

CHAPTER 160.**POST OFFICE.****ARRANGEMENT OF SECTIONS.****SECTION.**

1. Short title.
2. Interpretation.

**ESTABLISHMENT AND REGULATION OF POSTS AND
TELECOMMUNICATIONS DEPARTMENT.**

3. Appointment of postal officers.
4. Power to enter into contracts.
5. Establishment of Post Offices.
6. Establishment of money order offices.
7. Exclusive privilege of the Post Office.
8. Special prohibitions.
9. Power to deal with prohibited articles.
10. Postmaster General to establish a parcels post and institute an insurance of parcels.
11. Postmaster General not liable to legal proceedings in consequence of loss.
12. Landing of foreign parcels before duty paid.
13. Post Office officers deemed and protected as customs Officers.
14. Mail and Post Office deemed warehouses.
15. Examination of parcels by officer of Post Office.
Declaration of value to stand as the invoice.
Fraudulent declarations.
16. Liability of addressee receiving parcel without paying duty or trade charge.

STAMPS, DUTIES, REVENUE AND EXPENDITURE.

17. Issue of stamps, etc.
18. Appointment of retailers of stamps, etc.
19. Free postage in certain cases.
20. Payment of postage by stamps.
21. Payment of postage on postal matter arriving in the Colony.
22. Detention of postal matter with fictitious stamp.
23. Postmaster General to make rules.
 - (i) Business of Department.
 - (k) Postal Union.

SHIPS' LETTERS.

24. Provisions respecting ships' letters.
25. Seizure of letters on board ship by Customs officer.
26. Consignee's letters on board ship exempt from postage.

OVERSEA POSTAGE

27. Vessels to carry mails.
28. Gratuities to masters for conveyance of postal articles other than parcels.
29. Gratuities to masters for conveyance of parcels.

OFFENCES, PENALTIES, ETC.

SECTION.

30. (1) Penalties for contravening the exclusive privilege of the Post Office.
(2) Circumstances in which penalties also incurred.
31. Penalties for detaining ship's letters required to be sent to the Post Office.
32. Penalties on masters of ships acting contrary to the provisions of this Ordinance.
33. Penalty for unlawful franking of letters.
34. Penalty for removing stamps from postal matter.
35. Officers of department using stamps a second time, etc.
36. Other persons using stamps a second time.
37. Forging stamps.
38. Penalties for forgery or acts contributory thereto.
39. Postal matter when deemed a prohibited article.
40. Penalties for injuries to Post Office property.
41. Penalty for defacement of Post Office property.
42. Prohibition of imitation of Post Offices.
43. Carelessness of persons engaged in carrying mails.
44. Opening or delaying postal matter a misdemeanour.
45. Embezzlement, etc., of any postal matter.
46. Stealing money, etc., out of postal matter.
47. Stealing postal matter, bags or postal matter.
48. Punishment for stealing postal matter sent by packet.
49. Receiving property, sent by the post and stolen or embezzled.
50. Fraudulently retaining letter after delivery thereof by mistake, etc.
51. Forging the handwriting of postal servant.
52. Forging or altering franks.
53. Punishment of principals in the second degree and accessories.
54. Endeavouring to procure the commission of a felony or misdemeanour.
55. Jurisdiction of Courts.

LEGAL PROCEDURE.

56. (1) Property sent by the post to be laid in the Postmaster General.
(2) Details of employment unnecessary in informations against employees.
57. Power of the Postmaster General to sue for postage dues.
58. (1) Saving of existing legal rights.
(2) Court's discretion.

PROTECTION OF OFFICERS.

59. (1) Penalty for obstructing postal service.
(2) Further penalty in certain event.
60. Limitation of actions.
61. Notice of action.
62. Defendant may plead general issue.
63. Plaintiff not to recover if tender of sufficient amends is made.
64. Payment of money into Court by defendant.
65. Double costs to defendant in certain cases.
66. Costs and damages to plaintiff only on Judge's certificate.

PREVENTION OF FRAUDULENT USE OF POST OFFICE

SECTION.

- 67. Inspection of postal matter suspected to be of a fraudulent nature.
- 68. Disposal of postal matter found to be of fraudulent nature.
- 69. Inspection of postal matter suspected to contain applications, etc., for advertisements of a fraudulent nature.
- 70. Disposal of postal matter found to contain applications, etc., for advertisements of a fraudulent nature.
Return of remittances.

CHAPTER 160.

POST OFFICE.

An Ordinance to Amend and Consolidate the Laws Relating to the Establishment and Regulation of the Post Office of Sierra Leone.

[17TH MARCH, 1904.]

7 of 1904.
20 of 1908.
8 of 1914.
10 of 1922.
20 of 1922.
15 of 1924.
16 of 1925.
12 of 1927.
27 of 1927.
36 of 1939.
6 of 1944.
35 of 1946.
21 of 1952.

Short title.

1. This Ordinance may be cited as the Post Office Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

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

“ Postmaster General ” means the officer in charge of the Posts and Telecommunications Department of the Colony and Protectorate;

“ postal matter ” means any article required to be sent by post or placed in a receptacle for the collection of articles to be sent by post, or delivered to an officer or servant of the Posts and Telecommunications Department for transmission by post;

“ postage ” means the duty charged for the transmission of postal matter;

“ mail ” includes every conveyance by which postal matter is carried, and also a person or animal employed or used in conveying or delivering postal matter;

“ postal matter bag ” includes any bag or box or parcel or other envelope or covering in which postal matter is conveyed, whether it does or does not contain postal matter;

“ packet boat ” means a Post Office packet employed by or under the Post Office or Admiralty of the United Kingdom, as well as any vessel employed in conveying postal matter by the Posts and Telecommunications Department of the Colony;

“ Officer of the Posts and Telecommunications Department ” includes the Postmaster General and every postmaster, agent, officer, clerk, sorter, messenger, letter carrier, post-boy, or any other person employed in any business of the Post Office, whether employed by the Governor or any postmaster or any person under a postmaster or on behalf of the Post Office;

“ Post Office ” means any house, building, room or place where postal matter is received or delivered or deposited, or in which it is sorted, made up or despatched;

“ letter ” includes packet;

“ packet ” includes letter;

“ valuable security ” includes any order or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom or of Great Britain or of Ireland, or of any foreign state or in any Colony or in any fund of any body corporate, company or society, whether within the United Kingdom or in any foreign state, or in any Colony or to any deposit in any bank, any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, whether of the United Kingdom or of Great Britain or of Ireland, or of any foreign state or of any Colony, and any document of title to lands or goods;

“ 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 matter for transmission by or under the authority of the Postmaster General;

“ foreign parcel ” means a parcel either posted in the Colony and addressed to a place out of the Colony, or posted in a place out of the Colony and addressed to a place in the Colony, or in transit through the Colony to a place out of the Colony;

“ inland parcel ” means a parcel posted in the Colony for delivery within the Colony;

“ Colony ” includes Protectorate;

“ British Commonwealth ” means the United Kingdom of Great Britain and Northern Ireland, any Dominion, India, 35 of 1946.

or any British Colony or Protectorate or any protected state or any territory in respect of which a mandate is being exercised by Her Majesty's Government in the United Kingdom or the Government of any part of Her Majesty's Dominions.

ESTABLISHMENT AND REGULATION OF POSTS AND TELECOMMUNICATIONS DEPARTMENT.

Appointment of postal officers.

3. The Governor may, from time to time, appoint such number of postmasters, sorters, letter carriers, and such other officers and servants for carrying into effect the provisions of this Ordinance as may be necessary, and all such postmasters, sorters, letter carriers, and other officers and servants of the Post Office shall be removable from office and from one district to another, or from one place to any other place within the same district at the discretion of the Governor.

Power to enter into contracts.

4. The Governor, or the Postmaster General, with the sanction of the Governor, may, from time to time, enter into such contracts as may be necessary for the conveyance of postal matter, or otherwise for carrying into effect the provisions of this Ordinance, and may, from time to time, vary or revoke such contracts.

Establishment of Post Offices.

5. The Postmaster General, with the sanction of the Governor, may, from time to time, establish Post Offices in any place within the limits to which this Ordinance extends, where he considers the public convenience requires them.

Establishment of money order offices.

6. The Postmaster General, with the sanction of the Governor, may, from time to time, determine at what Post Offices postal orders or money orders for the payment of money may be issued and paid, subject to such conditions as to amount and the duties payable thereon, and otherwise, as he may, from time to time determine.

Exclusive privilege of the Post Office.

7. The Posts and Telecommunications Department shall have the exclusive privilege of conveying from one place to another between which postal communication shall be established under this Ordinance, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, conveying, sending, despatching and delivering all letters from any one place to another between which such postal communication shall be established, except in the following cases, that is to say—

(a) letters sent by a private friend in his way, journey or travel, so as such letters be delivered to the party to whom they shall be directed; Exemptions.

(b) letters sent by a messenger on purpose concerning the private affairs or business of the sender or receiver thereof;

(c) commissions or returns thereof, and affidavits and writs, process or proceedings or returns thereof, issuing out of a Court of Justice;

(d) letters to be sent out of the Colony by a vessel not being a packet boat;

(e) letters of merchants, owners of vessels of merchandise, or the cargo or loading therein sent by such vessels of merchandise, or by any person employed by such owners for the carriage of such letters according to their respective directions and delivered to the respective persons to whom they shall be directed without paying or receiving hire or reward, advantage or profit for the same in anywise;

(f) letters concerning goods or merchandise sent by common known carriers to be delivered with the goods which such letters concern without hire or reward, or other profit or advantage for receiving or delivering such letters;

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

8. The following persons are expressly forbidden to carry a letter or to receive or collect or deliver a letter, although they shall not receive hire or reward for the same, that is to say— Special prohibitions.

(a) common carriers, their servants or agents, except in respect of a letter concerning goods in their carts or waggons, or on their pack horses.

(b) Officers of the Posts and Telecommunications Department, except in respect of postal matter.

(c) owners, masters or commanders of ships, vessels, steamboats, or boats called or being passage or packet boats, sailing or passing coastwise or otherwise between ports or places within the limits to which this Ordinance extends, except in respect of letters of merchants, owners of ships, or concerning goods on board.

(d) passengers or other persons on board any such ships, vessels, steamboats or passage or packet boats.

(e) the owners of or sailors, watermen or others on board a ship, vessel, steamboat or other boat, canoe or barge

passing or repassing on a river or navigable canal within the limits to which this Ordinance extends.

Power to deal with prohibited articles.

9. It shall be lawful for any postmaster to detain any prohibited article or any postal matter which shall be posted contrary to the provisions of this Ordinance, or to any rules made thereunder, and to deal with, or dispose of, the same in accordance with the rules made under this Ordinance, or in such other manner as the Postmaster General with the approval of the Governor may, from time to time, authorise or direct.

Postmaster-General to establish a parcels post and institute an insurance of parcels. 21 of 1952.

10. It shall be lawful for the Postmaster General to establish a parcels post for the transmission of foreign or inland parcels, and to charge extra postage for insuring such parcels under such rules as may be approved by the Governor in Council:

Provided that if any article of pecuniary value enclosed in, or forming part of, any such parcel be lost or damaged whilst in the course of conveyance by the post, without the sender's having effected any insurance by paying extra postage, the Governor may cause to be paid out of the public revenues of the Colony to any person who, in the opinion of the Postmaster General, has established a reasonable claim to compensation, such sum not exceeding the sum of four pounds and thirteen shillings, as he may think just.

Postmaster-General not liable to legal proceedings in consequence of loss.

11. Nothing contained in, or done under, or in pursuance of, the last preceding section shall render the Postmaster General liable either personally or in his official capacity to any action or legal proceeding in respect of, or in consequence of, any such loss or damage, and the decision of the Postmaster General on all questions arising between him and any person claiming payment in respect of the loss or damage of any article enclosed in, or forming part of, a parcel shall be final:

Provided always that nothing herein contained shall be interpreted to relieve the Postmaster General from any liability he may at present be under independently of the last preceding section.

Landing of foreign parcels before duty paid. Cap. 271.

12. Notwithstanding anything contained in the Customs Ordinance, it shall be lawful for any foreign parcel arriving by any packet boat to be landed and taken to the nearest Post Office without entry thereof, and without the Customs Duty thereon being first paid and secured.

13. All officers of the Post Office shall, in relation to any of their dealings with foreign parcels under the provisions of this Ordinance, be deemed to be officers of Customs, and shall be protected in like manner as provided by the Customs Ordinance.

Post Office officers deemed and protected as Customs Officers.

14. Every mail and every Post Office shall, in respect of any foreign parcel carried or being therein, be deemed to be a warehouse or place in which foreign parcels may be kept and secured without payment of duty on the first entry thereof.

Mail and Post Office deemed warehouses.

15. Every foreign parcel shall, either at the port of departure from, or of arrival in, the Colony, as the case may be, or at such other place as the Postmaster General shall direct, be examined by an officer of the Post Office appointed for that purpose, who is hereby empowered and authorised to open the same for Customs examination, and to do on behalf of the exporter or importer all other things in relation to any such parcel, and the goods contained therein, that are required by the laws relating to the Customs to be done by the exporter or importer, and where there is a declaration of the contents of any such parcel and of the value of such contents, accompanying or affixed to any such parcel, such declaration shall stand in the place of, and be treated as though it were, the entry outwards or inwards of such parcel duly made by the exporter or importer under the Customs laws for the time being in force in this Colony, to all intents and purposes:

Examination of parcels by officer of Post Office.

Declaration of value to stand as the invoice.

Provided always that where the contents of any such parcel do not agree with such declaration, and it shall appear nevertheless to the officer of the Post Office examining the said parcel that there was no intent to defraud in making such declaration, such officer may waive the forfeiture of such parcel and its contents; in cases, however, where it shall not appear as aforesaid that there was no intent to defraud, the parcel and its contents shall be treated as goods liable to forfeiture.

Fraudulent declarations.

16. If any foreign parcel is delivered to, or received by, the addressee without payment of any trade charge or Customs duty payable in respect thereof, the amount of such trade charge or duty shall be recovered from him by an officer of the Post Office as postage in like manner as underpaid or unpaid postage is recoverable under the provisions of this Ordinance.

Liability of addressee receiving parcel without paying duty or trade charge.

STAMPS, DUTIES, REVENUE AND EXPENDITURE.

17. The Governor may cause to be provided stamps, stamped envelopes, stamped wrappers, stamped envelopes for registered postal matter, and stamped postal cards of all kinds, and the

Issue of stamps, etc.

Posts and Telecommunications Department shall have the exclusive privilege of issuing the same.

Appointment
of retailers of
stamps, etc.

18. It shall be lawful for the Postmaster General to appoint such persons as he shall see fit, to retail the stamps denoting the postage on postal matter and stamped envelopes, stamped wrappers, stamped letter sheet envelopes, and stamped envelopes for registered postal matter, and stamped postal cards of all kinds under such rules as shall be, from time to time, made by the Governor in Council.

Free postage
in certain
cases.

19. The following postal matter shall not be liable to postage—

(a) postal matter sent by a public department in connection with the business of such department for transmission within the Colony and franked by the signature of the head of such department or other officer duly authorised by him;

35 of 1946.

(b) postal matter sent by a public department in connection with the business of such department for transmission to any part of the British Commonwealth and franked by the signature of the head of such department or some other officer authorised by him;

(c) postal matter relating to the assessment or payment of income tax sent by any person and addressed to the Deputy Commissioner of Income Tax, Sierra Leone.

(d) correspondence for or despatched by prisoners of war.

(e) correspondence concerning prisoners of war despatched or received either directly by or through the agency of Information Bureaux established on behalf of such persons in belligerent countries or in neutral countries which have received belligerents on their territories.

For the purpose of this section belligerents received and interned in a neutral country shall be deemed to be prisoners of war.

Payment of
postage by
stamps.

20. All postage imposed under this Ordinance shall be paid by means of stamps that shall be affixed, before posting, to all postal matter liable to such postage, to the amount of the rates of postage payable thereon, and if any such postal matter shall be underpaid with stamps, or shall not have any stamps thereon, the same shall be liable to double the unpaid or underpaid postage, as the case may be, and such double postage shall be paid by the person to whom such postal matter may be addressed on the delivery of the same to him, or to any other person on his behalf, unless he or such person shall refuse to receive the

same, in which case such double postage shall be recoverable from the person sending such postal matter.

21. The postage payable on all postal matter arriving in the Colony for delivery therein, in cases where the same shall not be duly prepaid, shall be paid by the person to whom the same may be addressed on the delivery of the same to him or to any other person in his behalf unless he or such person shall refuse to receive the same:

Payment of postage on postal matter arriving in the Colony.

Provided that in the case of letters not exceeding four ounces in weight, and post cards, posted at British Army Post Offices by members of the British, Dominion or Colonial Forces on active service, such postal matter shall be delivered free of postage.

22. (1) The Postmaster General may detain and withhold from delivery any postal matter bearing or containing any fictitious postage stamp, that is to say, any facsimile or imitation or representation of any stamp for denoting any rate or duty of postage of the Colony, of the United Kingdom, of any of Her Majesty's Colonies, Dependencies or Protectorates, or of any foreign country; or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal matter, or for the payment of any revenue, duty or tax.

Detention of postal matter with fictitious stamp.

(2) Any postal matter detained under this section shall be dealt with as the Governor shall in such case direct, but shall not be delivered to the addressee until he has given such information with regard to the name and address of the sender, and such other particulars as the Postmaster General may require.

23. The Postmaster General may, from time to time, make rules for any or all of the following matters, that is to say—

Postmaster General to make rules.

(a) the guidance and control of the public dealing with the Posts and Telecommunications Department;

(b) declaring what articles may, or may not, be transmitted as postal matter, and for specifying any conditions upon which any article may be so transmitted, and any authority whose permission shall be first obtained;

(c) the determination of the rates of postage to be charged on articles transmitted as postal matter;

(d) the classification of postal matter so as to establish a standard by which postage shall be apportioned according to the nature of postal matter;

(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 forwarded forthwith;

(f) the registration and insurance of postal matter, and for the receiving, safe-keeping and delivering of such registered and insured postal matter;

(g) regulating the issue and payment of postal orders and money orders for the payment of money, and the conduct of business connected therewith;

(h) the disposal of undeliverable postal matter;

(i) the conditions under which, and the manner in which, special services shall be performed by the Posts and Telecommunications Department for the convenience of individuals, with powers to fix the amounts and conditions of payments for such special services and generally;

(j) regulating the business of the Posts and Telecommunications Department;

(k) the adoption, wholly or in part, of rules agreed upon by the Universal Postal Union.

A fine not exceeding five pounds may be imposed for the breach of any such rule. All rules made under this section shall, before they come into force, require the approval of the Governor in Council.

SHIPS' LETTERS.

Provisions
respecting
ships' letters.

24. Every master of a vessel, not being a packet boat, arriving in this Colony, shall cause all letters on board his vessel for any person at any port or place where the vessel shall report, to be collected and enclosed in some bag or other envelope, and to be sealed with his seal and to be addressed to the postmaster of that port or place, and shall deliver the same to the Harbour-master or boarding officer at that port or place, and shall sign a declaration in the presence of the Harbour-master or boarding officer who shall sign the same, and the Harbour-master or boarding officer shall thereupon forward all such letters to the Post Office; and no officer of Customs shall permit any such vessel to report till such declaration shall be made and signed as aforesaid. The declaration above referred to shall be in the form or to the effect following, that is to say:—

I, *A.B.*, Commander of the (*state the name of the ship or vessel*) sailing from (*state the place*) do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the Harbour-master or

boarding officer of the port of (*state port*) every letter, letter-bag, package or parcel of letters on board the (*state the name of the ship or vessel*) for any person at the said port.

25. Any officer of Customs at every port in this Colony may search every vessel for letters which may be on board contrary to this Ordinance, and may seize all such letters and forward them to the nearest Post Office, and it shall be lawful for the Governor to award to the officer who shall so seize and forward them any portion, not exceeding a moiety, of the penalties which may be recovered for any such offence.

Seizure of letters on board ship by Customs officer.

26. The owners, charterers, or consignees of vessels, not being packet boats, and the owners, consignees, or shippers of goods on board such vessels shall have their letters by such vessels free from postage if delivered at the port of the ship's arrival, and, if delivered at or by the Post Office, on payment of the postage as on prepaid inland letters delivered from one part of the Colony to another:

Consignee's letters on board ship exempt from postage.

Provided that the letters brought by any one vessel to any one such person shall not collectively exceed six ounces in weight; and the owner, charterer, or consignee, shall be described as such on the address and superscription; and in the case of owners, shippers, or consignees of goods it shall also appear by the ship's manifest that they have goods on board the vessel.

OVERSEA POSTAGE.

27. Every master of a vessel, not being a contract packet, about to depart from any port in the Colony to any port within, or any port or place beyond, the limits of the Colony, shall receive on board any mail bag tendered to him by any officer of the Posts and Telecommunications Department for conveyance, granting a receipt therefor in such form as the Governor in Council may prescribe, and shall without delay deliver the same at the port or place of destination.

Vessels to carry mails.

28. The Postmaster General shall pay to every master of a vessel leaving a port or place in the Colony, not being a contract or Government packet, a gratuity of one halfpenny for every postal article other than a parcel delivered to him. Before payment is made, the Postmaster General or some officer of the Posts and Telecommunications Department may require the master of any vessel to produce a certificate from the Post Office of destination that such articles have been duly received from him:

Gratuities to masters for conveyance of postal articles other than parcels.

Provided always that no gratuity shall be payable—

- (a) for a second transmission of any postal article;
- (b) on a postal article to be delivered to any Post Office in the Colony for onward transmission by contract packet;
- (c) unless application be made for payment within twelve months of the date of despatch of such postal articles;
- (d) if there has been unreasonable delay on the part of the master in delivering his mails at the Post Office of destination;
- (e) if the mails have been damaged in transit in consequence of insufficient care being taken of them.

If the master of any vessel satisfies the Postmaster General that he will not return to the Colony within the twelve months prescribed under sub-section (c) hereof, the Postmaster General or some officer of the Posts and Telecommunications Department may pay the gratuities in advance.

Gratuities to masters for conveyance of parcels.

29. The Postmaster General shall pay to every master of a vessel, not being a contract or Government packet, leaving one port or place in the Colony for another port or place in the Colony a gratuity at the rate of five pence per parcel for all postal parcels delivered to such master for conveyance. Before payment is made the Postmaster General may require the master of any vessel to produce a certificate from the Post Office of destination that such parcels have been duly received from him:

Provided always that no gratuities shall be payable where, under like circumstances, they would be withheld in the case of postal articles under the provisions of sub-sections (c), (d) and (e) of the last preceding section.

OFFENCES, PENALTIES, ETC.

Penalties for contravening the exclusive privilege of the Post Office.

30. (1) Every person who shall—

(a) convey otherwise than by the Posts and Telecommunications Department any letter required to be conveyed by post by this Ordinance shall for every letter forfeit five pounds; or

(b) be in the practice of so conveying letters required to be conveyed by post shall for every week during which the practice shall be continued forfeit one hundred pounds; or

(c) perform otherwise than by post any services incidental to conveying letters from place to place, whether by receiving or by taking up or by collecting or by ordering or by despatching or by carrying or by re-carrying or by delivering a letter

requiring to be conveyed by post, shall forfeit for every letter five pounds; or

(d) be in the practice of so performing any such incidental services shall for every week during which the practice shall be continued forfeit one hundred pounds, and every person who shall send, or cause to be sent, a letter required to be conveyed by post, otherwise than by post, or shall either tender or deliver a letter so required to be conveyed in order to be sent otherwise than by post, shall forfeit for every letter five pounds; or

(e) be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit one hundred pounds; or

(f) make a collection of excepted letters for the purpose of conveying or sending them otherwise than by post, shall forfeit for every letter five pounds; or

(g) be in the practice of making a collection of excepted letters for that purpose, shall forfeit, for every week during which the practice shall be continued, one hundred pounds.

(2) The above penalties shall be incurred whether the letters be sent singly or with anything else, or such incidental service shall be performed in respect of a letter either sent, or to be sent, singly or together with some letters or things; and in any proceeding by action or otherwise for the recovery of any such penalty the onus shall lie upon the party proceeded against to prove that the act in respect of which the penalty is alleged to have been incurred was done in conformity with this Ordinance:

Circumstances in which penalties also incurred.

Provided always that it shall be lawful for the Court in which any such penalty is recovered to reduce the amount of such penalty.

31. Every person being the master of a vessel, or one of the officers, or one of the crew, or a passenger thereof, who shall knowingly have in his possession any letter required to be sent to the Post Office after the master shall have delivered his bag of ship's letters to the Harbour-master or boarding officer shall forfeit for every letter five pounds; and whether the letter be in the baggage or on the person of the offender or otherwise in his custody it shall be held to be in his possession, and every such person who shall detain any such letter after demand, made either by the Harbour-master or boarding officer or by any officer of the Customs, shall forfeit for every letter ten pounds:

Penalties for detaining ship's letters required to be sent to the Post Office.

Provided always that it shall be lawful for the Court in which any such penalty is recovered to reduce the amount of such penalty.

Penalties on masters of ships acting contrary to the provisions of this Ordinance.

32. (1) Any master of a vessel who—

(a) opens a sealed postal matter bag with which he shall be entrusted for conveyance; or

(b) takes out of a postal matter bag with which he shall have been entrusted for conveyance any postal matter; or

(c) does not duly deliver a postal matter bag with its contents to the Harbour-master or boarding officer on his arrival in port, without unavoidable delay; or

(d) refuses or wilfully neglects to make the declaration of having delivered his ship's letters as required by this Ordinance; or

(e) breaks bulk or makes entry before all letters on board shall have been delivered to the boarding officer in accordance with this Ordinance; and

(2) Any master of a vessel, or any other person on board any ship liable to the performance of quarantine, who neglects or refuses to deliver to the person appointed to superintend the quarantine all letters in his possession; and

(3) Any officer of Customs who by this Ordinance is required to prohibit any vessel reporting, until the requisites of this Ordinance shall have been complied with, and fails to do so; shall be liable, on conviction, to a penalty not exceeding the sum of one hundred pounds.

Penalty for unlawful franking of letters.

33. Any franking officer, whether authorised by virtue of his office or by the Governor to frank postal matter, who unlawfully superscribes any postal matter which does not relate to the business of his office department or the Colonial Government with intent to defraud the Posts and Telecommunications Department of the postage payable thereon, shall be liable, on conviction, to a penalty not exceeding the sum of one hundred pounds.

Penalty for removing stamps from postal matter.

34. Any person employed in the Posts and Telecommunications Department who wilfully and unlawfully removes from any postal matter any postage stamp affixed thereto in payment of the postage shall be liable, on conviction, to a fine not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both.

35. Any person employed in the Posts and Telecommunications Department who wilfully and knowingly uses, or causes to be used, in prepayment of postage, any postage stamp, postal card, or stamped envelope, or wrapper issued, or which may hereafter be issued by authority of the Governor, which has already been once used, or removes, or attempts to remove, the cancelling or defacing marks from any such postage stamp, or stamped envelope, or wrapper, or postal card, with intent to use, or cause the use of, the same a second time, or to sell or offer to sell the same, or removes from any postal matter deposited in, or received at, a Post Office, the stamps attached to the same in payment of postage with intent to use the same a second time for a like purpose, or to sell or offer to sell the same, shall be guilty of an offence, and, on conviction thereof, shall be liable to imprisonment, with or without hard labour, for any period not exceeding six months.

Officers of department using stamps a second time etc.

36. Any person not employed in the Posts and Telecommunications Department who commits any of the offences described in the preceding section shall be guilty of an offence, and, on conviction thereof, shall be liable to a fine not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Other persons using stamps a second time.

37. Any person who forges or counterfeits any postal identity card, international reply coupon, postage stamp, or any stamp printed upon any stamped envelope or wrapper, postal card, or any die, plate, or engraving therefor, or who makes or prints, or knowingly uses, or sells, or has in possession with intent to use or sell the same, any paper resembling, or apparently intended to resemble, any stamped envelope, or wrapper or postal card, or who without due authority and with intent to defraud makes, or prints, or authorises, or procures to be made or printed any postal identity card, international reply coupon, postage stamp, stamped envelope, or wrapper, or postal card of the kind authorised by the Governor 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 seven years.

Forging stamps.

38. Any person who—

(a) makes, knowingly utters, deals in or sells any fictitious stamp, postal identity card or international reply coupon, or knowingly uses for any postal purpose any fictitious stamp, postal identity card or international reply coupon; or

Penalties for forgery or acts contributory thereto.

(b) has in his possession, unless he shows a lawful excuse, any fictitious stamp, postal identity card or international reply coupon; or

(c) makes, or unless he shows a lawful excuse, has in his possession, any die plate, instrument, or materials for making any fictitious stamp, postal identity card or international reply coupon,

shall be liable, on conviction, to imprisonment, with or without hard labour, for any term not exceeding seven years.

Any stamp, die plate, instrument, or materials found in the possession of any person in contravention of this section shall be forfeited.

For the purpose of this section "fictitious stamp" means any facsimile, or imitation, or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage of the United Kingdom, or of any foreign country, or of any of Her Majesty's Colonies.

Postal matter
when deemed
a prohibited
article.

39. Any postal matter which—

(a) encloses any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, and sharp instrument not properly protected, any living creature (except bees and silkworms) which is either noxious or likely to injure other postal matter in course of conveyance, or to injure an officer of the Posts and Telecommunications Department, or any article or thing whatsoever which is likely to injure other postal matter in course of conveyance, or any officer of the Posts and Telecommunications Department; or

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

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

(d) has on the outside or cover thereof, or enclosed therein, any cleaned, forged, counterfeit, or fictitious postage stamp or international reply coupon, or any counterfeit impression of a stamping machine, or any unauthorised surcharged postage stamp, or any facsimile, or imitation, or representation of any stamp for denoting any rate or duty of postage, including any stamp for denoting a rate or duty of postage of this Colony, or any British or foreign country or Colony, or any postage stamp, impression of a stamping machine,

stamped envelope, wrapper, or postal card which has been used to prepay any other postal matter;

shall be deemed to be a prohibited article, and any person sending, or attempting to send, any of the above prohibited articles through the post shall be guilty of a misdemeanour, and be liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding twelve months:

Provided always that the Postmaster General may, with the approval of the Governor in Council, add from time to time to the number of prohibited articles herein mentioned.

40. Any person who—

Penalties for injuries to Post Office property.

(a) wilfully or maliciously defiles, injures, tears down, removes, or destroys any Post Office letter box; or

(b) places, or attempts to place, in or against any Post Office letter box, any fire, match, light, filth, fluid, or any explosive, dangerous, noxious, or deleterious substance; or

(c) commits any nuisance in or against a Post Office letter box; or

(d) does, or attempts to do, anything likely to injure a Post Office letter box, its appurtenances or contents;

shall be guilty of a misdemeanour, and be liable, on conviction, to imprisonment, with or without hard labour, for any term not exceeding twelve months.

41. Any person who, without due authority, affixes or attempts to affix any placard, advertisement, notice, list, document, board, or thing on, or paints or tars, any Post Office, or Post Office letter box, or in any way disfigures any such office or box, shall be guilty of an offence, and be liable on conviction, to a fine not exceeding forty shillings.

Penalty for defacement of Post Office property.

42. Any person who, without authority from the Postmaster General, places or maintains 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—

Prohibition of imitation of Post Offices.

(a) "Post Office," or

(b) "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 who, when required by a notice given by the Postmaster General to remove or efface any such words, letters, or marks as 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 not forthwith comply with such notice;

shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding forty shillings, and, if the offence is continued after a previous conviction, to a fine not exceeding five shillings for each day during which the offence so continues.

Carelessness
of persons
engaged in
carrying
mails.

43. Any person employed to convey or deliver a postal matter bag, or any postal matter, who, whilst so employed, or whilst the same shall be in his custody, care, or possession—

(a) leaves a postal matter bag or any postal matter; or

(b) suffers any unauthorised person to ride in or upon any carriage used for the conveyance of a postal matter bag or postal matter, and not licensed to carry passengers; or

(c) suffers any unauthorised person to ride upon a horse used for the conveyance on horseback of a postal matter bag or any postal matter; or

(d) is drunk, careless, or negligent, or otherwise misconducts himself whereby the safety of a postal matter bag or any postal matter is endangered; or

(e) collects, receives, conveys, or delivers a letter otherwise than in the ordinary course of the post; or

(f) gives any false information of an assault, or attempt at robbery upon him; or

(g) loiters on the road or passage, or wilfully mis-spends his time so as to retard or delay the progress or arrival of a postal matter bag, or any postal matter; or

(h) does not use due and proper care and diligence safely to convey a postal matter bag, or any postal matter at the rate of speed appointed by, and according to, the rules of the Post Office for the time being;

shall be guilty of an offence, and, on conviction thereof, shall be liable to a fine not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both.

44. Any person employed by or under the Posts and Telecommunications Department, who, contrary to his duty, opens, procures, or suffers to be opened, any postal matter, or wilfully detains, delays, procures, or suffers to be detained or delayed, any postal matter, 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 twelve months:

Opening or delaying postal matter a misdemeanour.

Provided always that nothing herein contained shall extend to the opening, or detaining, or delaying of any postal matter returned for want of a true direction, or of any postal matter returned by reason that the person to whom the same is directed is dead, or cannot be found, or has refused the same, or has refused or neglected to pay the postage thereof, nor to the opening, or detaining, or delaying of any postal matter in obedience to an express warrant in writing under the hand of the Governor.

45. Any person employed by or under the Posts and Telecommunications Department who steals, or for any purpose whatever embezzles, secretes, or destroys any postal matter, shall be guilty of felony, and, on conviction shall be liable to, imprisonment for any term not exceeding seven years, with or without hard labour, and if any such postal matter so stolen, embezzled, secreted, or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, such offender shall be liable to imprisonment, with or without hard labour, for any term not exceeding fourteen years.

Embezzlement, etc., of any postal matter.

46. Any person who steals from or out of any postal matter any chattel, money, or valuable security, shall be guilty of felony, and shall, on conviction thereof, be liable to imprisonment, with or without hard labour, for any term not exceeding fourteen years.

Stealing money, etc., out of postal matter.

47. Any person who steals a postal matter bag, or any postal matter from a postal matter bag, or any postal matter from a Post Office, or from any officer of the Posts and Telecommunications Department, or from a mail, or stops a mail with intent to rob or search the same, shall be guilty of felony, and, on conviction thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding fourteen years.

Stealing postal matter bags or postal matter.

48. Any person who steals, or unlawfully takes away, a postal matter bag sent on a packet boat, or a letter out of any such bag, or unlawfully opens any such bag, shall be guilty of felony, and, on conviction thereof, shall be liable to imprisonment, with

Punishment for stealing postal matter sent by packet.

or without hard labour, for any term not exceeding fourteen years.

Receiving property, sent by the post and stolen or embezzled.

49. Any person who receives any postal matter, or postal matter bag, or any chattel, money, or valuable security, the stealing, taking, embezzling, or secreting whereof amounts to a felony under this Ordinance, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to be sent, by the post, is guilty of felony, and may, upon conviction, either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been previously charged or convicted, and any such receiver, howsoever convicted, shall be liable to imprisonment for any term which may extend to imprisonment for life, with or without hard labour.

Fraudulently retaining letter after delivery thereof by mistake, etc.

50. Any person who fraudulently retains, or wilfully secretes, or keeps, or detains, or being required to deliver up by an officer of the Posts and Telecommunications Department, neglects or refuses to deliver up any postal matter or, postal matter bag, which ought to have been delivered to any other person, whether the same shall have been found by the person secreting, keeping, detaining, neglecting, or refusing to deliver up the same, or by any other person, 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 twelve months.

Forging the handwriting of postal servant.

51. Any person who forges, or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any draft, warrant, or order of the Postmaster General, or of any person employed in the Posts and Telecommunications Department, for money, or for the payment of money with intent to defraud any person whomsoever, shall be guilty of felony, and, on conviction thereof, shall be liable to imprisonment for any term which may extend to imprisonment for life, with or without hard labour.

Forging or altering franks.

52. Any person who forges or counterfeits the handwriting of another person in the superscription of any postal matter, or who alters or changes upon any postal matter the superscription thereof, or who writes or sends by the post any postal matter, the superscription whereof in whole or in part shall be forged, or counterfeited, or altered with intent, in either of those cases, to avoid the payment of the postage, shall be guilty of felony,

and, being convicted thereof, shall be liable to imprisonment for any term which may extend to imprisonment for life, with or without hard labour.

53. In the case of every felony punishable under this Ordinance, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Ordinance punishable; and every accessory after the fact to any felony punishable under this Ordinance, except only a receiver of any property or thing stolen, taken, embezzled, or secreted, shall, on conviction, be liable to imprisonment, with or without hard labour, for any term not exceeding two years, and every person who aids, abets, counsels, or procures the commission of any offence punishable under this Ordinance shall be liable, upon conviction, to punishment as a principal offender.

Punishment of principals in the second degree and accessories.

54. Any person who solicits, or endeavours to procure, any other person to commit a felony or misdemeanour punishable by this Ordinance 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 two years.

Endeavouring to procure the commission of a felony or misdemeanour.

55. (1) All offences under this Ordinance, in respect of which the penalty provided in the Ordinance is a fine of not exceeding ten pounds, or imprisonment for a period not exceeding three months, shall be dealt with summarily by a Magistrate.

Jurisdiction of Courts.

(2) In any prosecution under this Ordinance, other than a prosecution for felony, if the Magistrate is of opinion that the offender may be adequately punished by the imposition of a fine of not exceeding ten pounds, or imprisonment, with or without hard labour, for a period not exceeding three months, the Magistrate may deal with the case summarily.

(3) Save, as in this section provided, all offences under this Ordinance shall be tried by the Supreme Court.

LEGAL PROCEDURE.

56. (1) In every case where an offence shall be committed in respect of a postal matter bag, or any postal matter, or a chattel, money, or a valuable security sent by the post, it shall be lawful to lay in the information to be preferred against the offender the property of the postal matter bag, or of the postal matter, or chattel, or money, or the valuable security sent by the post, in the Postmaster General, and it shall not be necessary in the information to allege, or to prove upon the trial, or otherwise,

Property sent by the post to be laid in the Postmaster General.

that the postal matter bag, or any such postal matter, or valuable security was of any value.

Details of employment unnecessary in information against employees.

(2) In any information to be preferred against any person employed by or under the Posts and Telecommunications Department for any offence committed against this Ordinance, it shall be lawful to state and allege that such offender was employed by or under the Posts and Telecommunications Department at the time of the committing of such offence without stating further the nature or particulars of his employment.

Power of the Postmaster General to sue for postage dues.

57. The Postmaster General may institute in any of the Courts of the Colony or Protectorate having jurisdiction, any suit or action in respect of—

- (a) all postage imposed by this Ordinance.
- (b) the rental of private letter boxes erected in any Post Office.
- (c) all damage done to Post Office property.
- (d) all charges for special service performed by the Post Office.

Saving of existing legal rights.

58. (1) This Ordinance shall not exempt any person from any proceeding by information, or otherwise, for an offence which is punishable at common law, or under any law, or Ordinance other than this Ordinance:

Provided that no person be tried or punished twice for the same offence.

Court's discretion.

(2) 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 law or Ordinance other than this Ordinance, the Court may direct that instead of such proceedings being continued, proceedings shall be taken for punishing such person at common law, or under some law or Ordinance other than this Ordinance.

PROTECTION OF OFFICERS.

Penalty for obstructing postal service.

59. (1) Any person who wilfully obstructs, or incites anyone to obstruct an officer of the Post and Telecommunications Department in the execution of his duty, or who, 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 be liable to a fine not exceeding forty shillings.

(2) Any officer of the Posts and Telecommunications Department may require any person guilty of an offence under this section to leave a Post Office or any such premises as aforesaid, and if such person refuses or fails to comply with such request, such person shall be liable to a further fine not exceeding five pounds, and may be removed by any officer of the Posts and Telecommunications Department; and all constables are required, on demand, to remove or assist in removing every such person.

Further penalty in certain event.

60. Any action against any person employed by or under the Posts and Telecommunications Department for anything done in execution, or intended execution, of this Ordinance shall be commenced within three months after the cause of the action arose, and not otherwise.

Limitation of actions.

61. Notice, in writing, of every such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

Notice of action.

62. In any action the defendant may plead generally that the act complained of was done in execution of this Ordinance, and give this Ordinance and the special matter in evidence at any trial to be had thereupon.

Defendant may plead general issue.

63. The plaintiff shall not recover, if tender of sufficient amends is made within one month after notice of action, and before action brought by or on behalf of the defendant.

Plaintiff not to recover if tender of sufficient amends is made.

64. The defendant may, by leave of the Court, after action brought and before issue joined, pay money into Court as in other actions.

Payment of money into Court by defendant.

65. If the plaintiff is non-suited, or discontinues the action, or if judgment is given for the defendant, the defendant shall be entitled to recover double costs.

Double costs to defendant in certain cases.

66. Though a verdict or judgment shall be given for the plaintiff, he shall not have costs against the defendant, nor more than twopence damages unless the Judge or Magistrate, by whom the trial is heard, certify his approbation of the action.

Costs and damages to plaintiff only on Judge's certificate.

PREVENTION OF FRAUDULENT USE OF POST OFFICE.

Inspection of postal matter suspected to be of a fraudulent nature.

67. It shall be lawful for any officer of the Posts and Telecommunications Department, not below the rank of Staff Superintendent, if he suspects that any postal matter is calculated or likely to cause the addressee, or any other person to be deluded, or defrauded, or contains false pretences made with a view to obtain money from the addressee, to detain such postal matter, and to submit it to the Postmaster General, and the Postmaster General may thereupon open the said postal matter for the purpose of inspection.

Disposal of postal matter found to be of a fraudulent nature.

68. If, upon such inspection, it appears to the Postmaster General that the postal matter consists wholly or partly of postal matter calculated or likely to cause the addressee or any other person to be deluded or defrauded, or contains false pretences made with a view to obtain money from the addressee, he may destroy all or any part of such postal matter or otherwise dispose of the same in such manner as to him in his absolute discretion may seem expedient.

Inspection of postal matter suspected to contain applications, etc., for advertisements of a fraudulent nature.

69. It shall be lawful for any officer of the Posts and Telecommunications Department, not below the rank of Staff Superintendent, if he suspects that any postal matter consists of, or contains, any application for, or reply to, any advertisement, which, if sent through the Post Office, would be liable to be dealt with under the last two preceding sections, or if he suspects that any postal matter consists of, or contains, any reply to any such application, to detain such postal matter and to submit it to the Postmaster General, and the Postmaster General may thereupon open the said postal matter for the purpose of inspection.

Disposal of postal matter found to contain applications, etc., for advertisements of a fraudulent nature.

70. If upon such inspection it appears to the Postmaster General that the postal matter consists wholly or partly of a reply to an advertisement, which, if sent through the Post Office, would be liable to be dealt with under sections 67 and 68 of this Ordinance, or of a reply to any such application, he may destroy all or any part of such postal matter or otherwise dispose of the same in such manner as to him in his absolute discretion may seem expedient.

Return of remittances.

Any money order, postal order, or other remittance comprised in such postal matter shall be returned to the sender thereof, unless such sender shall be the person who issued such advertisement, in which case such money order, postal order, or other remittance shall be forwarded to the addressee.