

POST OFFICE.

ACT No. XVII. OF 1854.

[Passed on the 12th August, 1854.]

1. *Repeals Act 17, 1837; 20, 1838; 17, 1839.*
 2. *Establishes exclusive privilege of conveying letters by post, &c. except (1) letters sent by friend, &c. (2) letters sent by a messenger on purpose; (3) letters sent with goods.*
 3. *Prohibits certain descriptions of persons from carrying letters, viz. (1) Common carriers; (2) Ship-masters, &c.*
 4. *Prescribes the penalties for carrying or sending letters, &c. in prohibited ways.*
 5. *Empowers the G. G. in C. to appoint, or to authorize the local Governments to appoint, such officers as G. G. in C. may deem expedient.*
 6. *Prescribes the postage rates on letters and defines what shall be deemed letters.*
 7. *Prescribes postage rates, (1) on imported newspapers, pamphlets and other printed or engraved papers, &c. and (2) on the same not imported.*
 - 8, 9. *Prescribes conditions to be observed in posting newspapers, &c: and if conditions are not observed, (9) letter postage rates to be paid.*
 10. *Proof sheets to be subject to same rates as newspapers.*
 11. *Prescribes inland banghy postage rates, by weight and distance.*
 12. *Prescribes banghy rates for Books, pamphlets, packets of newspapers and other printed and engraved papers, not exceeding 120 tolahs.*
 13. *How distance shall be calculated.*
 - 14, 15. *Letters exceeding 12 tolahs' weight to go not by letter post, but banghy post; or (15) if no banghy post, by letter post, but not exceeding 40 tolahs, except under special direction of Post Master.*
 16. *Prohibits sending letters under 12 tolahs by banghy.*
 17. *Prescribes rates of postage on Ship-letters by E. I. Co.'s post.*
 18. *Limits weight and dimensions of banghy parcels to 600 tolahs and 2,592 cubic inches.*
 19. *Postage must be prepaid to places to which the E. I. C. have not established a post.*
 20. *Prescribes double postage on letters not prepaid. Prepayment to be by stamps.*
 21. *Empowers G. G. in C. to prescribe prepayment in all cases.*
 22. *Letters, &c. insufficiently stamped to be charged on delivery double in respect of the deficiency.*
 23. *Re-directed letters to be subject to ordinary postage rate, which need not be prepaid.*
 24. *Prohibits sending explosive or dangerous materials by post.*
 25. *Empowers G. G. in C. to lower postage rates.*
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26. *Letters not to be recalled, except as G. G. in C. may direct ; newspapers &c may be recalled.*
27. *British postage rates recoverable like inland postage.*
- 28, 29, 30. *Prepayment to be by postage stamps, which (29) shall be provided by the G. G. in C. (30) such stamps to be under management of Post Office.*
- 31, 32, 33, 34. *G. G. in C. to make rules for supplying the public with stamps, and (32) vendors to be subject to such rules, and (33) to be subject to penalties for refusing to supply stamps, and (34) also for overcharge for stamps.*
35. *Provides punishments for forging stamps, &c. and (cl. 2) empowers Police Officer to seize, and (cl. 3) to search houses, &c.*
36. *Provides penalties for evading postage duties, by using old stamps, &c.*
37. *Postage on letters not taken in to be paid by sender. Postages recoverable like fines.*
38. *Provides for registering letters.*
39. *Provides for sending letters by expresses.*
- 40, 41, 42. *Directs Commanders of ships having letters to be put into the Post Office, and (41) subject to penalty for every letter kept back, and (42) prescribes what such Commander shall be paid for such letters.*
43. *Obliges outward bound Commanders to carry letter bags for Post Office.*
44. *Unclaimed letters to be returned to sender after 3 weeks and directs what shall be done with money, &c.*
45. *Directs what shall be done with refused letters.*
- 46, 47. *Abolishes franking and directs service letters to be charged to public departments from which sent and (47) person making false certificate of service letter to be punishable.*
48. *Directs what shall be done in respect of contraband articles passed through office or letters illegally sent.*
49. *Exonerates Government from responsibility for loss or damage in respect of post.*
50. *Provides punishments for secreting, opening or making away with letters, &c. or breaking seals, &c.*
51. *Prohibits detention of post office messengers with mails and detention of horse and carriage, &c.*
52. *Provides penalties for retaining, secreting, making away with letters and other similar offences.*
53. *Provides for punishment of letter carriers and other Post Office servants, endangering safety of letters, loitering, &c.*
54. *Provides for punishment of fraudulent misappropriation of postage money, &c.*
55. *Provides for punishment of putting wrong marks on letter, altering, removing marks and stamps, &c.*
- 56, 57. *Provides punishment for Post Office servants incorrectly preparing documents, &c. and (57) fraudulently putting letters into post bag, &c.*
- 58, 60. *Offences punishable only with fine may be dealt with by Js. P. and Magistrates or (60) by Assistants on reference of Magistrate.*

59. Convictions not to be quashed for error of procedure: Depositions to be returned on certiorari.

60. See *supra*.

61. Local Government may empower Assistants and Deputies to exercise power subject to appeal to Magistrate.

62. Fines to be levied by distress and sale of goods, and on default of realization offender may be arrested, &c.

63. Half the fine or amount recovered may be awarded to informer.

64. Proceedings for recovery of fine not to be taken without order of D. G. or P. M. G.

65. Servant of the E. I. C. employed in Post Office duty, committing offences against the act on foreign native territory to be punishable.

66. Interprets words "Magistrate" and "fine."

67. Empowers G. G. in C. to frame rules for Post Offices.

68. Books, &c. to and from the U. K. not chargeable with postage under this Act, but may be made chargeable by order of G. G. in C.

69. Empowers the G. G. in C. to order specific letters, &c. not to be chargeable.

70. Empowers G. G. in C. to make rules for management of district dawks

71. Act to take effect, 1st October, 1854.

An Act for the management of the Post Office for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

I. Act No. XVII. of 1837, Act No. XX. of 1838, and Act No. XVII. of 1839, are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except, as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, dispatching,

Exclusive privilege of carrying letters vested in the East India Company.

and delivering all letters, except in the following cases, that is to say:

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

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

III. Wheresoever, within the said territories, posts or post communications are, or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2. Owners and Commanders of ships, steam boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall perform otherwise than by

Penalties for breach of privilege.

the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering, a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III. of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

V. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

VI. Wheresoever posts or post communications are, or shall

Postage rates on letters. be established by the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale:

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post when posted at the place of dispatch.

VII. Wheresoever posts or post communications are, or shall be established by the East India Company, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post

Postage rates on newspapers, &c.

by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale:

1. On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported —

If the same shall not exceed three and a half tolahs in weight two annas.

If the same shall exceed three and a half tolahs, and not exceed six tolahs in weight four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

VIII. A newspaper, pamphlet, or other printed or engraved

Newspapers, &c.,
how to be sent by post. paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed, that is to say:

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

X Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post according to the following scale :

IF NOT EXCEEDING IN WEIGHT.

FOR DISTANCES.		20		100		200		300		400		500		600	
		Tolahs		Tolahs		Tolahs		Tolahs		Tolahs		Tolahs		Tolahs	
	Miles.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.
Not exceeding	100	0	2	0	4	0	8	0	12	1	0	1	4	1	8
Not exceeding	300	0	6	0	12	1	8	2	4	3	0	3	12	4	8
Not exceeding	600	0	12	1	8	3	0	4	8	6	0	7	8	9	0
Not exceeding	900	1	2	2	4	4	8	6	12	9	0	11	4	13	8
Not exceeding	1200	1	8	3	0	6	0	9	0	12	0	15	0	18	0
Exceeding	1200	1	14	3	12	7	8	11	4	15	0	18	12	22	8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

XII. Books, pamphlets, packets of newspapers, and of printed Books, pamphlets, &c. or engraved papers other than newspapers, provided they do not exceed one hundred and twenty tolans in weight, and be sent without covers or packed in short covers open at both ends, and provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly

by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried:

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

XIII. Banghy postage, when chargeable by distance under
Table of distances Section XI., shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table in the English and Vernacular languages for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

XIV. Where there is a banghy post established on any line
Limitation of weight of letters where there is a banghy post. of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

XV. Where there is no banghy post established on any line
Where there is no banghy post. of road, letters, parcels and packets exceeding twelve tolahs, and not exceeding forty

tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI., and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII. of this Act, as the

Letters and other articles exceeding twelve tolahs but not exceeding forty tolahs.

of this Act, as the case may be, if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or en-

Certificate.

letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty

Parcels exceeding forty tolahs.

hereinafter provided. Parcels exceeding forty tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

XVI. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette*, that the banghy post is conveyed in the same carriage with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

XVII. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship postage shall be

Ship postage on parcels.

charged when they are conveyed by means of the East India Company's post by sea according to the following scale, viz. :

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas ; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs ; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for despatch either by ship or steam-boat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct. On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six hundred tolahs ; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

XIX. Letters and newspapers posted for dispatch, either by Her Majesty's Mails or otherwise to Ceylon or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for dispatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps, provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

XX. Subject to any alteration which may be made by virtue

Postage on letters, &c.,
not prepaid.

of the power hereinafter vested in the Governor General of India in Council, letters posted for dispatch, either by sea or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery; but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to the Section XI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps: when not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

XXI. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

XXII. If any letter be posted, having affixed thereto a postage stamp or stamps, the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage to which such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having

Letters, &c., with insufficient stamps, how charged.

Governor General in Council may direct pre-payment of postage in all cases.

affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto, and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereto from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

XXIV. No person shall knowingly post, or send, or tender, or deliver in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

XXVI. No person having delivered into any Post Office any letter, parcel, or packet shall be entitled to recal the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so recalled or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency be recovered in the same manner as postage chargeable under this Act.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

XXIX. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

XXX. Postage stamps provided as foresaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

XXXI. The Governor General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

XXXII. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a

penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

XXXV. Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged or counterfeited die, plate, or other instrument resembling, or intended to resemble, either wholly or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged, or counterfeit die, plate, or instrument as aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the person accused) have in his possession any paper or other substance having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument as aforesaid; or

having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp, such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Clause 2. Any Officer of Police may seize and transmit to the
Forged stamps may be seized. Magistrate any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

Clause 3. Any Officer of Police having power by law to search
And searched for. for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

XXXVI. If any person shall fraudulently remove any postage stamp from any letter or other thing
Penalties for evading postage stamp duties. to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing thereon written or impressed, every person so offending shall forfeit a sum not exceeding two hundred rupees for every such offence.

XXXVII. The person to whom any letter or other article,
Postage on unpaid letters, &c. to be paid by the receiver. the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any Officer in charge of a Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall

be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct that in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

XXXIX. It shall be lawful for the Governor General of India in Council to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

XL. When any vessel arrives by sea at any place within the territories under the Government of the East India Company at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander

from all responsibility in respect of such letter or packet. Every
Penalty. Commander of a vessel who shall wilfully
disobey any of the directions contained in
this Section, shall be punished with a fine not exceeding one
thousand rupees.

XLI. Every person, being either the Commander of a vessel
Detention of letters on board prohibited. inward-bound, or any one on board such
vessel, who shall, within the said territories,
knowingly have in his possession any letter not excepted from the
privilege of the Post Office, after any part of the letters on board
the said vessel shall have been sent to the Post Office, shall forfeit
for every such letter a sum not exceeding fifty rupees, whether
the letter be in the baggage or on the person of the offender or
otherwise in his custody; and every such person who shall
detain any such letter after demand made for the same by an
Officer of the Post Office, shall forfeit for every such letter a sum
not exceeding one hundred rupees.

XLII. For every letter delivered by the Commander of any
Bounty money. ship in conformity with the directions of
Section XL. of this Act, the Officer in
charge of the Post Office shall pay to the said Commander the
sum of one anna; and the sum of one anna shall be chargeable
as postage on such letter in addition to any other postage charge-
able thereon under this Act. Provided that no payment shall be
made to the Commander of any vessel on account of the delivery
of any letter, unless the claim of such Commander shall be pre-
ferred before the vessel leaves the place at which the letter was
delivered, or before the expiration of two months from the date
of the arrival of such vessel. Provided also, that nothing con-
tained in Sections XL. XLI. and XLII. of this Act shall extend
to any letter or packet conveyed by Her Majesty's Mails.

XLIII. The Commander of every vessel leaving any place
in the said territories by sea shall receive
Commanders of outward bound vessels to receive mails on board. on board of such vessel every letter and
packet which he shall be required so to
receive by any officer of the Post Office, and shall give a receipt
for such letter or packet; and every Commander of a vessel who
shall wilfully disobey any direction contained in this Section shall
be punished with a fine not exceeding one thousand rupees.

XLIV. Clause 1. A list of all letters, packets, and parcels
Unclaimed letters, &c. posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

Clause 2. The Post Master General or some person duly appointed for the purpose and bound to secrecy,
To be opened, &c. shall immediately open all such letters, packets or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Clause 3. All money found in any unclaimed letter, packet, or parcel shall be paid into the Public Treasury, and all other valuable property found
Money, &c. found therein. as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

XLV. Letters, parcels, or packets rejected unopened by the
Refused letters, &c. person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain shall be disposed of in the manner prescribed in the preceding Section with respect to such money or property contained in unclaimed letters.

XLVI. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post, free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends shall henceforth be charged with the same rates of postage as any other letters sent by the post. Provided that letters and packets on the public service, certified to be such by the signature of any public officer, authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall direct.

Franking abolished.

Letters on the public service duly certified as such, how to be charged.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing, on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing or enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred rupees.

Penalty for false certificate.

XLVIII. If any Officer in charge of a Post Office shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections VIII., XV., XVI., or XLVII. of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel or packet is directed to attend

Letters, &c., suspected to contain contraband articles, or writing in contravention to this Act how to be dealt with.

at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

L. Whoever being in the employ of the Government in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel or packet, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

LJ. It shall not be lawful for any person, unless acting by express order of the Government to detain, except for a criminal offence, a Post Office messenger, whilst carrying the mails, or to detain any

Government not responsible for loss.

Penalty for secreting, opening, or making away with letters, &c. by persons employed in the Post Office.

Penalty for detaining mails.

carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

LII. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or de-
Penalty for retaining letters &c. delivered by mistake. tain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LIII. Every person employed to convey or deliver any post-
Penalty for neglect on the part of persons employed to carry mails. bag, or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet: or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

LIV. Whoever being in the employ of the Government* in
Penalty for embezzlement by persons employed in the Post Office. the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

L.V. Whoever being in such employ as is described in Sec-

Penalty for fraudulently altering marks on letters, &c. by persons employed in the Post Office.

tion LIV. shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVI. Whoever being in such employ as is described in Section LIV., and being entrusted with the preparing or keeping of any document shall, with a fraudulent intention, prepare that document incorrectly, or alter that document, or shall aid, abet, or conceal any of the above named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVII. Whoever being in such employ as is described in Section LIV., shall send by the post, or put into any post bag, any unstamped letter, parcel, or packet, upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable, for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of

Fines how to be recovered.

Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by

distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any

Imprisonment if no sufficient distress, &c.

such Officer, by warrant under his hand may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months, where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case: the commitment to be determinable in each of the cases aforesaid on payment of the amount.

LXIII. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer.

Moiety of fines to informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

No proceedings to be taken without an order.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of

Servants of East India Company committing offences in Foreign States in alliance.

the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

LXVI. The word "Magistrate" in this Act shall include
Interpretation, Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

LXVII. It shall be lawful for the Governor General of India
Governor General in Council may frame rules. in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

LXVIII. Unless the Governor General of India in Council
Books, &c. sent by post to or from the United Kingdom. shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from

such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

LXIX. It shall be lawful for the Governor General of India in Council by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles to be specified in such orders sent through the post from any part of the British Dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British Dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor General of India in Council may think fit.

LXX. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zemindaree, Thannah, or other District dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connection therewith.

LXXI. This Act shall commence and take effect from and after the first day of October, 1854.

Commencement of Act.

