or other communication by means of electricity, galvanism or magnetism, whether the communication be transmitted by means of wires or cables, or without wires or cables.

Governor in Council to have monopoly in maintaining telegraphs: Proviso.

(2) The Governor in Council shall have the exclusive privilege of establishing, maintaining and working telegraphs between the colony and places outside of the colony:

Provided that the Governor in Council may grant a licence on the conditions and in consideration of the payments he thinks fit, to any person, company or body corporate, to establish, maintain, or work a telegraph between the colony and any place or places outside the colony.

#### *Wireless Telegraphy.*

Licences for wireless telegraphy.

61.—(1) No one shall establish any wireless telegraph station, or instal or work any apparatus for wireless telegraphy, in any place, or on board any British ship registered in the colony, except under and in accordance with a licence granted in that behalf by the Governor in Council.

Use of merchant ships apparatus.

(2) No one shall work any apparatus for wireless telegraphy installed on any ship (whether British or foreign) whilst that ship is in the territorial waters of the

Ord 6 of 1950.  
Sec 2.

colony, otherwise than in accordance with regulations made in that behalf by the Governor in Council and the Governor in Council may by those regulations impose penalties recoverable summarily for the breach thereof, not exceeding fifty dollars for each offence, and may provide for the forfeiture, on breach, of any apparatus for wireless telegraphy installed or worked on the ship.

(3) Anyone who establishes a wireless telegraph station without a licence in that behalf, or installs or works any apparatus for wireless telegraphy without a licence in that behalf, shall be guilty of a misdemeanour and be liable on summary conviction thereof to a penalty not exceeding fifty dollars, and on conviction on indictment to a fine not exceeding five hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding twelve months, and in either case he shall be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence.

Unauthorised use.

Penalty.

(4) A justice of the peace satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a licence in that behalf, or that any apparatus for wireless telegraphy has been installed or worked in any place, or on board any merchant ship, within his jurisdiction without a licence in that behalf or contrary to the provisions of the regulations made under sub-section (2) of this section, may grant a search warrant to any police officer or any officer appointed in that behalf by the Governor, or the Postmaster General, and named in the warrant, and a warrant so granted shall authorise the officer named therein to enter and inspect the station, place, or ship, and to seize any apparatus appearing to him to be used or intended to be used for wireless telegraphy therein.

Search warrant.

(5) Nothing in this section shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

61A Ord 29 of 1932. 3.2.

62.—(1) In this section the expression "ship" includes every description of vessel used in navigation not propelled by oars.

Meaning of "ship" in this section.

(2) Every sea-going British ship registered in the colony, being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards, shall be provided with a wireless telegraph installation, and shall maintain a

Wireless telegraphy requirements:

wireless telegraph service (at least sufficient to comply with the regulations made for the purpose under this section) and be provided with one or more certified operators and watchers at least, in accordance with those regulations :

Proviso :

Provided that the Governor in Council may exempt from the obligations imposed by this section any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph apparatus is unnecessary or unreasonable.

(3) The Governor in Council shall make regulations prescribing the nature of the wireless telegraph installation to be provided, of the services to be maintained, and the number, grade, and qualifications of operators and watchers to be carried :

Proviso.

Provided that no ship shall be required to carry more than one operator unless more than one operator would have been required under the provisions of the Merchant Shipping (Convention) Act, 1914.

4 & 5 Geo. 5,  
c. 50.

(4) If this section is not obeyed in the case of any ship, the master or owner of the ship shall be liable in respect of each offence to a fine not exceeding two thousand four hundred dollars, and the offence may be prosecuted summarily, but if it is prosecuted summarily the fine shall not exceed four hundred and eighty dollars.

Penalty.

(5) The Governor may appoint an officer to be a wireless telegraphy inspector (in this section described as an inspector) for the purpose of inspecting ships in order to ascertain whether the requirements of this section relating to wireless telegraphy are observed on board any ship.

Inspection  
of ships.

(6) An inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this section, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts, 1894 to 1916.

(7) If the inspector finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency and what in his opinion is requisite to remedy it.

(8) Every notice so given shall be communicated in the manner directed by the Governor in Council to the chief officer of customs of any port at which the ship seeks

to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of an inspector is produced to the effect that the ship is properly provided with wireless telegraph installation and certified operators and watchers in conformity with this section.

(9) The obligations imposed by this section shall be in addition to, and not in substitution for, the obligations as to wireless telegraphy imposed by the preceding section or regulations made thereunder, or by the Merchant Shipping (Convention) Act, 1914.

Nature of obligations.

4 & 5 Geo. V, c. 50.

(10) The foregoing provisions of this section as from a date three months after the coming into operation of the obligations imposed by this section on British ships registered in the colony shall apply to ships other than British ships so registered while they are within any port in the colony in like manner as they apply to British ships so registered.

Application to ships not registered in the United Kingdom.

63.—(1) Any provisions of section sixty-one of this Ordinance that are applicable to ships shall, with the necessary modifications, apply also to aircraft, and in particular with the modification that, in reference to ships in the colony or its territorial waters, there shall be substituted a reference to aircraft in or over the colony or its territorial waters.

Provisions of section sixty-one to apply to aircraft.

(2) The provisions of section sixty-one of this Ordinance shall apply to any visual or sound signalling station used or intended to be used for the purpose of communication with ships at sea as they apply to wireless telegraphy stations.

Provisions of section sixty-one to apply to visual and sound signalling stations :

(3) For the purposes of the preceding sub-section " visual or sound signalling station " includes any permanent or fixed apparatus for the purpose of visual or sound signalling :

Provided that nothing in this section shall apply to visual or sound signalling stations or apparatus on board ships or in aircraft, or to signalling stations, lighthouses, and lightships under the control of the Harbour Board.

Proviso.

(4) For removing doubts as to the meaning of the expression " transmission " in sub-section (b) of section sixty-one of this Ordinance it is hereby declared that that expression where used in that section in relation to messages includes, and shall be deemed always to have included, the reception as well as the sending of messages :

Explanation of the expression " transmission " in section 61 (5) :

Provided that nothing in this section shall render any person liable in respect of any act or omission prior to the

Proviso.

(7) see ord. 61935-3.3

first day of June, nineteen hundred and twenty-seven, to any penalty to which he would not but for this section have been liable.

Power of Governor in case of emergency to take control of messages and to make rules in connection therewith :

(5) If at any time in the opinion of the Governor an emergency has arisen wherein it is expedient for the public service that his Majesty's Government should have control over the transmission and reception of messages by wireless telegraphy or visual or sound signalling, and notice to that effect is published in the Gazette, the Governor may, during the continuance of the emergency, make such rules as appear necessary with respect to the possession, sale, purchase, construction, and use of apparatus for wireless telegraphy or visual or sound signalling or component parts of that apparatus, and to impose penalties and forfeitures in respect of any breach of the rules, and make any further provision appearing necessary for the enforcement of the rules :

Proviso.

Provided that rules made under this sub-section shall not provide for the imposition of a term of imprisonment exceeding six months or a fine exceeding five hundred dollars, or, in the case of a continuing offence, fifty dollars for each day during which the offence continues.

## PART IV.

### MISCELLANEOUS PROVISIONS.

#### *Post Office Offences.*

Stealing mail bag, postal packet or the contents, or stopping mail.

64. Everyone who—

- (a) steals a mail bag; or
- (b) steals a postal packet from a mail bag, or from a post office, or from an officer of the Post Office, or from a mail; or
- (c) steals out of a postal packet any contents thereof; or
- (d) stops a mail or an officer of the Post Office with intent to rob,

shall be guilty of felony, and on conviction thereof shall be liable to penal servitude for any term not exceeding fourteen years.

Receiving stolen mail bag, postal packet or its contents.

65. Everyone who receives any mail bag or postal packet, or any contents of a postal packet, the stealing, embezzling, or secreting whereof amounts to a felony under this Ordinance, knowing it or them to have been

feloniously stolen, embezzled, or secreted, and to have been sent, or to have been intended to be sent, by post, shall be guilty of felony, and, on conviction thereof, shall be liable to the same punishment as if he had stolen, embezzled, or secreted it or them.

**66.** Everyone who fraudulently retains, or wilfully secretes, or keeps, or detains, or, when required by an officer of the Post Office to do so, refuses or neglects to deliver up, a postal packet which ought to have been delivered to another, or a mail bag or postal packet which has been found by him or by any other person, shall on summary conviction be liable to a penalty not exceeding two hundred dollars or to imprisonment, with or without hard labour, for any term not exceeding six months.

Fraudulent retention of mail bag, or postal packet.

Penalty.

**67.**—(1) Anyone, not being an officer of the Post Office, who wilfully and maliciously, with intent to injure another, either opens or causes to be opened any postal packet which ought to have been delivered to that other person, or does any act or thing whereby the due delivery of the packet to that other person is prevented or impeded, shall on summary conviction be liable to a penalty not exceeding two hundred dollars or to imprisonment, with or without hard labour, for any term not exceeding six months.

Criminally diverting postal packet from addressee.

Penalty.

(2) Nothing in this section shall apply to a person who does any act to which this section applies where he is parent, or in the position of a parent or guardian, of the person to whom the packet is addressed.

(3) A prosecution shall not be instituted in pursuance of this section except by direction of the Postmaster General.

**68.** Any officer of the Post Office who steals, or for any purposes whatsoever embezzles, secretes, or destroys, a mail bag or postal packet, or any contents of a postal packet, shall be guilty of felony, and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years, or, if the contents consisted of any chattel or money whatsoever, or any valuable security as defined by any Ordinance for the time being in force relating to indictable offences, not exceeding fourteen years.

Embezzlement or destruction by officer of Post Office of mail bag or postal packet.

**69.**—(1) Any officer of the Post Office who, contrary to his duty, opens or procures or suffers to be opened, a postal packet, or wilfully detains or delays, or procures or suffers

Opening or delaying postal packet.



Penalty.

to be detained or delayed, a postal packet shall on summary conviction be liable to a penalty not exceeding two hundred dollars or to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) Nothing in this section shall extend to the opening, detaining, or delaying of a postal packet authorised to be opened, detained, or delayed by or in pursuance of this Ordinance or in obedience to an express warrant in writing under the hand and seal of the Governor.

Carelessness, negligence, or misconduct of person employed in carriage or delivery of mail bag or postal packet.

70. Everyone who, being employed to convey or deliver a mail bag or postal packet,—

- (a) whilst so employed, or whilst it is in his custody or possession, leaves it, or, without due authority, suffers any person, not being the guard or person employed for that purpose, to ride in the place appointed for the guard in or upon any carriage used for the conveyance of it, or to ride in or upon any carriage so used and not licensed to carry passengers, or upon any horse used for the conveyance on horseback of it; or
- (b) is guilty of any act of drunkenness, or of carelessness, negligence, or other misconduct, whereby the safety of the bag or postal packet is endangered; or
- (c) collects or receives, or conveys or delivers, a letter otherwise than in the ordinary course of post; or
- (d) gives any false information of an assault or attempt at robbery upon him; or
- (e) loiters on the road or passage, or wilfully mispends his time so as to delay the arrival of a mail bag or postal packet, or does not use due care and diligence safely to convey a mail bag or postal packet at the rate of speed appointed by the regulations, or, in default of regulations, by the Postmaster General,

Penalty.

shall on conviction thereof be liable to a penalty not exceeding one hundred dollars.

Issuing money order with fraudulent intent.

71.—(1) Any officer of the Post Office who grants or issues any money order with a fraudulent intent, shall be guilty of felony, and on conviction thereof shall be liable to penal servitude for any term not exceeding seven years.

(2) Any officer of the Post Office who re-issues a postal order previously paid, shall be deemed to have issued the order with a fraudulent intent under this section.

72. A postal order under this Ordinance shall be deemed to be an order for the payment of money and a valuable security within the meaning of this Ordinance.

Effect of postal order.

73. Everyone who, with intent to defraud, obliterates, adds to, or alters any lines or words on a postal order which would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any postal order, with that fraudulent obliteration, addition, or alteration, shall be guilty of felony, and on conviction thereof shall be liable to the like punishment as if the order were a cheque.

Fraudulent obliteration of crossing of postal order.

74. The provisions of law respecting the punishment of offences connected with stamp duties (including the provisions relating to moulds, frames, instruments, and machinery for the making of paper, and to the punishment of fraud), shall apply in like manner as if any poundage or commission chargeable for a postal order were stamp duty, and as if the paper used for postal orders were paper provided by the commissioners of stamps for receiving the impression of a die.

Application of law relating to stamp duties to postal orders.

75. Any officer of the Post Office who wilfully and unlawfully removes from any postal matter any postage stamp affixed thereto in payment of the postage, shall on conviction thereof be liable to a penalty not exceeding fifty dollars.

Removal of stamp from postal matter.

Penalty.

76. Any officer of the Post Office who wilfully and knowingly—

Use by officer of Post Office of stamp a second time.

(a) uses, or causes or allows to be used in pre-payment of postage any postage stamp, postal card, or stamped envelope, or any stamp cut or taken from a stamped envelope, which has already been once used for a like purpose; or

(b) removes or attempts to remove the cancelling or defacing marks from a postage stamp or postal card or stamped envelope, with intent to use or cause the use of it a second time, or to sell or offer to sell it; or

(c) removes from any letter or other postal matter deposited in or received at a Post Office the stamps attached thereto in payment of postage, with intent to use them a second time for a like purpose or to sell or offer to sell them,

Penalty.

shall on summary conviction be liable to a penalty not exceeding one hundred and fifty dollars or to imprisonment, with or without hard labour, for any term not exceeding four months.

Use by other person of stamp a second time.

**77.** Anyone not being an officer of the Post Office, who commits any of the offences mentioned in the last preceding section, shall on summary conviction be liable to a penalty not exceeding fifty dollars or to imprisonment, with or without hard labour, for any term not exceeding three months.

Penalty.

Prohibition of placing injurious substance in or against post office letter box.

**78.—(1)** No one shall place, or attempt to place, in or against any post office letter box, any fire, match, light, explosive substance, dangerous substance, filth, noxious or deleterious substance, or fluid, or shall commit a nuisance in or against any post office letter box, or shall do or attempt to do anything likely to injure the box or its appurtenances or contents.

Penalty.

(2) Everyone who contravenes this section shall be guilty of a misdemeanour, and shall be liable on summary conviction to a penalty not exceeding fifty dollars, and on conviction on indictment to imprisonment, with or without hard labour, for any term not exceeding one year.

Prohibition of affixture on Post Office Property.

**79.—(1)** No one shall, without due authority, affix or attempt to affix any placard, advertisement, notice, list, document, board, or thing on, or paint or tar, any post office, post office letter box, telegraph post, or any other property belonging to or used by or on behalf of the Postmaster General, or in any way disfigure that office, box, post, or property.

Penalty.

(2) Everyone who contravenes this section shall on conviction thereof be liable to a penalty not exceeding ten dollars.

Prohibition of imitation of Post Office stamps, envelopes, forms, and marks.

**80.—(1)** No one shall, without due authority,—

(a) make, issue, use, or send, by post or otherwise, any envelope, wrapper, card, form, or paper in imitation of one issued by or under the

authority of the Postmaster General, or of any colonial or foreign postal authority, or having thereon any words, letters, or marks which signify or imply or may reasonably lead the recipient to believe that a postal packet bearing them is sent on his Majesty's service; or

- (b) make on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of, or similar to, or purporting to be, any stamp or mark of any post office under the Postmaster General, or under any colonial or foreign postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a postal packet bearing them is sent on his Majesty's service; or
- (c) issue or send, by post or otherwise, any envelope, wrapper, card, form, or paper so marked.

(2) Everyone who contravenes this section shall on conviction thereof be liable to a penalty not exceeding ten dollars. Penalty.

**81.—(1) No one shall—**

- (a) make, knowingly utter, deal in, sell or offer for sale; or
- (b) knowingly use for any postal purpose; or
- (c) have in his possession, unless he shows a lawful excuse; or
- (d) make, or, unless he shows a lawful excuse, have in his possession, any die, plate, instrument, or materials for making

Prohibition of fictitious stamp, international reply coupon, or postal identity card.

any fictitious or counterfeit stamp, international reply coupon or postal identity card.

(2) Anyone who contravenes this section shall on summary conviction thereof be liable to a penalty not exceeding one hundred dollars. Penalty.

**82.—(1) No one shall, without authority from the Postmaster General, place or maintain in or on any house, wall, door, window, box, post, pillar, or other place belonging to him or under his control any of the words, letters, or marks following, that is to say,—**

- (a) the words "post office," or "postal telegraph office," or "money order office;" or

Prohibition of false notice as to reception of letters.

- (b) the words " letter box," accompanied with words, letters, or marks which signify or imply, or may reasonably lead the public to believe, that it is a post office letter box; or
- (c) any words, letters, or marks which signify or imply, or may reasonably lead the public to believe, that any house or place is a post office, or that any box is a post office letter box;

and everyone, when required by a notice given by the Postmaster General to remove or efface any of the words, letters, or marks aforesaid, or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box, shall comply with that request.

Penalty.

(2) Everyone who contravenes this section shall on conviction thereof be liable to a penalty not exceeding ten dollars, and if the offence is continued after a previous conviction, to a penalty not exceeding one dollar for every day during which the offence so continues.

Obstruction of officer of Post Office in execution of duty, or of post office business.

Penalty.

**83.**—(1) Everyone who wilfully obstructs, or incites another to obstruct, an officer of the Post Office in the execution of his duty, or, whilst in any post office or within any premises belonging to any post office or used therewith, obstructs the course of business of the post office, shall on conviction thereof be liable to a penalty not exceeding ten dollars.

Further penalty.

(2) Any officer of the Post Office may require anyone guilty of an offence under this section to leave a post office or any premises aforesaid, and anyone so required who refuses or neglects to comply with the requirement, shall on conviction thereof be liable to a further penalty not exceeding twenty dollars and may be removed by any officer of the post office, and all constables are hereby required on demand to remove him or assist in his removal.

Disclosing information by officer of Post Office.

**84.** Any officer of the post office who, contrary to his duty, discloses or in any way makes known or intercepts the contents, or any part of the contents, of any telegraphic message or telegram entrusted to the Postmaster General for the purpose of transmission, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year.

85. Any officer of the post office who—

- (a) wilfully or negligently omits or delays to transmit or deliver any telegraphic message or telegram entrusted to the Postmaster General for the purpose of transmission; or
- (b) by any wilful act or omission prevents or delays the transmission or delivery of that telegraphic message or telegram; or
- (c) improperly divulges to any person the purport of any telegraphic message or telegram,

Omission of officer of Post Office to transmit or delaying transmission, or divulging contents of, telegram.

shall on summary conviction be liable to a penalty not exceeding one hundred dollars or to imprisonment, with or without hard labour, for any term not exceeding four months.

Penalty.

86. Any person, employed to convey or deliver a telegraphic message or telegram, who, whilst so employed, wilfully delivers it to any person other than the person to whom it is addressed or to his agent in that behalf, shall, on summary conviction, be liable to a penalty not exceeding one hundred and fifty dollars or to imprisonment, with or without hard labour, for any term not exceeding six months.

Delivery of telegram to person other than addressee.

Penalty.

87. Everyone who, without lawful authority or excuse (the proof whereof shall lie on him), signs the name of any other person to any telegraphic message or telegram, with the intent to procure the message or telegram to be sent as a message or telegram from that other person, shall on conviction thereof be liable to a penalty not exceeding ten dollars.

Sending telegram in false name.

Penalty.

88.—(1) An offence against this Ordinance may be tried either in the county, district or place, in which it was actually committed, or in any county, district, or place, in which the alleged offender is, or (where the offence is in respect of a mail, mail bag, or postal packet, or the contents of any postal packet) in any county, district, or place, through which or any part thereof the mail, mail bag, or postal packet passed in due course of conveyance by post.

Trial of offences.

(2) Where the offence is committed on any highway, harbour, canal, river, arm of the sea, or other water constituting the boundary of two or more counties, districts, or places, it may be tried in any of those counties, districts, or places.

(3) The offence of being accessory to, or of aiding or abetting, an offence against this Ordinance may be tried in any county, district, or place, in which the last-mentioned offence may be tried.

(4) Any offence authorised by this Ordinance to be tried in any county, district, or place, may be dealt with, heard, tried, determined, adjudged, and punished, and the offender may be apprehended, as if the offence had been wholly committed in that county, district, or place.

Provisions as to property in offences relating to the Post Office.

**89.**—(1) In any legal proceeding for any offence committed or attempted to be committed, or any malicious, injurious, or fraudulent act or thing done in, upon, or with respect to the Post Office or the Post Office revenue, or any mail bag, postal packet, contents of a postal packet, post office money order, postal order, or post office telegraphic message or telegram, or in anywise concerning any property under the management or control of the Postmaster General, it shall be sufficient to allege the property to belong to the Postmaster General, and to allege the act or thing to have been done with intent to injure or defraud the Postmaster General, without in either case naming the person who is Postmaster General, and it shall not be necessary to allege or to prove on the trial or otherwise that the mail bag, postal packet, contents, order, telegraphic message, telegram, or property was of any value.

(2) In any legal proceeding against any officer of the Post Office for any offence committed against this Ordinance, it shall be sufficient to allege that the offender was an officer of the Post Office at the time of the committing of the offence, without stating further the nature or particulars of his employment.

Evidence of thing being postal packet.

**90.** On the prosecution of any offence under this Ordinance, whether on summary conviction or on indictment, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Postmaster General for transmission by post, shall be sufficient evidence that the article is a postal packet.

Power to compound action.

**91.** The Postmaster General may, with the sanction of the Governor, compromise and compound any legal proceeding commenced by his authority or under his control against any person for recovering any penalty or forfeiture incurred under this Ordinance, on any terms and conditions

the Postmaster General thinks proper, with full power for him, or any of his officers or agents by him thereunto authorised, to accept any penalty or forfeiture so incurred or alleged to be incurred, or any part thereof, without any legal proceeding for recovery thereof.

92. When proceedings are taken before any court against a person in respect of an offence under this Ordinance, which is also an offence punishable at common law or under some statute for the time being in force other than this Ordinance, the court may direct that, instead of those proceedings being continued, proceedings shall be taken for punishing that person at common law or under some statute other than this Ordinance.

Saving of liability under other law.

93.—(1) Where it appears to the Postmaster General that any post office letter box, by reason of being on the premises of any private person or otherwise, is so situated as not to afford the same security against the improper removal of postal packets therefrom or other fraud as exists in the case of other post office letter boxes, he may declare that that box shall be a private posting box, and shall affix upon or near the box a notice of its being, and of the effect of its being, a private posting box, and a postal packet put into that box shall not, for the purpose of any enactment, law, or contract, whereby the due posting of a postal packet is evidence of the receipt thereof by the addressee, be deemed to have been duly posted.

Regulation as to post office letter boxes.

(2) A certificate purporting to be signed by the Postmaster General, and to the effect that any box or receptacle is or was provided by the permission or under the authority of the Postmaster General for the purpose of receiving postal packets, or any of them, shall, in any legal proceeding, be evidence of the facts stated in the certificate.

*Regulations and Fines.*

94.—(1) The Postmaster General may <sup>with the approval of the Gov. in Council</sup> make regulations relating to all or any of the following matters, that is to say, for—

- (a) the guidance, conduct, and discipline of the officers of the Post Office in the performance of their several duties, with power to impose fines for neglect or misconduct;
- (b) the guidance and control of the public dealing with the postal department;

Making of regulations relating to postal business and the postal department. *Ord. 64 1935 Sec. 4*



- (c) declaring what articles shall be deemed and dealt with as postal matter;
- (d) the classification of postal matter so as to establish a standard by which postage shall be apportioned, according as the postal matter consists of letters, or book or other postal packets;
- (e) dealing with postal matter posted after the hour fixed for the closing of any mail, whether inland or foreign, with power to charge extra postage upon postal matter posted late but intended to be transmitted forthwith;
- (f) the registration of postal matter and the charging of fees therefor, and the receiving, safe-keeping, and delivery of that registered postal matter;
- (g) regulating the issue and payment of post office orders for the payment of money (including postal orders) and the conduct of business connected therewith;
- (h) the disposal and rental of private letter-boxes erected in any post office, with power to fix the amount and conditions of payment to be made by box-holders for the use of those boxes, and the delivery of postal matter by means thereof;
- (i) the delivery of postal matter by private bags made up in any post office in the colony, to be dropped at any place along the route by which mails are conveyed, with power to fix the amount and conditions of payment to be made for the special service so rendered;
- (j) the regulation of the period during which undelivered postal matter shall remain in any post office, and after what period that matter shall be returned to the dead letter office; and the return from the dead letter office to the senders of postal matter which cannot be delivered to the parties addressed, and the disposal, by delivery or otherwise, of other postal matter;
- (k) the conditions under which telegraphic messages or telegrams will be transmitted, and the charges to be made for their transmission;
- (l) regulating the use of the telegraph or any portion thereof, by any person, company, or corporation, and the charges to be made for that use;

- (m) the conditions under which, and the manner in which, special services shall be performed by the postal department for the convenience of individuals, with power to fix the amounts and conditions of payment for that special service; and
- (n) generally, regulating the business of the postal department.

(2) ~~The regulations shall be subject to the approval of the Governor and Legislative Council, who may at any time alter or amend any of them.~~

95.—(1) All fines imposed and received under this Ordinance shall be paid into a fund to be called the Post Office Fine Fund.

Post Office  
fine fund.

Ord 6. 8/1935  
Sec 4.

(2) The fund shall be appropriated for the benefit of the officers liable to contribute thereto and of their families at their death, and shall be administered in the manner from time to time prescribed by the regulations; but no officer shall be deemed to have any claim whatever as of right on the fund.

(3) The Postmaster General shall submit with each annual report on the postal department a statement showing the receipts and expenditure and the financial position of the fund for the year under report.

96. Every Order in Council made under this Ordinance shall come into force on its publication in the Gazette or on any other date specified therein.

Date of  
operation of  
Order in  
Council.

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## SCHEDULES.

### FIRST SCHEDULE.

(Section 8.)

#### DECLARATION OF OFFICER OF THE POST OFFICE.

I, *A.B.*, do solemnly and sincerely declare that I will not wittingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter or anything sent by post which comes into my hands or custody by reason of my employment in the postal department of British Guiana, except with the consent of the person or persons to whom it may be directed, or by an express warrant in writing, under the hand and seal of the Governor for that purpose, or except in the cases where the person or persons to whom

the letter, or anything sent by post, is directed, and who is or are chargeable with the payment of the postage thereof, refuses or neglects, or refuse or neglect to pay the postage, and except the letters, or anything sent by post, returned for want of true directions, or when the person or persons to whom they may be directed cannot be found, or as provided for by law or regulation, and that I will not in any way embezzle any letter or anything sent by post as aforesaid; and I make this solemn declaration conscientiously intending to fulfil and obey the same, and by virtue of the provisions of the Post and Telegraph Ordinance.

(Signed)

A.B.

Declared before me  
this                    day of

, 19 .

(Signed)

Magistrate.

## SECOND SCHEDULE.

(Section 36.)

## DECLARATION OF MASTER OF VESSEL.

I, A.B., commander of the [*state the name of the ship or vessel*], arriving from [*state the place*], do, as required by law, solemnly and sincerely declare that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every letter bag, package, or parcel of letters that was on board the [*state the name of the ship*], except those letters which are exempted by law.

(Signed)

A.B.

Declared before me  
this                    day of

, 19 .

(Signed)