

ACT No. XX. OF 1838.

*Passed by the Hon'ble the President of the Council of India
in Council, on the 27th August, 1838.*

I. IT is hereby enacted, that from the First day of October next, Section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that when there is no Bhangee Post established on any line of road, letters and packets exceeding in weight 12 Tolas, and not exceeding 40 Tolas, shall be received by Post Masters for transmission by the Letter Post under the Rules which follow.

First. If the letter or packet received for despatch be of the description specified in heads Nos. 1, 2 and 3 of the Schedule A, annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the Post Masters shall forward every such letter or packet on the same terms, the Postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 Tolas in weight.

Second. If any packets exceeding 12 Tolas in weight, and not exceeding 40 Tolas, when so brought for despatch along a road where there is no regular

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Bhangee Post established, be certified by attestation written on the cover not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2 and 3 of the said Schedule, and further, if it be so certified that such packets do not contain any writing in contravention of Sections IX. and X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the Letter Post being charged with duty as specified and prescribed in Table 4 Schedule A. for Bhangee Parcels. Provided, however, that it shall be in the power of the Post Master at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets, so conveyed by the letter post at Bhangee postage rates, in the manner prescribed in Section XXX. Act XVII. 1837. Provided, also, that Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Master for conveyance by virtue of this Act, and that no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that if packets exceeding 40 Tolas in weight be brought for despatch by the letter post at Bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding Section of this Act: provided, however, that the transmission of such over weight packets shall always be discretionary with the Post Master to whom they may be brought for dispatch, to forward them at such times and in such manner as may be convenient.

IV. And it is hereby enacted, that no packet brought for despatch by Bhangee Post shall be returned from any Post Office on the ground that the Bhangee Post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover or packet delivered at any Post Office for conveyance by Post what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the Post Office Revenue, every such person shall, on conviction, be subject to a fine of 50 Rupees for every such offence.

VI. And it is hereby enacted, that whoever shall send or cause to be sent by the Government Post any packet under the Provisions of this Act of the description mentioned in Table 2 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 Rupees.

VII. And it is hereby enacted, that whoever shall send or cause to be sent by the Government Post, under the Provisions of this Act, any Packet of the description mentioned in Table 3 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatsoever except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 Rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the Letter Post or by the Bhangee Post in contravention of the Provisions of Sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the Post Master General, or from any Post Master, and if not paid upon such demand

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the same shall upon conviction of the offender before any Magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction by distress and sale of the Goods and Chattels of the party or parties offending, by warrant under the hand of such Magistrate. And if upon the return of such warrant, it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such Magistrate by warrant under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the Post Master to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of Sections IX. and X. of Act XVII. 1837, or of any of the Provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

by virtue of this Act