

Jamaica Post Office Act of 1861

ANNO REGNI VICESIMO QURTO
VICTORIA REGINAE
C A P. XX

An Act to Provide for the Management of the Post Office Department in this island.
[22 March 1861.]

WHEREAS it is expedient to provide for the management of the post office department in this island: Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the stone, as follows:

Preamble.

First – The post office in and throughout this island shall be managed by the postmaster, to be appointed under the authority of this act.

Management of post office placed to postmaster.

Second – The said postmaster shall be, and is hereby authorized from time to time to prepare, alter, or amend all rules, orders, and regulations (subject to the approval of the governor), for the general government, guidance, and conduct of the post office, and all and every the officers in such department, which rules, orders, and regulations, alterations, or amendments, shall be in force and effect, as soon as the same shall have been sanctioned by the governor, and a copy thereof respectively shall be laid before each branch of the legislature within [fourteen] days after the meeting of the session next ensuing after the making thereof; and, until such rules, orders, and regulations, alterations, or amendments shall be made and sanctioned by the governor, as aforesaid, the post office shall be regulated, and the officers thereof governed by the rules, orders, and regulations hitherto in practice in the post office department, under the management and control of the postmaster-general in England.

who is to make or amend rules, subject to sanction of governor, which are to be laid before the legislature, until same made and sanctioned regulations hitherto in force shall continue.

Third – If any dispute shall arise between any person and any officer of the post office, in respect of the management or business of the postal department, it shall be lawful for the governor to dispose of, or determine such dispute, in such manner as he may deem just.

Power to determine disputes

Fourth – If, upon the consideration of the facts and circumstances out of which such dispute arose, the governor shall be of opinion that any penalty or forfeiture has been incurred by any such person, he may, in case he shall be of opinion that the penalty ought to be remitted, remit and forego the same accordingly; or, if he shall be of opinion that a mitigated penalty should be imposed and enforced, may mitigate any such penalty or forfeiture to such an amount as he may deem a sufficient satisfaction for the breach of law or regulation complained of.

Power to remit or forego penalty.

Fifth – Previously or subsequently to the commencement of any prosecution for the recovery of any fine, penalty, or forfeiture incurred under any act of the legislature of this island, or any other act in force in this island relating to the post office, it shall be lawful for the governor, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to mitigate, reduce, or forego altogether such fine, penalty, or forfeiture; and, if commenced, to stop all further proceedings, by directing her majesty's attorney general to enter a nolle prosequi, or otherwise, on such information or proceeding, if filed.

Power in other cases, to remit or mitigate penalty, or to discontinue proceedings.

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Sixth – All commissions, deputations, and appointments, granted to any officer of the post office, in respect to any office which may be continued under this act, and all contracts for the post office service, in force at the time of the commencement of this act, shall continue in force and effect as if the same respectively had been afterwards granted or entered into under and by virtue of the authority of this act; and all bonds, which shall have been given by any such officers or contractors, and their respective sureties for good conduct, proper performance, or otherwise, shall remain in full force and effect, to the use and benefit of the public of this island; but it shall be lawful for the postmaster, with the sanction of the governor, to require and take fresh security from any office [officer] or contractor in such amount, and with such sureties, and to determine any contract, and to enter into any new contract, as he may think fit.

Commissions, contracts, and bonds to remain in force.

Power to require fresh security, or determine contracts.

Seventh – It shall be lawful for the governor, by his warrant, from time to time to appoint the hours of general attendance of the respective officers, and other persons in the service of the post office at their proper offices and places of employment.

Appointment of hours of attendance.

Eighth – No officer of the post office department shall, during the time of his acting as such officer, or of his being so employed as aforesaid, be compelled to serve in any corporate, or parochial, or other public office or employment, or to serve on any jury, or inquest, or in the militia, any law, custom, or usage to the contrary thereof notwithstanding; nor shall any officer of the general post office, in Kingston, be engaged in any trade or business.

Exemption of officers from certain duties.

Prohibition against engagement in trade etc..

Ninth – The officers of the post office department, whose offices are mentioned in the schedule to this act annexed, shall be paid salaries not exceeding, the sums set opposite to the respective paid therein mentioned.

Salaries

Tenth – The deputy post masters shall continue to receive and be allowed the salaries, or commissions in lieu of salaries, and allowances, now paid or allowed to them respectively, or such salaries, or allowances in lieu of salaries, as the legislature may hereafter fix.

Salaries of deputy postmasters

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Eleventh – The person already, or to be from time to time hereafter appointed by the governor, master of the post office in this island, shall be styled the postmaster for Jamaica; and the appointment to the office of postmaster, on the commencement of this act, and thereto, and of the several clerks and deputies, as vacancies occur thereafter, shall be made by the governor, who shall have power, from time to time, to remove for incompetency or neglect, or misconduct in office, any person employed in the post office service, and to make a new appointment in the room of any person who shall be removed, or shall die, resign, or otherwise vacate his office or appointment: And wheresoever, within this island, posts or post communications are now or may be here- after established, the governor, with the advice of the executive committee, by the postmaster, and the several clerks and deputies, and their respective servants and agents, shall have the exclusive privilege of conveying from one place to another, and of receiving, collecting, sending, despatching, and delivering all letters, papers, and parcels, except in the like cases as are respectively excepted in any net for the management of the post office in the united kingdom of Great-Britain and Ireland.

Appointed of postmaster, clerks etc.

Privilege of conveying letters.etc

Twelfth – The several rates of inland postage now payable and demandable shall continue to be payable, demandable, and enforceable in like manner as the same are now paid and enforced through [throughout] this island; but it shall be lawful for the governor, with the advice of the executive committee, by warrant under his hand, to reduce any existing scale of weight; and any rate of inland postage to any other rate of inland postage or either of them respectively; and in any such case, to direct that the postage of all letters posted in this island , shall, in every case, ne paid at the time of the same being posted. Either in money, or being duly stamped with the proper postage stamp or stamps placed thereon; and in any case of short payment of postage, the amount short paid shall be recovered as is hereinafter in other cases directed, and also to restore or re-impose any scale of weight, or rate of postage, which may have been so reduced to the original scale or amount, as the governor may, with the advice aforesaid, from time to time think fit; and every reduced scale, or rate, or restored, or re-imposed scale or rate respectively, where not required to be prepaid, shall be observed, and be payable and enforceable in like manner as and in lieu of the preceding scale or rate: Provided, That in no case shall any rate be established of an amount exceeding the now existing rate fur which the same may be substituted.

Rates of postage

Reduction.

Prepayment

Proviso – No rate to be established in excess of any existing rate.

Fourteenth- -The postage of all letters passing through the post- offices in this island, and not intended to be sent out of the island, may, at the option of the parties sending the same, be chargeable on the delivery thereof, us addressed, or be pre-paid in coin, or by adhesive post office stamps, of the amount chargeable upon such letters, respectively placed thereon, and, in any case in which any letter shall be posted, having thereon, or affixed thereto, any stamp or stamps, the value or amount of which shall be less than the rate of postage to which such letter is liable, the person, to whom the same is addressed, shall he charged with the amount short paid ; and. in case of his refusal to receive such letters, or, if he cannot be found, then the postage short paid, with costs, if any, shall be recovered from the sender, in like manner, as any other penalty is provided to be recovered under this act.

As to payment of postage, and recovery of short postage.

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Fifteenth—It shall be the duty of every deputy postmaster to receive, and thereafter to deliver, according to the address, any letter prepaid by a Payment, in coin, of one penny, or by an adhesive. post-office stamp of that value placed thereon, and which shall be posted at his respective post-office, and be addressed for delivery at call at such post-office to or for any person to whom the same may be addressed ; and it shall be lawful for any person desirous of sending from any place, in any parish, a letter directed to any other person at any post-office within the same parish, to prepay his letter by a payment in coin of the sum of two pence, or by adhesive post-office stamp or stamps of that value, and to post such letter, so prepaid, at any post-office of the said parish ; and the deputy postmaster of the post-office where such letter shall be posted shall, from time to time deliver such letter, if directed to such post office, with any other letters which may have been received and be there deliverable, [or] to or for the person to whom the same shall he addressed, or such deputy postmaster, and the deputy postmaster of every intervening post-office within such parish, shall forward the same in due course of post to whatever other post-office in the same parish every such letter shall be directed unto, and the same shall there be deliverable to or for the person to whom the same shall be addressed ; and every deputy postmaster shall be liable to the like provisions of law for securing the due receipt, care, and delivery of and the like penalties for, punishing, any default or offence in respect to any letter by this section authorized to be posted and delivered, or transmitted, and delivered as are by law provided in respect to any other letter sent by post.

Inter-parochial
delivery of letters.

Sixteenth—The executive committee shall, from time to time provide proper and sufficient post-office adhesive stamps and dies or other implements for expressing and denoting rates, or duties, of each value or amount as the governor, with their advice, may direct for the purposes herein mentioned it shall be lawful for the receiver general, on the warrant of the governor, to issue, for the purposes of this act, to the postmaster, such stamps, when the same shall have been provided.

Provision of post-
office stamps.

Seventeenth—The receiver-general, and commissioner of stamps, shall cause a separate account to be kept of all adhesive or other stamps received and issued respectively for the purposes of this act, and of the stamp duties arising under this act.

Accounts of ditto.

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Eighteenth—The rates or duties which shall be expressed or denoted by any such stamps or dies as aforesaid, shall be denominated and deemed to be duties, and shall be under the care and management of the receiver-general, and commissioner of stamps, for the time being; and all the powers, provisions, clauses, regulations, directions, lines, forfeitures, pains, and penalties contained in, or imposed by the several acts, now or hereafter to be in force relating to stamp duties, shall, so far as the same shall be applicable and may be consistent with the provisions of this act, in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided or issued under or by virtue of this Act; and to the papers on which the same shall be by virtue of this Act; and to the papers on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries and other offences, relating thereto, as fully, and effectually, to all intents and purposes, as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated and specially enacted: Provided always, That the Receiver-General, and commissioner of stamps, shall not make or allow any allowance or discount on the payment to them of any of the said duties arising under this act, or on the purchase from them of any stamps denoting the said duties.

Post office stamps within enactments relating to stamp duties.

Proviso.

Nineteenth – All letters, papers, and parcels respectively to or from the united kingdom of Great-Britain and Ireland, any of her majesty's colonies or dominions, which shall have been prepaid according to the respective rates now or hereafter to be established by her majesty's postmaster-general, or other legislative or proper authority, shall pass through the post-offices in this island free of any further or other postage or charge thereon.

Postage of letters etc to or from Great Britain and Ireland and other countries etc.

Twentieth – All moneys received or collected for postage at the general post-office in Kingston, and all moneys remitted by the deputy postmasters to the postmaster, shall be paid by him at the end of every week into the hands of the receiver-general, who shall open and keep, in the books of public accounts, an account, to be entitled "JAMAICA POST OFFICE ACCOUNT," in which shall be duly entered all items of receipts and expenditure, and all charges received or incurred on account of the management of the post-office department of this island; and any surplus of revenue, after payment of all contingent charges, shall be appropriated to the support of the government of this island.

Appropriation of revenue, and account of receiver- general

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Twenty-first – The postmaster for Jamaica shall keep an account of all monies arising from the duties of postage within this island, as they shall from time to time accrue, and also of all stamps received from the receiver-general and all other particulars and items of receipts or credits whatsoever, distinguishing the amount, if any, which may continue payable for packet postage or otherwise to her majesty's postmaster-general, and shall also keep an account of all expenditure and charges of the said department, which accounts shall, from time to time, be duly audited under the provisions of "THE PUBLIC AUDIT ACT, 1857;" the several provisions and powers of which shall extend and apply to all officers, persons, accounts, and things relating to the post-office in this island, and the postmaster shall lay such accounts of receipts and expenditure, made up to the thirtieth day of September in each year before each branch of the legislature within two weeks after the meeting of any session to be held after the said thirtieth day of September, and shall, whenever required, from time to time furnish to the governor a statement of account of such receipts and expenditure, made up to any date to be fixed by the governor, and furnish also all reports, statements, or information that may from time to time be required by the governor.

Postmasters account.

Reports to governor.

Twenty-second – All salaries, and other expenses and charges of the post-office department, shall be paid by the receiver-general, by warrant under the hand of the governor, at such times as the governor shall fix for the payment of the same.

Payment of salaries and charges.

Twenty third – The several laws, at the time of the transfer of the post-office department, in force relating to the post-office in this island shall, so far as the same shall be applicable, continue in force, and regulate the post-office department in this island, as established under this act ; and all provisions, powers, and authorities of acts, so far as the same shall be applicable, shall be available, and of force, and may be exercised by the governor, with the advice of the executive committee, or by any judges or justices of the peace, or any officer or servant, or other person employed in, or acting on behalf of the post-office service, according to their respective functions of office, and as the nature of the case may require, and as the same might have been exercisable respectively by the lords of her majesty's treasury, her majesty's postmaster general, or any judges or justices of the peace, or any officer, servant, or person hereinbefore respectively for the management, or on behalf of such department ; and the making, or enforcement, or determining of contracts, and the enjoyment and maintenance of all rights and privileges reserved or secured to the same under any provision of any such act, and for the enforcement of all pains and penalties, or fines against persons offending against any provisions of any such act, and all fines and penalties shall be received, and collected, and paid over to the receiver-general in the same or like manner as other fines and penalties are now received and paid over, and shall be by the receiver-general carried to the credit of the post-office account, and may be appropriated for the use of the government of this island.

Acts kept in force

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Twenty-fourth – Whenever the word "letter" or "letters" is used in this act, the same shall be held to include newspapers, and any other packet, article, or other thing transmitted by the post, but not so as to deprive newspapers of any privilege they may now legally possess of passing free of postage; and the provisions of this act shall be construed according to the respective interpretations of the terms and expressions contained in the several acts at the time aforesaid, and by this act contained [continued] in force relating to the post-office, as far as those interpretations are not repugnant to the subject, or inconsistent with the provisions of this act. Interpretation clause

Twenty-fifth—Notwithstanding the expiry or repeal of the act of the twenty third Victoria, session third, chapter one, for the management of the post office department in this island, any offence committed against, or penalty incurred under any provision of the said act, or any act thereby continued in force, may be prosecuted and punished, or proceeded for, and enforced respectively as if the said act had not expired, or been repealed. Punishment of offences etc under 23 Vic. Sess 3 cap 1

Twenty sixth—That this act shall commence, and be in force from the passing thereof, until the thirty-first day of March, one thousand eight hundred and sixty-three. Operation of Act.

SCHEDULE of Salaries of the Postmaster and Officers of the Post Office Department.

Postmaster, per annum, not exceeding	£600	0	0
First clerk, per ditto, ditto ditto...	355	0	0
Second ditto, per ditto ditto	300	0	0
Third ditto, per ditto ditto...	250	0	0
Fourth ditto, per ditto ditto	200	0	0
Letter sorters, per annum, in the whole not exceeding	100	0	0

Messengers and Postmen for Kingston delivery, proposed Salary

First, at	£65	0	0
Second, at	60	0	0
Third, at	40	0	0
Fourth, at	33	0	0
Fifth, at	30	0	0
	228	0	0

Passed the Assembly, this 21st day of March, 1861.

C. McLARTY MORALES, Speaker.

Passed the Legislative Council, this 22d day of March, 1861

W. G. STEWART, Clerk fo the Legislative Council

I consent this 22nd day of March, 1861

C. H. DARLING.

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