

Jamaica Post Office Act of 1862

ANNO REGNI VICESIMO SEXTO
VICTORIA REGINAE
C A P. VII.

An Act to Provide for the Management of the Post Office Department in this island.
[12 December 1862.]

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

Preamble

First – The post-office in and throughout this island shall be managed by the postmaster, already or hereafter to be appointed, under the authority Of this or any former act of the legislature of this island.

How post office should be managed.

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, in executive committee), for the general government, guidance, and conduct of the post-office, and all and every the offices 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, in executive committee, and a copy thereof 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 roles, orders, and regulations, alterations, or amendments shall be made and sanctioned by the governor, in executive committee, as aforesaid, or in so far as any which may have been already made and sanctioned may not extend or apply, 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.

Duties of the postmaster

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

Dispute to be settled by the governor etc.

Fourth – If, upon the consideration of the facts and circumstances out of which such dispute arises, the governor, in executive committee, shall be of opinion that any penalty or forfeiture has been incurred by any 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.

who may remit penalties.

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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 in force in this island relating to the post-office, it shall be lawful for the governor, in executive committee, 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 informations or proceeding, if filed. and reduce or forego fines etc.

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, in executive committee, to require and take fresh security from any 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. All commissions, contracts etc. To be continued.

Seventh – It shall be lawful for the governor, in executive committee, 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. Hours of attendance to be appointed.

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. Officers exempted from serving on juries 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 offices therein mentioned. salaries of officers

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Tenth – The deputy postmasters, whose salaries exceed the annual sum of twelve pounds each, shall continue to receive, and be allowed the salaries and commissions now paid or allowed to them respectively, and the deputy postmasters, whose salaries are less than twelve pounds each per annum, shall receive and be paid each a salary of twelve pounds per annum, together with the commissions now paid and allowed to them respectively. and such several salaries and commissions shall be in lieu of any other salaries and allowances, but it shall be lawful for the governor, with the advice of the executive committee, and on the recommendation of the postmaster, to augment any deputy postmaster's salaries or salary by such amount respectively as to the governor, with the advice aforesaid, may seem fit, in consideration of night duties or other special circumstance: Provided, That the total of such augmentations shall not in any one year exceed the SUM of thirty pounds.

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 and of the several clerks and deputies, as vacancies occur respectively, 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 he resign, or otherwise vacate his office or appointment: And wheresoever, within this island, posts or postal communications are now or may be hereafter 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 act for the management or the post office in the united kingdom of Great Britain and Ireland.

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 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, or either respectively, to any other scale of weight and rate of inland postage, or either of them respectively; and, in any such case may, if he think fit, direct that the postage of all letters posted in this island, addressed to any place within this island, shall be paid at the time of the same being posted, either in money, or by being duly stamped with the proper postage stamp or stamps placed thereon; and, in any ease of short payment of postage, the amount short paid shall be recovered as is herein after in other cases directed, and also to restore or re-impose any scale of weight, or rate of postage, which may have been reduced under this or any former act of the legislature of this island to any previously existing 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 shall be observed, and be payable and enforceable in like manner as any other rate of postage may be recovered or enforced.

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Thirteenth – Any printed copy of the Jamaica Gazette, by authority, purporting to be printed and published by any person having authority to print and publish the same, or, if the publication of the said Gazette shall, from any cause cease, or not be made, then any printed copy of any public newspaper, which is or shall be appointed for the publication of advertisements of a public nature, shall be admitted as evidence in all courts and places, of any governor's warrant, or any rule, or regulation, which shall be issued under this act, and contained in any such Gazette, or newspaper; and of the due issuing thereof, and of the rules and regulations contained in any such warrant having been duly made and established, and of the other contents of any such warrant, rule, or regulation, without any further or other proof.

Jamaica Gazette
declared evidence in
certain cases.

Fourteenth – The postage of all letters, except as after mentioned, 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 as addressed, or be prepaid in coin, or by adhesive post-office stamps of a value equal to the amount chargeable upon such letters respectively placed thereon; but every book, packet, paper, article, or thing, other than a letter transmitted by the post, shall be prepaid by adhesive post-office stamp or stamps placed thereon, of a value equal to the amount of the postage chargeable thereon respectively.

Postage of letters may
be prepaid or not

Fifteenth – In any case in which any letter, newspaper, book, packet, paper, article, or thing 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 the same respectively is liable, the person to-whom the same is addressed shall be charged with the amount short paid; and, in case of his refusal to receive the same, 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.

Where the stamp shall
be insufficient.

Sixteenth – It shall be the duty of every deputy post-master 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 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.

Letters prepaid to be
delivered at call.

Eighteenth – 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, such rates, or duties of such value or amount as the governor, with their advice, may direct for the purposes in this act mentioned; and it shall be lawful for the receiver general, on the warrant of the governor, to issue, for the purposes of this act, to the post-master, such stamps as the same shall have been from time to time provided.

Stamps etc. to be
provided.

Nineteenth – 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.

Account to be kept of
adhesive stamps.

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Twentieth – 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 stamp 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, fines, 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 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 or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relation. thereto, as relating 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.

Stamps and dies to be under care of receiver-general

Proviso.

Twenty-first – All letters to or from the united kingdom of Great Britain and Ireland. or 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; and on letters to or from the United Kingdom, whether wholly unpaid, or insufficiently paid, there shall be charged such addition to the ordinary rate of postage as the governor, in executive committee, may agree upon with the imperial post-office authorities; and such addition shall be recoverable as the postage may by this act be recovered.

As to letters from Great Britain etc.

Twenty-second – It shall be lawful for the governor with the advice of the executive committee, to make orders and regulations from time to time for authorizing, sanctioning., or giving effect to any arrangement which require to be made with the government or with the postal authorities of the united kingdom, or any of her majesty's colonies or dominions, or of the States of North-America, or any foreign country, with regard to the collecting and accounting for, or disposing of postage, the transmission of mails, and other matters connected with posts and postal business, and the remuneration or indemnity to be paid or received wider any such arrangements.

Governor may sanction arrangements with postal authorities of other countries.

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Twenty-third – All moneys received or collected for the 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 the payment of all contingent charges, shall be appropriated to the support of the government of this island.

Monies to be paid to the receiver-general

Twenty-fourth – 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 or become payable for packet postage or otherwise to her majesty's postmaster-general or the government, or postal authority of any of her majesty's colonies or dominions, or of the states of North-America, or of any foreign country; 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 the governor with 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.

Account of all monies, stamps and charges to be kept, and audited.

Twenty-fifth – 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.

Salaries etc. To be paid by the receiver-general.

Twenty-sixth – It shall be lawful for the governor, with the advice of the executive committee, from time to time to make orders and regulations:

Orders and regulations may be made from time to time.

First – For providing, when he deems it expedient, means for avoiding the risk of transmitting small sums of money through the post, by establishing a system of money orders, to be granted by one postmaster, or officer of the department, on another, and fixing the terms on which such orders may be obtained.

Second – And for establishing the money order system so as to include the granting of money orders on postmasters in the united kingdom, and the payment of any orders drawn by such postmasters on postmasters in this island, on such terms and conditions as he may deem expedient.

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Twenty-seventh – 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 of this island, as established under this or any other 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, justices of the peace, or any officer, servant, or person heretofore 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.

Certain laws declared to force.

Twenty-eighth – Whenever the word "letter" or " letters" is used in this act, the same (except when it shall be otherwise expressly provided or excepted), shall be held to include newspapers, and any other packet, paper, article, or 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 of the transfer aforesaid and by this act 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.

Definition word letter.

Twenty-ninth – Notwithstanding the expiry or repeal of the act twenty-fourth Victoria, chapter twenty, 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.

Offences may be punished under 24 Vic cap 20.

Thirtieth – 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-six.

Duration of act.

Thirty-first – This act may, for all purposes, be cited as "THE POST OFFICE ACT, 1862"

Short title.

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Schedule of salaries of the postmaster, and officers of the post office department.

	£	s.	d.
Postmaster, per annum, not exceeding	600	0	0
First clerk, ditto ditto ditto	355	0	0
Second ditto ditto ditto ditto	300	0	0
Third ditto ditto ditto ditto-	250	0	0
Fourth ditto ditto ditto ditto	200	0	0
Fifth ditto ditto ditto ditto	120	0	0
Letter sorters, per annum, in the whole not exceeding	100	0	0
Messengers and postmen for Kingston de livery, proposed salary :-			
First, at	£65		
Second, at-	£60		
Third, at	£40		
Fourth, at	£33		
	228	0	0

Passed the Assembly, this 4th day of December, 1862.
C. Mc LARTY MORALES, Speaker.

Passed the Legislative Council, this 12th day of December, 1862.
W. G. STEWART, Clerk to Legislative Council.

I consent, this 12th day of December, 1862.
E. EYRE.

VERA COPIA EXTUR