

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 90.—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information.

POST OFFICE ORDINANCE, 1926.

[ORDINANCE No. OF 1926.]

CONTENTS.

SECTIONS.

1. Short title.
2. Interpretation.
3. Regulations.
4. Appointment of officers.
5. Confirmation of certain appointments.
6. Exclusive privilege of Postmaster General.
7. Exemption from liability.
8. Opinion of Postmaster General as to classification of postal packets final.
9. Discretion as to relative urgency.
10. Postal packets which cannot be despatched or delivered.
11. Postal packets posted by mistake or with wrong or deficient contents.
12. Postal packets which contravene the law, etc.
13. Warrant of Colonial Secretary for opening and delaying postal packets.
14. Disposal of postal packets opened under sections 10, 12 or 13.
15. Extension of sections 12, 13 and 14 to articles not transmissible by post.
16. Masters of ships to deliver postal packets to Post Office without delay.
17. Notice to be given to Postmaster General of departure of ships.
18. Masters of ships to accept postal packets or mail bags for conveyance.
19. Gratuities to masters of ships for conveyance of postal packets.
20. Damages for non-delivery of postal packets or mail bags.
21. Liability for payment of postage, etc.
22. Right to withhold postal packets, from person refusing to pay postage, etc.
23. Power of search and seizure.
24. Surrender of clothing, etc., by officer of Post Office on ceasing to be officer.
25. Postal packets delivered at hotels, etc., and not claimed.
26. Stealing, etc., of postal packets and letters.
27. Diversion of postal packets.
28. Unlawful retention of postal packets.
29. Unlawful opening, etc., of postal packets.
30. Damaging, etc., letter-boxes.
31. Prohibition of imitation of certain marks, etc.
32. Prohibited articles.
33. Offences by officers of the Post Office.
34. Obstruction.
35. Laying of property.
36. Evidence.
37. Offences.
38. Penalties.
39. Limitation of time.
40. Commencement.
41. Repeal of Ordinance No. 6 of 1900.

A BILL

INTITLED

An Ordinance to amend the law relating to the Post Office.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Post Office Short title Ordinance, 1926.

2.—(1) In this Ordinance,

Interpreta-  
tion.

- (a) "Clubbed packet" means a packet containing a collection of Chinese letters made up by any person not being an officer of the Post Office and transmitted by post with a view to the letters inclosed in such packet being delivered to more than one person through the agent of the person by whom the packet was made up.
- (b) "Contract ship" means any ship which is under contract with the Postmaster General, or with His Majesty's Postmaster General, or with the postal authority of any British possession or British protectorate, or with the postal authority of any foreign state which is a member of the Postal Union, for the conveyance of mails, for more than one voyage.
- (c) "Letter" includes every communication from one person or body of persons to another person or body of persons, sent on any material, by means of any words or other signs, however produced on such material so sent.
- (d) "Mail bag" means any bag, basket, box, parcel, or other envelope or covering, in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such postal article. s Edw. 7. c. 48, s. 89.
- (e) "Master of a ship" includes every person (except a pilot) having command or charge of a ship. s Edw. 7. c. 48, s. 89.
- (f) "Officer of the Post Office" includes the Postmaster General and every other person employed in any business of the Postal Department or on behalf of the Postal Department. s Edw. 7. c. 48, s. 89.
- (g) "Person", except so far as relates to the imposition of the penalty of imprisonment, includes a body corporate and a firm.
- (h) "Post office" includes every house, building, room, vessel, carriage and place used for the purposes of the Postal Department, and every post office letter box. s Edw. 7. c. 48, s. 89.
- (i) "Post office letter box" includes every pillar box and wall box and every other box or receptacle provided by or under the authority of the Postmaster General for the purpose of receiving postal articles, for transmission by or under the authority of the Postmaster General. s Edw. 7. c. 48, s. 89.

- (j) "Postage stamp" means any label or stamp for denoting any rate of postage payable in respect of postal articles, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article, whether such postage stamp is issued under this Ordinance, or by His Majesty's Postmaster General, or by the government of any British possession or foreign country.
- (k) "Postal article" includes everything which is transmissible by post.
- (l) "Postal packet" means a postal article, or a collection of postal articles, which is in course of transmission by post as one postal unit.
- (m) "Postmaster General" means, unless His Majesty's Postmaster General is indicated, the Postmaster General of the Colony, and includes every Assistant Postmaster General.
- (n) "Ship" includes every description of vessel used in navigation and every description of aircraft.

8 Edw. 7.  
c. 48, s. 102.

(2) For the purposes of this Ordinance,

- (a) a postal article shall be deemed to be in course of transmission by post from the time of its being duly delivered to a post office to the time of its being delivered to the addressee or its being returned to the sender or otherwise disposed of under the provisions of this Ordinance;
- (b) the placing of a postal article in any receiving box for the deposit of postal articles, or the delivery of an article to an officer of the post office in the course of his duties shall be deemed to be delivery to a post office; and
- (c) the following shall be deemed to be delivery of a postal packet to the addressee:—
  - (i) delivery according to the usual manner of delivering postal packets to the addressee: or
  - (ii) delivery at the house or office of the addressee: or
  - (iii) delivery to the addressee or to his servant or agent or other person having authority to receive such packet: or
  - (iv) when the addressee is a guest and is resident at an hotel, delivery to the proprietor or manager thereof or to his agent.

Regulations.

3.—(1) It shall be lawful for the Governor in Council to make regulations in respect of any of the following matters:—

- (a) cash on delivery parcels;
- (b) compensation for loss of, or damage to, postal packets;
- (c) fines for insufficient postage;
- (d) gratuities for the conveyance of postal packets by sea;
- (e) insurance of postal packets;
- (f) late fees;
- (g) limitations of the form, size, weight and contents of postal packets;
- (h) money orders, telegraph money orders, postal orders and postal notes;

- (i) parcels ;
- (j) payment of postage ;
- (k) postal notes and postal orders ;
- (l) private boxes ;
- (m) private travelling letter boxes ;
- (n) prohibited articles and their treatment and disposal ;
- (o) registration ;
- (p) stamps, reply coupons, and stamped envelopes, postcards and wrappers ;
- (q) undelivered postal articles ;
- (r) the prescribing of any fees which may appear to the Governor in Council to be desirable in connexion with the maintenance of a postal service ;
- (s) any other matters in respect of which it may appear to the Governor in Council to be desirable to make regulations for the purpose of the maintenance of a postal service.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution is passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded, or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded, or amended, as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

4. It shall be lawful for the Governor to appoint a Postmaster General and such other officers of the Post Office as he may think fit. Appointment of officers.

5. The Postmaster General and all other officers of the Post Office who were appointed under any previous Post Office Ordinance and who continued to hold office up to the commencement of this Ordinance are hereby confirmed in their respective offices and shall have all the powers and privileges conferred by this Ordinance upon the holders of their respective offices. Confirmation of certain appointments.

6.—(1) The Postmaster General, by himself or by the officers of the Post Office, shall have the exclusive privilege of— Exclusive privilege of Postmaster General.

- (a) conveying letters from one place to another within the Colony ; 8 Edw. 7, c. 48, ss. 30, 34 (2).
- (b) sending letters out of the Colony for delivery outside the Colony ;
- (c) receiving letters brought into the Colony for delivery in the Colony ; and
- (d) receiving letters brought into the Colony for transmission to some place outside the Colony, other than letters contained in mail bags passing through the waters of the Colony without transhipment,

and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all such letters, except in the following cases :—

- (i) letters not exceeding three in number sent by a private friend on his way, journey or travel, provided that such letters are delivered by that

friend to the person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them ;

- (ii) letters concerning the affairs of the sender or receiver thereof sent by a messenger employed for that purpose ;
- (iii) letters solely concerning particular goods, sent by the same vessel as the goods, to be delivered with the goods, without hire, reward or other profit or advantage for receiving, carrying or delivering such letters : Provided that such letters are open to inspection and have superscribed thereon the words " Consignee's Letter" or other words to the same effect ; and
- (iv) telegrams sent out by any telegraph company.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for any person licensed by the Postmaster General to collect letters for transmission to China through the Post Office, and to receive clubbed packets from China through the Post Office, subject to the provisions of any regulations made under this Ordinance, and subject to the conditions of his licence.

(3) Subject to the exemptions from the Postmaster General's exclusive privilege which are contained in sub-sections (1) and (2), no person shall—

- (a) collect any letters with a view to the delivery of such letters anywhere otherwise than through the post ; or
- (b) have in his possession any letter with a view to the delivery of such letter anywhere otherwise than through the post ; or
- (c) send any letter out of the Colony otherwise than through the post ; or
- (d) without lawful authority or excuse bring any letter into the Colony with a view to the delivery of such letter anywhere ; or
- (e) without lawful authority or excuse have in his possession any letter brought into the Colony, or delivered, otherwise than through the post.

(4) No person shall in any other way infringe the exclusive privilege of the Postmaster General.

(5) It shall be lawful for the Governor in Council to order that the provisions of this section shall also apply to any particular kind or kinds of postal article other than letters, subject to such exceptions and conditions (if any) as the Governor in Council may think fit.

Exemption from liability. 7.—(1) The Government shall not incur any liability by reason of the loss, non-delivery, misdelivery or delay of any postal packet, or by reason of any damage to any postal packet, whether registered or not.

8 Edw. 7,  
c. 48, ss. 13,  
23.

(2) No officer of the Post Office shall incur any liability by reason of such loss, non-delivery, misdelivery, delay or damage, except in the case of fraud or wilful misbehaviour.

(3) Neither the Government nor any officer of the Post Office shall incur any liability for the loss, non-delivery, misdelivery or delay of, or damage to, any postal article, whether registered or not, caused by the act or default of any person licensed in accordance with section 6 (2), or caused by the act or default of any servant or agent of any such licensed person.

(4) Once a money order, telegraph money order, postal order or postal note has been paid to any person by an officer of the Post Office, or by an officer of any other postal authority, British or foreign, all liability of the Government in respect of such money order, telegraph money order, postal order or postal note shall cease and determine, and, except in the case of fraud or wilful misbehaviour, no officer of the Post Office shall, after such payment, be liable in respect of such money order, telegraph money order, postal order or postal note.

8.—The decision of the Postmaster General as to whether any postal packet is or contains a circular, a commercial paper, a letter, a newspaper, a parcel, a post-card, a printed paper, or a sample, or literature for the blind and any other decision of the Postmaster General as to the classification of any postal article, shall be final for all purposes.

Decision of Postmaster General as to classification of postal packets final.  
8 Edw. 7.  
c. 48, s. 19.

9.—It shall be lawful for the Postmaster General in his discretion to decide any question as to the relative urgency of particular mails or particular classes of postal packets and to postpone the delivery or despatch of any mails or postal packets to the delivery or despatch of any more urgent mails or postal packets.

Discretion as to relative urgency.  
8 Edw. 7.  
c. 48, s. 15.

10.—It shall be lawful for any officer of the Post Office to open—

Postal packets which cannot be despatched or delivered.

- (1) any postal packets upon which the prepayment of postage is compulsory and upon which the proper postage has not been paid; and
- (2) any postal packet which is returned to the Post Office for want of a proper address or from inability to find the person to whom it is addressed or because the addressee refuses to accept it, or which in the opinion of the Postmaster General cannot for any other reason be delivered.

11. When any postal packet has been posted by mistake, or has been posted with wrong or deficient contents, it shall be lawful for the Postmaster General, in his discretion, to return such postal packet to the sender on payment of such fee (if any) as may be prescribed by regulations made under this Ordinance.

Postal packets posted by mistake or with wrong or deficient contents.

12. If the Postmaster General has reason to believe that any postal packet has been posted or sent by post in contravention of this Ordinance or of any regulation made thereunder, or that any postal packet whatsoever contains any thing which may not legally be sent by post, or contains any thing with respect to which, or by means of which, any offence whatsoever has been or is being committed or attempted, or contains any dutiable article, it shall be lawful for him to open such postal packet and to delay such postal packet and its contents.

Postal packets which contravene the law, etc.  
8 Edw. 7,  
c. 48, ss. 17,  
18.

13.—(1) It shall be lawful for the Colonial Secretary to grant a warrant authorising the Postmaster General, or authorising any of or all the officers of the Post Office, to open and delay any specified postal packet, or all postal packets of any specified class, posted in the Colony or received by the Post Office from outside the Colony for delivery in the Colony, or any postal packet which may be posted in the Colony by any specified person or firm or which may be received by the Post Office from outside the Colony for delivery in the Colony to any specified person or firm.

Warrant of Colonial Secretary for opening and delaying postal packets.

(2) It shall be lawful for the Postmaster General to delay any postal packet for such time as may reasonably be necessary for the purpose of obtaining a warrant under this section.

Disposal of  
postal  
packets  
opened under  
sections  
10, 12 or 13.  
8 Edw. 7,  
c. 48, ss. 17  
18.

14. Any postal packet opened under the authority of sections 10, 12 or 13, and the contents of any such postal packet, shall, subject to the provisions of section 32 (5), and subject to any regulations made under this Ordinance, be dealt with in accordance with the following provisions :—

- (1) If the Governor gives any direction as to how any such postal packet or its contents or any of its contents shall be dealt with, such postal packet and contents shall be dealt with according to such direction.
- (2) Subject to any direction of the Governor, if such postal packet or any of its contents is required for the purpose of any pending or contemplated criminal or forfeiture proceedings whatsoever, such postal packet or contents shall be retained by the proper officer so long as may reasonably be necessary for the purpose of such pending or contemplated proceedings.
- (3) Subject to any direction of the Governor, if such postal packet and its contents are not required, or are no longer required, for any criminal or forfeiture proceedings, and if the postal packet and its contents can, and may lawfully, be forwarded or delivered to the addressee, the postal packet and its contents shall be so forwarded or delivered.
- (4) Subject to any direction of the Governor, if such postal packet cannot, or may not lawfully, be forwarded or delivered to the addressee, or if there is no addressee, such postal article and its contents shall, if possible, be returned to the sender.

Extension  
of sections  
12, 13 and 14  
to articles  
not transmiss-  
ible by post.

15. The provisions of sections 12, 13 and 14 shall extend also to all articles tendered to or received by the Post Office for transmission by post or delivery, and to the contents of all such articles, whether such articles or contents be transmissible by post or not.

Masters of  
ships to  
deliver postal  
packets to  
Post Office  
without  
delay.  
8 Edw. 7,  
c. 48, s. 27.

16. Every master of a ship having on board any postal packets which are within the exclusive privilege conferred on the Postmaster General by or under section 6, or any postal packets which have been received by him for delivery to the Postmaster General, shall, immediately upon the arrival of such ship in the Colony, and before reporting at the Harbour Office, deliver all such postal packets at the General Post Office or to some officer of the Post Office or other person authorised by the Postmaster General to receive the same.

Notice to be  
given to  
Postmaster  
General of  
departure  
of ships.

17.—(1) Every owner of a ship, other than a ship plying daily or on fixed days to Macao or to any place on the Canton River or West River, proposing to despatch such ship from the Colony to any place outside the Colony, shall give reasonable notice in writing to the Postmaster General of the day and hour of the intended departure of such ship, of the berth at which such ship is lying, and of the places at which such ship is to call, and shall give immediate notice in writing to the Postmaster General of any alteration in the day or hour of departure, or of the berth, or of the places of call.

- (2) If the ship is on charter, the notice shall be given by the charterer.
- (3) Notice by an agent shall be deemed to be also notice by the owner or charterer, as the case may be.
- (4) If the owner or charterer is not in the Colony, the obligation to give notice shall lie on his agents,

(5) Reasonable notice in writing shall be given to the Postmaster General of every alteration of the hour of departure of any ship plying daily or on fixed days to Macao or to any place on the Canton River or West River. The obligation to give such notice shall lie on the person on whom it would have lain if the ship had not been within the exception specified in sub-section (1).

(6) In general a notice shall not be deemed to be reasonable for the purposes of this section unless it is given in time to enable the Postmaster General to inform the public by notice in the public press of the day and hour for closing the mails by the ship in question.

18. Every master of a ship (not being or having the status of a ship of war) about to depart from the Colony to any place outside the Colony shall receive on board any postal packets or mail bags tendered to him by any officer of the Post Office for conveyance, and shall give a receipt therefor in such form as the Postmaster General prescribes.

Masters of ships to accept postal packets or mail bags for conveyance.  
8 Edw. 7.  
c. 48, s. 26.

19.—(1) It shall be lawful for the Postmaster General to pay to the masters of ships, not being Government or contract ships, for the conveyance of postal packets, gratuities at such rates as may be prescribed in any regulations made under this Ordinance.

Gratuities to masters of ships for conveyance of postal packets.  
8 Edw. 7.  
c. 48, s. 31.

(2) Before payment is made, the Postmaster General may require the master of any ship by which any postal packets have been conveyed to produce a certificate from the post office of destination that such postal packets have been duly received from him.

8 Edw. 7.  
c. 48, s. 31.

(3) No gratuity shall be payable—

- (a) unless application be made for payment within twelve months of the receipt by the master of the ship of the postal packets in respect of which the gratuity is claimed; or
- (b) if there has been unreasonable delay on the part of the master in delivering the postal packets at the post office of destination; or
- (c) if any of the postal packets have been damaged in transit, unless the master proves to the satisfaction of the Postmaster General that such damage was not due to any fault or lack of sufficient care on his part.

(4) If the master of any vessel satisfies the Postmaster General that he will not return to the Colony within the twelve months prescribed by sub-section (3) (a), it shall be lawful for the Postmaster General to pay a gratuity in advance.

20. Every master of a ship to whom any postal packets are delivered under section 18 shall be deemed to contract with the Postmaster General that, in consideration of the gratuity payable in respect of such postal packets, he will duly deliver the said postal packets to the postal authority to whom the same are addressed immediately on his arrival in any port, without wilful or avoidable delay, and that if he fails in any respect to perform such contract he will pay to the Postmaster General the sum of five hundred dollars as liquidated damages for the breach thereof.

Damages for non-delivery of postal packets or mail bags.

21.—(1) The postage chargeable on every postal packet posted in the Colony, except a letter, shall be prepaid in full.

Liability for payment of postage, etc.

(2) It shall be lawful for the Postmaster General to refuse to receive any postal packets, including letters tendered for posting, unless the postage and any other sum chargeable thereon shall have been fully prepaid.



(3) Where the postage on any postal packet has not been prepaid or has not been fully prepaid, there shall be chargeable upon such postal packet double the postage or double the deficiency, as the case may be.

8 Edw. 7.  
c. 48, s. 3.

(4) Where a postal packet has been posted in the Colony and is addressed to an addressee in the Colony, and the postage or any other sum chargeable on such postal packet has not been paid or has not been fully paid, such postage or sum, or deficiency, as the case may be, shall be payable as follows:—

- (a) by the addressee, upon delivery of the postal packet to him, unless he refuses to accept delivery or returns the postal packet forthwith unopened;
- (b) by the sender, upon demand by the Postmaster General, if the addressee refuses to accept delivery or returns the postal packet forthwith unopened, or if the addressee is dead, or cannot be found, or if the Postmaster General is of opinion that such postage or sum or deficiency should be paid by the sender and not by the addressee.

(5) Where a postal packet has been posted in the Colony and is addressed to an addressee outside the Colony, and the postage or any other sum chargeable on such postal packet has not been paid or has not been fully paid, such postage or sum or deficiency shall be payable by the sender, upon demand by the Postmaster General, if the postal packet is returned by the office of destination as undeliverable.

(6) Where a postal packet has been posted outside the Colony and is addressed to an addressee in the Colony, and the postage or any other sum chargeable on such postal packet has not been fully paid, such postage or sum or deficiency shall be payable by the addressee upon the postal packet being tendered for delivery to him, unless the Postmaster General is of opinion that such postage or sum or deficiency should be paid by the sender.

Right to withhold postal packets from person refusing to pay postage, etc.

22. If any person refuses or neglects to pay any postage or other sum which he is legally bound to pay in respect of any postal packet, the Postmaster General may withhold from such person any postal packet whatsoever addressed to him, not being on His Majesty's service, until such postage or other sum has been paid.

Power of search and seizure.

23.—(1) It shall be lawful for any public officer who may, either generally or in a particular case, be authorised in writing by the Postmaster General in that behalf, to search for, seize, remove, and detain any postal article in respect of which such public officer may have reason to believe that any offence against this Ordinance has been committed.

(2) Such officer may, with or without assistance, if necessary—

- (a) break open any outer or inner door of any house, building or place, and enter thereinto;
- (b) forcibly board and enter any ship (not being or having the status of a ship of war) and every part thereof;
- (c) search any person found in such house, building or place, or on board such ship, provided that no female person shall be searched except by a female;

- (d) remove by force any material obstruction to, or any person obstructing, any such entry, search, seizure, removal, and detention, as he is empowered to effect; and
- (e) open and examine any postal article found in such house, building or place, or on board such ship.

(3) No person shall delay or obstruct any entry, search, seizure, removal, or detention, which is authorised by this Ordinance.

(4) It shall be lawful for any public officer who in the execution of his duty shall discover any postal article in respect of which he may have reason to believe that any offence whatsoever has been or is about to be committed to seize and detain any such postal article.

24.—(1) Where an officer of the Post Office vacates his office (whether by reason of dismissal, resignation, death, or otherwise) he, or if he is dead his personal representative and any person in possession of his effects, shall deliver to the Postmaster General all articles (whether uniform, accoutrements, appointments, or other necessaries) which were issued to such officer for the execution of his duty, and are or were not the property of that officer, and shall deliver the articles in good order and condition, fair wear and tear only excepted.

Surrender of clothing, etc., by officer of Post Office on ceasing to be officer.  
8 Edw. 7, c. 48, s. 44.

(2) Every person who fails to comply with the provisions of this section shall, in lieu of or in addition to any fine which may be imposed upon him, be also liable to pay such sum not exceeding two hundred and fifty dollars as the magistrate may determine to be the value of the articles not delivered, or, if the articles have been delivered but not in good order and condition, of the damage done to the articles.

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

25.—(1) If any postal packet addressed to any person at any hotel, boarding-house or shipping office, and delivered at such hotel, boarding-house or shipping office, is not claimed by, or forwarded to, the addressee within the respective periods specified in sub-section (2), the person in charge of such hotel, boarding-house, or shipping office shall forthwith return the postal packet to the Postmaster General, and the postal packet shall thereupon be treated as a postal packet which has been returned to the Post Office from inability to find the person to whom it is addressed.

Postal packets delivered at hotels, etc., and not claimed.

(2) The respective times referred to in sub-section (1) shall be two weeks in the case of a postal packet posted in the Colony and two months in the case of a postal packet posted in any place outside the Colony: Provided that the Postmaster General may from time to time extend either of these periods as he may think fit in any particular case.

26. No person shall—

- (a) steal, or embezzle, or obtain by false pretences or by any other fraudulent means, or destroy, any mail bag or postal packet or anything contained in or forming part of any mail bag or postal packet;
- (b) steal, or embezzle, or obtain by false pretences or by any other fraudulent means, any letter, or anything contained in or forming part of any letter, whether such letter is in course of transmission by post or not;

Stealing, etc., of postal packets and letters.  
8 Edw. 7, c. 48, ss. 50, 52, 55.

- (c) receive any postal packet or anything which was contained in or formed part of any postal packet, or any letter, or anything which was contained in or formed part of any letter, which was stolen, embezzled, or obtained by false pretences or by any other fraudulent means, knowing that such postal article or letter or thing was stolen, embezzled, or obtained by false pretences, or other fraudulent means, as the case may be.

Diversion of postal packets.

8 Edw. 7. c. 48, ss. 54, 55.

27. No person shall wilfully open any postal packet addressed to some other person, which is in course of transmission by post or which has been transmitted by post, or do anything whereby the due delivery of any postal packet addressed to some other person, which is in course of transmission by post or which has been transmitted by post, is prevented or delayed or impeded, either with intent to injure such other person or with intent to obtain some benefit for himself.

Unlawful retention of postal packets.

8 Edw. 7. c. 48, ss. 53, 55.

28. No person shall fraudulently retain, or wilfully secrete or keep or detain, or, when required by an officer of the Post Office, neglect or refuse to deliver up—

- (1) any postal packet or any mail bag which ought to have been delivered to any other person; or
- (2) any postal packet or any mail bag which shall have been found by him or by any other person.

Unlawful opening, etc., of postal packets.

8 Edw. 7. c. 48, ss. 51, 56.

29. No person shall without lawful authority or excuse—

- (1) open any postal packet, or take any of the contents out of any postal packet; or
- (2) open any mail bag or take any postal packet or any of the contents of any postal packet out of any mail bag; or
- (3) have in his possession any postal packet or mail bag or any of the contents of any postal packet or mail bag; or
- (4) delay any postal packet or mail bag.

Damaging, etc., letter boxes.

8 Edw. 7. c. 48, ss. 61, 62.

30. No person shall place in or against any post office letter box any fire, match, light or fluid, or any explosive, dangerous, filthy, noxious or deleterious substance, or injure or disfigure, or do anything likely to injure or disfigure any post office letter box or any of its contents.

Prohibition of imitation of certain marks, etc.

8 Edw. 7. c. 48, s. 64.

31.—(1) No person shall without lawful authority make on any envelope, wrapper, card, form, or paper, for the purpose of being sent by post or of being otherwise used, any word, letter or mark, in imitation of or similar to or purporting to be, any word, letter or mark used by any postal authority, British or foreign, or any word, letter or mark which signifies or implies, or might reasonably lead the recipient thereof to believe, that the postal packet bearing such word, letter or mark is sent on His Majesty's service.

(2) No person shall without lawful authority or excuse make any envelope, wrapper, card, form, or paper, in imitation of or similar to or purporting to be, an envelope, wrapper, card, form, or paper, issued by or under the authority of any postal authority, British or foreign.

(3) No person shall without lawful authority or excuse have in his possession any envelope, wrapper, card, form, or paper, the making of which is prohibited by this section, or upon which there appears any word, letter or mark the making of which is prohibited by this section.

- 32.—(1) No person shall post, tender for posting, or send by post :—
- (a) any postal packet consisting of or containing any thing which might expose postal officials to danger or which might soil or damage any other postal packet ;
  - (b) any explosive, inflammable or dangerous substance ;
  - (c) any animal or insect, live or dead, except as provided for in any regulations made under this Ordinance ;
  - (d) samples of which the number forwarded by the same sender to the same addressee shows an obvious intention of avoiding the payment of the customs charges due to the country of destination (provided that such country is included in the Postal Union) ;
  - (e) any opium within the meaning of the Opium Ordinance, 1923 ;
  - (f) any drug to which the Dangerous Drugs Ordinance, 1923, applies ;
  - (g) any obscene, immoral, indecent, offensive or libellous writing, picture or other thing ;
  - (h) any thing whatsoever of which the importation or circulation is forbidden in the Colony or in the country of destination (provided that such country is included in the Postal Union) ;
  - (i) any seditious matter within the meaning of the Seditious Publications Ordinance, 1914 ;
  - (j) any postal packet which, without lawful authority or excuse, contains or bears any imitation or representation of any postage stamp, British or foreign ;
  - (k) any postal packet which purports to be prepaid with any postage stamp which in fact has been used, or appears to have been used, to prepay any other postal article ;
  - (l) any imitation of any envelope, wrapper, card, form, or document, issued by any postal authority, British or foreign ;
  - (m) any postal packet bearing any imitation of any words, letters, or other marks, used by any postal authority, British or foreign ;
  - (n) any postal packet bearing, without lawful authority, any words, letters, or other marks, calculated to convey the impression that such postal packet has been sent on His Majesty's Service ;
  - (o) any lottery tickets or any document relating to any lottery ;
  - (p) coin or gold or silver bullion ; or
  - (q) any thing the sending of which by post is prohibited by any regulation made under this or any other Ordinance.

Prohibited articles.

8 Edw. 7, c. 48, s. 63.

Ordinance No. 30 of 1923.

Ordinance No. 22 of 1923.

Ordinance No. 6 of 1914.

(2) No person shall post, or tender for posting, or send by post, in any particular kind of postal packet, any thing, if the sending of such thing by post in that kind of postal packet is prohibited by any regulation made under this Ordinance.

(3) The importation by post of any thing which is prohibited to be sent by post is prohibited.

(4) No person shall import any intoxicating liquor by post.

(5) If any postal packet received by the Post Office from outside the Colony for delivery in the Colony contains any thing the sending of which by post is prohibited by or under this Ordinance, it shall be lawful for a magistrate, upon such notice to the addressee as he may think reasonable, to order that such thing be forfeited to the Crown, and any thing so forfeited shall be dealt with in such way as the Governor may direct.

(6) It shall be lawful for the Postmaster General to refuse to receive in the post, or to refuse to forward, any thing which, by reason of its nature, contents or form, or for any other reason, is not in accordance with any departmental rules made or adopted by him or any departmental practice followed in the Post Office.

Offences by  
officers of the  
Post Office.

8 Edw. 7,  
c. 48, s. 58.

33.—(1) No officer of the Post Office shall—

- (a) wilfully deliver any mail bag or postal packet to any person other than the person to whom such mail bag or postal packet ought to be delivered;
- (b) issue any money order with a fraudulent intent;
- (c) re-issue a money order or postal order or postal note previously paid;
- (d) wilfully pay any money order or postal order or postal note to any person other than the person to whom such money order or postal order or postal note should be paid;
- (e) wilfully or negligently endanger the safety of any mail bag or postal packet;
- (f) fraudulently put any wrong official mark on any mail bag or postal packet;
- (g) fraudulently alter, remove or cause to disappear any official mark which is on any mail bag or postal packet;
- (h) being entrusted with the delivery of any postal packet, knowingly demand or receive any sum of money in respect of the postage thereof which is not chargeable under this Ordinance;
- (i) being entrusted with the preparing or keeping of any document, fraudulently prepare such document incorrectly, or alter or secrete or destroy such document;
- (j) send by post or put into any mail bag any postal packet upon which the postage has not been paid or charged in the prescribed manner, with intent thereby to defraud the Government of the postage payable on such packet;
- (k) be guilty of any act or default or negligence by means of which the safety of any mail bag or postal packet is or might have been endangered or by means of which the prompt handling of any mail bag or postal packet is or might have been impeded;
- (l) be absent from duty without leave and without lawful authority or excuse.

(2) Nothing in this section shall be construed as making, or as tending to make, any other section of this Ordinance inapplicable in the case of officers of the Post Office.

Obstruction.  
8 Edw. 7,  
c. 48, s. 67.

34. No person shall obstruct any officer of the Post Office in the execution of his duty.

35. In any prosecution under this Ordinance in respect of any mail bag or postal packet or anything which was contained in or formed part of any mail bag or postal packet, it shall be sufficient to allege such mail bag or postal packet or thing to be the property of the Postmaster General without mentioning his name.

Laying of  
property.  
8 Edw. 7,  
c. 48, s. 73.

36. In any proceeding for the recovery of any postage or other sum alleged to be due under this Ordinance in respect of any postal packet and in any prosecution under this Ordinance,—

Evidence.  
8 Edw. 7,  
c. 48, ss. 8, 9.

- (1) the production of a postal article having thereon what appears to be any official mark of any postal authority, British or foreign, shall, until the contrary is proved, be *prima facie* evidence of any fact stated in or indicated by such mark;
- (2) the person from whom any postal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof; and
- (3) any statement contained in any document produced from the custody of the Postmaster General which purports to be made by any postal authority, British or foreign, shall be admissible in evidence, and shall, until the contrary is proved, be deemed to be true.

37.—(1) Every person who—

- (a) acts in contravention of, or fails to comply with, any provision of this Ordinance or of any regulation made thereunder; or
- (b) acts in contravention of, or fails to comply with, any condition of any licence issued under this Ordinance or under any regulation made thereunder; or
- (c) attempts to commit an offence against this Ordinance, or solicits or incites another person to commit any such offence, or attempts to solicit or incite another person to commit any such offence, or aids, abets, counsels or procures the commission of any such offence,

Offences.

8 Edw. 7,  
c. 48, s. 69.

shall be deemed to commit an offence against this Ordinance.

(2) Where the person convicted of an offence under this Ordinance is a company or other body corporate, the chairman and every director and every officer concerned in the management of the company or other body corporate shall, unless he proves that the act of omission constituting the offence took place without his knowledge and consent, be guilty of the like offence, and shall notwithstanding the provisions of section 2 (1) (g) be liable to all the penalties and consequences to which a natural person is liable upon conviction of the said offence.

(3) Where the person convicted of an offence under this Ordinance is a firm, every partner in the firm and every person concerned in the management of the firm shall, unless he proves that the act or omission constituting the offence occurred without his knowledge and consent, be guilty of the like offence, and shall notwithstanding the provisions of section 2 (1) (g) be liable to all the penalties and consequences to which a natural person is liable upon conviction of the said offence.

38.—(1) Every person who contravenes any of the provisions of any of the sections specified in the first column of the following table shall be liable to the

Penalties.

penalty or penalties specified in the corresponding entries in the second and third columns of the said table, and when penalties are specified in both the second and the third columns of the said table, the penalty specified in the third column may be imposed in addition to that specified in the second column.

SECTION.	MAXIMUM FINE.	MAXIMUM TERM OF IMPRISONMENT.
16	\$500	—
17	\$500	—
18	\$500	—
24	\$250	—
26	—	14 years.
28	—	2 years.
29	—	2 years.
33	\$500	2 years.

(2) Where a term of imprisonment is specified in the third column of the above table, such imprisonment may be imposed either without any fine being imposed or in addition to any fine if the offence is one which according to the said table is punishable also by a fine.

(3) Every person who commits any offence against this Ordinance for which no penalty is otherwise provided shall be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

(4) Any offence against this Ordinance may be prosecuted either summarily or on indictment: Provided that nothing in this sub-section shall empower a magistrate to impose a longer term of imprisonment than six months for any one offence.

(5) If any act or default is a contravention of more than one of the said sections or sub-sections, the offender may be prosecuted, convicted and punished under any one of the said sections or sub-sections.

Limitation  
of time.

39. Notwithstanding the provisions of any enactment which prescribes the time within which proceedings for an offence punishable upon a summary conviction may be commenced, any summary proceedings for an offence under this Ordinance may be commenced within one year after the offence was committed.

Commence-  
ment.

40. This Ordinance shall come into operation on the 1st day of \_\_\_\_\_, 1926.

Repeal of  
Ordinance  
No. 6 of  
1900.

41. The Post Office Ordinance, 1900, is repealed.

**TABLE OF CORRESPONDENCE**  
 BETWEEN  
 THE BILL, ORDINANCE No. 6 OF 1900, AND THE  
 POST OFFICE ACT, 1908.

SUBJECT MATTER.	BILL.	ORD. 6 OF 1900.	P.O. ACT, 1908.	REMARKS.
Short title.	1	1	94	
Interpretation.	2	2	89, 90	
Post offices.	—	3	34 (1)	Statutory authority unnecessary.
Regulations.	3	9 (1), 11, 12, 28	1, 2, 4, 12, 14, 16, 20, 23, 24, 31, 82, 87, 89	
Appointment of officers.	4	5	33, 42	
Confirmation of certain appointments.	5	—	—	
Exclusive privilege of Postmaster General.	6	6, 7, 34	20 (3), 30, 34 (2)	Sec. 7 (1) of Ord. 6 of 1900 is omitted because the only exemption of any importance has ceased to have effect: <i>see</i> 10 & 11 Geo. 5, c. 40, s. 4.
Accounts.	—	8	41	Statutory authority unnecessary.
Stamp duties.	—	9 (2)	10	Unnecessary because of the definition of "stamp" in Ord. 35 of 1911, s. 21.
Exemption from liability.	7	—	13, 23	<i>See</i> Straits Ord. 23 of 1923, ss. 13, 54.
Opinion of Postmaster General as to classification of postal packets final.	8	13	19	Former right of appeal was never used.
Fully paid correspondence to be delivered without further charge.	—	14	—	Statutory obligation unnecessary.
Sailors' and soldiers' letters.	—	15	—	No reduction now in U.K.: <i>see</i> 10 & 11 Geo. 5, c. 40, s. 4.
Governor may provide stamps.	—	16	—	Statutory authority unnecessary.



**Table of Correspondence**  
 BETWEEN  
 THE BILL, ORDINANCE No. 6 OF 1900, AND THE  
 POST OFFICE ACT, 1908,—*Continued.*

SUBJECT MATTER.	BILL	ORD. 6 OF 1900.	P.O. ACT. 1908.	REMARKS.
Discretion as to relative urgency.	9	—	15	
Postal packets which cannot be despatched or delivered.	10	17	—	
Postal packets posted by mistake or with wrong or deficient contents.	11	18	—	<i>See</i> Stockholm Convention, Art. 45, para. 1.
Opening of postal packets which contravene the law or contain dutiable articles.	12	12A, 20	17, 18	In the case of contraband the practice would be to notify the addressee but this might sometimes be undesirable.
Warrant for opening and delaying postal packets.	13	19	—	
Disposal of postal packets opened under s. 12 or s. 13.	14	12A, 18, 20	17, 18	
Extension of ss. 12, 13 and 14 to articles not transmissible by post.	15	—	—	
Discipline.	—	21, 22, 23, 24	—	Statutory authority unnecessary.
Masters of ships to deliver postal packets to Post Office without delay.	16	25	27, 28, 29, 32	
Notice to be given to Postmaster General of departure of ships.	17	30	—	
Masters of ships to accept postal packets or mail bags for conveyance.	18	32	26	
Gratuities to masters of ships for conveyance of postal packets.	19	26, 28	31	

Table of Correspondence

BETWEEN

THE BILL, ORDINANCE NO. 6 OF 1900, AND THE  
POST OFFICE ACT, 1908,—Continued.

SUBJECT MATTER.	BILL.	ORD. 6 OF 1900.	P.O. ACT, 1908.	REMARKS.
Damages for non-delivery of postal articles or mail bags.	20	29	—	
Liability for payment of postage, etc.	21	45 (1)	3	
Right to withhold postal packets from person refusing to pay postage, etc.	22	—	—	See Straits Ord. 23 of 1923, s. 19 (1).
Power of search and seizure.	23	20A	—	
Surrender of clothing by officer of Post Office on ceasing to be officer.	24	—	44	
Postal packets delivered at hotels, etc., and not claimed.	25	—	—	See New Zealand Post and Telegraph Act, 1908, s. 23.
Stealing, etc. of postal packets and letters.	26	38, 40, 42	50, 52, 55	
Diversion of postal packets.	27	19, 38, 39	54, 56	
Unlawful retention of postal packets.	28	19, 38, 39, 40	53, 55	
Unlawful opening, etc. of postal packets.	29	19, 38, 39, 40	51, 56	
Damaging, etc., letter boxes.	30	37	61, 62	
Prohibition of imitation of certain marks, etc.	31	36	64	No reference is made to stamps because forged stamps are dealt with under Ord. No. 35 of 1911 (see s. 21 (h) ). See also clause 32 (j), (l), (m) and (n).
Prohibited articles.	32	35, 36	12, 63	
Offences by officers of the Post Office.	33	38, 40	58	

**Table of Correspondence**  
BETWEEN  
THE BILL, ORDINANCE NO. 6 OF 1900, AND THE  
POST OFFICE ACT, 1908,—*Continued.*

SUBJECT MATTER.	BILL.	ORD. 6 OF 1900.	P.O. ACT, 1908.	REMARKS.
Obstruction.	34	41	67	
Reference to Larceny Ordinance.	—	42	—	Unnecessary: <i>see</i> clause 37, and also Ord. No. 3 of 1865.
Laying of property.	35	43	73	
Evidence.	36	45 (3)	8, 9	
Offences.	37	33, 42	69	
Penalties.	38	33 (2) (3), 36, 37, 38, 39, 40, 41, 44	26, 27, 28, 29, 32, 34, 44, 50, 51, 52, 53, 54, 55, 56, 58, 61, 62, 63, 64, 67, 71	
Limitation of time.	39	44	—	
Commencement.	40	—	93	
Repeal.	41	—	92	

*Objects and Reasons.*

1. It has long been recognised that the Post Office Ordinance, 1900, is in certain respects defective and out of date. This bill is an attempt to remedy the defects and omissions of the present law and to bring it up to date. The table of correspondence which precedes the Objects and Reasons should be consulted for cases in which this bill omits provisions of the Post Office Ordinance, 1900.

INTERPRETATION CLAUSE.

2. The interpretation clause in the bill is much fuller than the corresponding clause in Ordinance No. 6 of 1900. Parts of it are based on provisions of the Post Office Act, 1908, 8 Edw. 7, c. 48.

3. The term "clubbed packet", and the definition of that term, are taken from the Straits Settlements Post Office Ordinance, 1923, Ordinance No. 23 of 1923.

4. The definition of the term "contract ship" excludes a contract for one voyage only. This is on account of the statutory contract provided for in clause 20.

5. The term "letter" is defined somewhat widely, but a wide definition seems necessary in order to ensure the exclusive privilege of the Postmaster General. The term was defined still more widely in the Post Office Amendment Ordinance, 1915, Ordinance No. 17 of 1915, but possibly the definition there was too wide. There was no definition of the term in the Post Office Ordinance, 1900. That Ordinance did contain a definition of the term "correspondence", but it was so worded that it was useless for the purpose of expressing the exclusive privilege of the Postmaster General, as correspondence was made to mean only articles which had been posted. The clause in the bill which deals with the exclusive privilege of the Postmaster General is clause 6.

6. The definitions of "mail bag", "master of a ship", and "officer of the Post Office" are adapted from the Post Office Act.

7. The definition of the term "person" follows a form which has been used in several recent Ordinances. The effect of the novelty in this definition is that it makes a prosecution possible against a firm.

8. The definition of the term "postage stamp" is taken from the Straits Ordinance.

9. The term "postal article" is taken from the Straits Ordinance. It means everything which is transmissible by post. It is distinguished from the term "postal packet", which means an article which is actually being transmitted by post. The terms "postal packet" and "packet" are frequently used in the Stockholm Convention with reference to articles which are being transmitted by post. In the Post Office Act, the term "postal packet" is used as meaning an article which is transmissible by post.

10. The definitions of the terms "post office" and "post office letter box" are taken from the Post Office Act.

11. The definition of the term "ship" follows the Straits Ordinance in including a reference to aircraft.

12. Sub-clause (2) of clause 2 is adapted from the Post Office Act, s. 90.

#### REGULATIONS.

13. Clause 3 contains the power to make regulations. Paragraph (s) of sub-clause (1) gives a general power, but it was thought advisable to insert also references to particular subjects on which regulations might be made.

#### EXCLUSIVE PRIVILEGE.

14. Clause 6 gives the Postmaster General the exclusive privilege of conveying, despatching and receiving letters in the cases specified. The exceptions in sub-clause (1) are adapted from the Post Office Act. Sub-clause (2) deals with the special case of clubbed packets for and from China. Sub-clause (3) contains a series of definite prohibitions intended to enforce the above exclusive privilege. Sub-clause (5) gives the Governor in Council power to apply the section to postal articles other than letters. A power of this kind was found advisable during the war, and section 5 of Ordinance No. 17 of 1915, gave the Governor in Council a limited power of this nature.

#### EXEMPTION FROM LIABILITY.

15. The exemption of the Government from liability which is provided for in clause 7 is based on sections 13 and 23 (4) of the Post Office Act, and sections 13 and 54 of the Straits Ordinance.

#### OPENING AND DISPOSAL OF CERTAIN POSTAL PACKETS.

16. Clause 10 gives power to open postal packets which cannot be despatched or which cannot be delivered. The disposal of such packets is dealt with in clause 14.

17. Clause 11 gives the Postmaster General discretion to return to the sender any postal packet which has been posted by mistake or which has been posted with wrong or deficient contents. Such cases frequently occur, but under the existing law no correspondence can be returned to the sender without a warrant signed by the Governor. This means delay, and the delay frequently involves the missing of a mail. Clause 11 has no precedent in the Post Office Act, 1908, but paragraph 1 of Article 45 of the Convention of Stockholm, 1924, lays down that "The sender of a postal packet can have it withdrawn from the post.....so long as the article has not been delivered to the addressee". Such a provision as is contained in clause 11 is bound to be of great convenience in any place, such as Hongkong, where a large part of the commercial correspondence is with distant places reached by mails which are frequently despatched at intervals of several days. The discretion will be easily exercised here, though it

might be difficult in a place like London. There is an objection to clause 11, *i.e.*, that it may conflict with part of the decision in *Henthorn v. Fraser* (1892) 2 Ch. 27, and it might enable the sender to withdraw an acceptance of a contract when he would not otherwise be able to do so. It must also be pointed out that Article 1 of the Final Protocol of the Convention lays down that "The provisions of Article 45 of the Convention do not apply to Great Britain and to the British Dominions, Colonies and Protectorates, of which the international isolation does not permit the withdrawal of correspondence at the request of the sender." In spite of these objections the clause is inserted because of its general convenience and because of the provision in Article 45 of the Stockholm Convention referred to above.

18. Clause 12 gives power to open and delay any postal packet which is reasonably suspected of having been posted in contravention of the law, or of containing any thing with respect to which, or by means of which, any offence is being committed or attempted.

19. Under the present law the Postmaster General has no power even to delay the transmission of correspondence, much less to open correspondence, without an express warrant under the hand of the Governor, except in the particular cases dealt with in sections 12A, 17 and 18 of the Post Office Ordinance, 1900, and sub-section (2) of section 19 of that Ordinance seems to indicate that the warrant of the Governor must be for some specified article or correspondence and cannot be general. Clause 13 of the bill gives a general power, and it enables the Postmaster General to delay a postal packet for the purposes of obtaining a warrant to open it. In these two respects it is wider than the existing law. It is narrower because it restricts these powers to postal packets posted in the Colony or received for delivery in the Colony. The inviolability of letter mails passing through the Colony is therefore strengthened in the bill while full powers are given for dealing with letters which either originate here or are to be delivered here.

20. Clause 14 provides for the disposal of postal packets opened under the authority of sections 10, 12 or 13. Subject to any regulations which may be made under the Ordinance, the Governor is given full discretion in this matter. Subject to his direction, any postal packets required for any criminal or forfeiture proceedings may be kept for that purpose. Subject to the above, the postal packet is to be forwarded to the addressee if it can lawfully be so forwarded, and if it cannot be forwarded it is to be returned to the sender.

21. Clause 15 applies sections 12, 13 and 14 to all postal articles tendered to the post office whether such articles are transmissible by post or not.

#### SHIPS.

22. Section 30 of the Post Office Ordinance, 1900, is defective in that it only requires "the first intimation" of the proposed de-patch of a vessel to be given to the Postmaster General. When an owner has failed to give any intimation to the Postmaster General it is not possible to exact any penalty unless the Postmaster General is in a position to prove that some "intimation" had been given to someone else. This makes the section rather useless in case of default. Another difficulty in the section is that it is not very clear about the person on whom the obligation lies. Clause 17 of the bill requires reasonable notice in writing in every case, and it particularises the persons by whom the notice is to be given. It also attempts to give an indication of what is meant by a reasonable notice.

23. Under clause 18 of the bill, which follows section 32 of the Post Office Ordinance, 1900, and section 26 of the Post Office Act, 1908, the master of a ship is bound to accept postal packets intended for transmission to places outside the Colony. Clause 20 of the bill imposes on every master of a ship to whom any such postal packets are delivered a statutory contract that he will duly deliver them at their destination outside the Colony, and fixes \$500 as liquidated damages for any breach of this statutory contract. The legislation takes this form because of the territorial limitations to the powers of the local legislature. The bill here merely follows section 29 of the Post Office Ordinance, 1900.

24. Section 26 of the Post Office Ordinance, 1900, is out of date as regards the rates of gratuities payable to ships for carrying mails. It is also out of date in prohibiting the payment of gratuities for mails in transit. Clause 19 of the bill leaves the rates of gratuities to be prescribed by regulation.

LIABILITY FOR POSTAGE.

25. Clause 21 of the bill is an attempt to deal fully with the question of liability for payment of postage. Sub-clause (1) is taken from Article 35 of the Stockholm Convention. In that sub-clause postcards are not mentioned because they are included in the term letter, unless of course where, as in the regulations prescribing rates of postage, there is an indication that the term does not include post-cards.

26. Clause 22 is taken from section 19 of the Straits Ordinance. It gives the Postmaster General the right to withhold any postal packets from any person who has refused or neglected to pay any postage or other sum which he is legally bound to pay to the Post Office.

POSTAL PACKETS DELIVERED AT HOTELS, ETC.

27. Clause 25 of the bill provides that if postal packets are delivered at hotels or shipping offices, and are not claimed or forwarded, they shall be returned to the post office and treated as dead letters. A postal packet posted in the Colony must be returned within two weeks, and a postal packet posted outside the Colony must be returned within two months. The Postmaster General has power to extend these periods. This provision is adapted from the New Zealand Post and Telegraph Act, 1908, section 23.

CRIMINAL OFFENCES.

28. In clauses 26 to 34 of the bill, both inclusive, an attempt has been made to classify, and improve the arrangement of, the various offences relating to the post office.

29. Clause 32 contains a list of prohibited articles. The prohibition of coin and gold and silver bullion is taken from a regulation made by the Governor and gazetted on the 19th December, 1924. Sub-clause (1) (g) gives power to add to the list by regulation. Sub-clause (2) prohibits the posting of any article in any particular kind of postal packet if the sending of such article in such kind of postal packet is prohibited by regulation. Sub-section (5) provides a means of obtaining a judicial decision as to whether any particular thing is a prohibited article or not. Sub-clause (6) gives the Postmaster General the right to refuse to receive, or to refuse to forward, anything which, by reason of its nature, contents or form, or for any other reason, is not in accordance with any departmental rules made or adopted by him or any departmental practice followed in the post office. This clause enables a great many minute details to be omitted from the regulations. They appear more conveniently in the Postal Guide. It will be noticed that sub-clause (6) does not create any offence: it merely gives the Postmaster General the right to refuse.

MISCELLANEOUS.

30. Clause 36 of the bill is an attempt to meet a difficulty of a class often experienced here. It frequently happens that evidence of offences cannot be completed without some piece of evidence which can only be obtained, if at all, with great expense and difficulty because of the great distances involved. Sections 8 and 9 of the Post Office Act, 1908, go a certain way in this direction, but clause 36 of the bill is wider, particularly in paragraph (3). The provisions of section 45 (3) of the Post Office Ordinance, 1900, are rather less wide than even the Post Office Act.

31. The penalties for offences against the Ordinance are collected in clause 38 of the bill.

J. H. KEMP,  
*Attorney General.*

16th March, 1925.