

POST AND TELEGRAPH ORDINANCE, 1912-1916⁽¹⁾⁽²⁾ (PAPUA, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF NEW GUINEA.

An Ordinance relating to the Postal and Telegraphic Services of the Territory of Papua.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.—GENERAL.

1. This Ordinance may be cited as the *Post and Telegraph Ordinance, 1912-1916*⁽²⁾ and shall commence on a day to be fixed by the [Administrator]⁽¹⁾ by Proclamation published in the *Gazette*.⁽³⁾

Short title and commencement.
Amended by No. 9 of 1933, s. 3, and by No. 3 of 1934, s. 50.

(1) Wherever amendments inserted by Ordinances of the Territory of New Guinea consist either of the addition of sections or words, or of the substitution of sections or words for other sections or words, such amendments have been enclosed in brackets and printed in italics.

(2) The *Post and Telegraph Ordinance, 1912-1916*, of the Territory of Papua, in its application to the Territory of New Guinea, comprises the *Post and Telegraph Ordinance, 1912*, of the Territory of Papua, as amended by the other Papuan Ordinances referred to in Part I of the following Table, and as further amended by the Ordinances of the Territory of New Guinea referred to in Part II of the following Table:

TABLE.
PART I: ORDINANCES OF THE TERRITORY OF PAPUA.

| Short title, number and year. | Ordinance by which adopted. | Date on which adoption took effect. |
|------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|
| <i>Post and Telegraph Ordinance, 1912</i> (No. 13 of 1912) | <i>Laws Repeal and Adopting Ordinance 1921</i> (No. 1 of 1921) | 9.5.1921 (<i>Cwlth. Gaz.</i> of 6.5.1921) |
| <i>Post and Telegraph Ordinance, 1916</i> (No. 11 of 1916) | <i>Laws Repeal and Adopting Ordinance 1921</i> (No. 1 of 1921) | 9.5.1921 (<i>Cwlth. Gaz.</i> of 6.5.1921) |

PART II: ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

| Short title, number and year. | Date on which made by Gov.-Gen. in Council. | Date on which notified in <i>Cwlth. Gaz.</i> | Date on which took effect. |
|-------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------|----------------------------------------------|
| <i>Post and Telegraph Ordinance 1923</i> ^(a) (No. 8 of 1923) | 7.3.1923 | 15.3.1923 | 15.3.1923 (<i>Cwlth. Gaz.</i> of 15.3.1923) |
| <i>Post and Telegraph Ordinance 1933</i> (No. 9 of 1933) | 5.4.1933 | 6.4.1933 | 6.4.1933 (<i>Cwlth. Gaz.</i> of 6.4.1933) |

(a) The *Post and Telegraph Ordinance 1923-1933* of the Territory of New Guinea, amends the *Post and Telegraph Ordinance, 1912-1916*, of the Territory of Papua. The *Post and Telegraph Ordinance 1923* of the Territory of New Guinea, in its original form, did not, however, make any direct amendments to the Papuan Ordinance.

(3) By Proclamation dated 27.9.1912 and published in the *Papua Govt. Gaz.* of 2.10.1912, the *Post and Telegraph Ordinance, 1912*, was proclaimed to commence in the Territory of Papua on 1.11.1912.

POST AND TELEGRAPH—

Repeal.
First Schedule.

2. The enactments specified in the First Schedule to this Ordinance are repealed.

Saving.

But all rates and charges in force and all Proclamations regulations⁽⁴⁾ appointments contracts arrangements matters and things made done or entered into and existing under the said repealed enactments shall continue in force until revoked cancelled or altered in whole or in part as if imposed made done or entered into hereunder.

Division.

3. This Ordinance is divided into parts as follows:—

Part I.—General.

Part II.—Conveyance of Mails by Ships.

Part III.—Money Orders and Postal Notes.

Part IV.—Telegraphs.

Part V.—Regulations.

Part VI.—Penalties.

Part VII.—Protection of Telegraph Lines from Injurious Affection by Electric Lines or Works.

Part VIII.—Legal Proceedings.

Part IX.—Notice and Limitation of Actions.

Interpretation
of terms.
Pap. No. 5 of
1907, s. 3.
Cwilt, 12 of
1901, s. 3.

4. In this Ordinance unless the context otherwise indicates—

“Chief Postmaster” means the officer appointed to administer this Ordinance.

“Construct” includes erect lay down and place.

“Customs Ordinance” means any Ordinance or Ordinances relating to the Customs in force within the Territory and all orders and regulations made under any such Ordinance or Ordinances.⁽⁵⁾

“Department” means the Department of the Chief Postmaster.

“Electric Authority” means any Government railway authority local authority tramway authority or person generating using or supplying electricity.

“Electricity” includes electric current electrical energy or any like agency.

“Electric Line” includes all means used for the purpose of conveying transmitting transforming or distributing electricity and any casing coating covering tube tunnel pipe pillar pole post frame bracket or insulator enclosing

(4) See the *Regulations (Papua, adopted) under The Post and Telegraph Act 1901 (Commonwealth)*, printed on p. 4109.

(5) See the *Customs Ordinance 1921-1941* and the regulations, proclamations and notices made thereunder.

surrounding or supporting the same or any part thereof or any apparatus connected therewith.

“Head Office” means the head office of the Department in the Territory.

“Indecent or Obscene Matter” includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation.

“Mail” includes every package receptacle or covering in which postal articles in course of transmission by post are conveyed whether it does or does not contain postal articles and loose or individual postal articles in transit.

“Master of a Vessel” means the person for the time being having the charge or command of a vessel but does not include the pilot.

“Money Order” means a money order issued under this Ordinance or by any postal authority for payment under this Ordinance.

“Officer” means any officer in the service of the Department.

“Port” includes any harbour river lake or roadstead.

Amended by
No. 11 of 1916,
s. 2 (Papua).

“Postage” means the amount chargeable for the transmission of postal articles by post.

“Postage Stamp” or “Stamp” means any stamp made or authorized by the [Administrator]⁽¹⁾ for the purpose of the payment of postage or fees to be chargeable under this Ordinance.

Amended by
No. 9 of 1933,
s. 3.

“Postal Article” includes letters post-cards letter-cards newspapers packets or parcels and all other articles transmissible by post and includes a telegram when transmitted by post.

“Postal Note” means a postal note issued under this Ordinance or by any postal authority for payment under this Ordinance.

(1) See footnote (1) printed on p. 4061.

POST AND TELEGRAPH—

“Postmaster” means the officer-in-charge of a post office or post and telegraph office.

“Post Office” means a house building room railway postal van or carriage place or structure where postal articles are by permission or under the authority of the Chief Postmaster received delivered sorted or made up or from which postal articles are by the authority aforesaid despatched including a pillar box or other receptacle provided for the reception of postal articles for transmission.

“Telegraphic” includes telephonic.

“Telegraph” or “Telegraph Line” means a wire or cable used for telegraphic or telephonic communication including any casing coating tube tunnel or pipe enclosing the same and any posts masts or piers supporting the same and any apparatus connected therewith or any apparatus for transmitting messages or other communications by means of electricity.

“Telegraph Office” means a house building room or other place or structure used or occupied by or under the authority of the Chief Postmaster and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.

“Telegram” means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.

“Vessel” includes every description of vessel employed on the high seas in harbours on rivers or on the coast or on any navigable water.

“Works” includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority.

Chief Postmaster,
Cwlth. 12 of
1901, s. 5.

5. The administration of this Ordinance and the control of the Department are vested in the Chief Postmaster.

Declarations to
be taken by
officers &c.
Second
Schedule (A).
Cwlth. 1b. s. 9.

6. Every officer shall before exercising the duties of his office take and subscribe before a justice of the peace a declaration in the Form A set forth in the Second Schedule to this Ordinance.

7. Every European in the employment of the Department as a telegraph messenger after the commencement of this Ordinance shall immediately on attaining the age of eighteen years cease to be so employed unless otherwise ordered by the [Administrator].⁽¹⁾
8. Every article whatsoever which is received at a post office for transmission or delivery shall if not a packet parcel or newspaper as defined by this Ordinance or by the regulations be deemed a letter.
9. The [Administrator]⁽¹⁾ may by order⁽⁶⁾ published in the *Gazette* direct what articles may be sent by post as packets or parcels and upon what terms and conditions the same may be sent.
10. No duty or toll payable at or in respect of any pier wharf quay landing place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from or in respect of—
- (a) any person employed to perform any duty of the Department when on duty;
 - (b) any person engaged in the conveyance of mails;
 - (c) any vehicle or horse conveying mails or postal articles;
 - (d) any telegraph messenger or line repairer when on duty;
 - (e) any vehicle or horse used or employed by such telegraph messenger or line repairer in the performance of his respective duties;
 - (f) any material or tools used or employed in the construction or repair of any telegraph line
- and any person who demands or takes any toll contrary hereto shall be liable to a penalty not exceeding Five pounds.
11. The Chief Postmaster may by direction of the [Administrator]⁽¹⁾ pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon and in default of agreement as may be settled by arbitration.
12. The [Administrator]⁽¹⁾ may make arrangements with the Postmaster-General of the Commonwealth or through him with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with respect to—
- (a) the transmission by land or sea or by both of mails or

Future telegraph messengers to retire on attaining age of eighteen.
Cwlt. 12 of 1901, s. 10.

Amended by No. 9 of 1933, s. 3.

Every parcel sent by post if not a packet parcel or newspaper to be deemed a letter.
Cwlt. *Ib.* s. 11.

Packets may be defined.

Cwlt. *Ib.* s. 12.

Amended by No. 9 of 1933, s. 3.

Officers of the Department free from tolls.

Cwlt. *Ib.* s. 13.

Use of piers &c.
Cwlt. *Ib.* s. 13.

Amended by No. 9 of 1933, s. 3.

Arrangements may be made for Commonwealth British or foreign mails.

Cwlt. *Ib.* s. 14.

Amended by No. 9 of 1933, s. 3.

(1) See footnote (1) printed on p. 4061.

(6) No order has been published in *N.G. Gaz.*

POST AND TELEGRAPH—

- postal articles between the Territory and the Commonwealth or the United Kingdom or the British possession or foreign country;
- (b) the appointment determination and collection of postage and fees or other dues upon postal articles conveyed between the Territory and the Commonwealth or the United Kingdom or any such possession or country;
 - (c) the division and mutual accounting for and payment of the moneys collected under any such arrangement;
 - (d) the purposes above mentioned in the case of postal articles transmitted through the Territory for the Commonwealth or for the United Kingdom or any such possession or country to or from any part of the world;
 - (e) the prepayment (in full or otherwise) of the postage payable on postal articles;
 - (f) the transmission to places out of the Territory free of postage or upon such terms as to the amount of postage or fine to be collected and paid on delivery and as to the application and payment thereof as may be agreed upon of postal articles posted in the Territory or as to the collection application and payment of postage or fines on postal articles received from places out of the Territory on which no postage or insufficient postage has been paid;
 - (g) the payment of compensation for the loss or injury of any registered postal articles.

Contracts.
Cwith. 12 of
1901, s. 15.

13. The Chief Postmaster or any person authorized by him in that behalf may enter into contracts in writing on behalf of the Government of the Territory for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Ordinance and may stipulate for such terms and conditions as to him shall seem fit for securing the due regular and efficient performance of the contract.

Railways to
carry mails.
Cwith. 1b. s. 17.

14. The owner controller or manager of any railway or tramway shall carry mails on any train run upon the railways or tramways under his control if required by the Chief Postmaster so to do and shall provide all usual facilities for the receipt carriage and delivery of all mails that he is required to carry.

Payment for
carriage of mails
by rail.
Cwith. 1b. s. 18.

15. The Chief Postmaster shall pay to the owner controller or manager of any railway or tramway such annual sum for receipt carriage and delivery of mails and for all facilities provided in connection therewith as may be agreed upon and in default of

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

agreement as may be settled by arbitration: Provided that no payment shall be made to any owner controller or manager of any private railway or tramway who in accordance with the law has agreed to carry His Majesty's mail free of charge.

16. The Chief Postmaster may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such body or person towards the expense of establishing or providing such facilities or for indemnifying the Chief Postmaster against any loss he may sustain thereby.

Contributions may be accepted. Cwlt. 12 of 1901, s. 19.

* * * * *

Section 17 repealed by No. 9 of 1933, s. 3.

18. Every postal article received by post from a place out of the Territory shall be transmitted and delivered free of charge within the Territory except where it is necessary to collect the postage under an arrangement made as in this Ordinance provided and except where otherwise provided by this Ordinance or by the regulations in which cases the postage and all other fees or dues if any upon the postal article shall be collected on or before delivery.

Letters &c. from places beyond the Territory. Cwlt. 1b. s. 20.

19. Until the [Administrator]⁽¹⁾ shall otherwise by order⁽⁷⁾ published in the *Gazette* direct it shall be lawful for any officer in the public service of the Territory to send free of charge letters packets newspapers or parcels from one part of the Territory to another: Provided that such letters packets newspapers or parcels be *bonâ fide* on the public service and are sent in accordance with the conditions prescribed.

Letters &c. on public service sent free. Compare W.A. 5 of 1893, s. 15. Amended by No. 9 of 1933, s. 3.

20.—(1.) No additional charge shall be made on prepaid postal articles (other than parcels) re-addressed within the time and in manner prescribed and again forwarded by post within the Territory if the postage originally paid would have been sufficient if the postal article had originally been addressed to its new destination but if not an additional charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination shall be made.

Redirection. Cwlt. 1b. s. 22.

(2.) Any re-addressed postal articles which appear to have been opened or tampered with shall be chargeable with postage as freshly posted unpaid articles.

21. All Braille and Moon postal articles shall be conveyed without charge under Departmental regulations.

Braille and Moon postal articles free. Cwlt. 13 of 1902, s. 8.

(1) See footnote (1) printed on p. 4061.
(7) No order has been published in N.G. Gaz.

POST AND TELEGRAPH—

Letters &c.
insufficiently
prepaid.
Cwlt. 12 of
1901, s. 23.

22. Any letter post-card letter-card or packet posted for delivery in the Territory on which the postage is not fully prepaid may be transmitted and delivered but before delivery there shall be paid double the amount of the deficient postage and the sum to be so paid shall be written on such letter post-card letter-card or packet by an authorized officer:

Provided that postage on loose letters post-cards letter-cards and packets received from masters of vessels shall be collected on delivery at the rate chargeable to the places whence such articles are received.

Petitions to the
Administrator.
Cwlt. 1b. s. 24.
Amended by
No. 9 of 1933,
s. 3.

23. All petitions and addresses to the [*Administrator*]⁽¹⁾ shall be transmitted and delivered free of charge if such petitions or addresses do not exceed sixteen ounces in weight respectively and are without covers or in covers open at the ends or sides.

Postage need
not be prepaid
on letters or
packets
containing
returns of
births &c.
transmitted by
any minister of
religion &c. to
appointed officer.
Cwlt. 1b. s. 25.

24. It shall not be necessary to prepay the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive the same if on the outside thereof it is stated that they contain such returns only and such statement is signed by the person transmitting the same.

Postage need not
be prepaid on
letters or packets
containing
electoral matter.
Cwlt. 1b. s. 27.

25. It shall not be necessary to prepay the postage upon letters or packets containing any ballot-papers or voting-papers or electoral documents and sent in compliance with the law in that behalf to any officer of the Territory if on the outside thereof they bear a statement signed by the sender that they contain such matter only.

Definition of
newspaper and
supplement.
Cwlt. 1b. s. 28.

26.—(1.) For the purposes of this Ordinance a newspaper shall mean any publication known and recognized as a newspaper in the generally accepted sense of the word and printed and published within the Territory for sale if—

- (a) it consists in substantial part of news and articles relating to current topics or of religious technical or practical information; and
- (b) it is published in numbers at intervals of not more than one month; and
- (c) the full title and date of publication are printed at the top of the first page and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

(1) See footnote (1) printed on p. 4061.

(2.) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of a newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements or of engravings prints lithographs or coloured supplements; and
- (b) it is enclosed in each posted copy of the newspaper with which it is issued; and
- (c) it has the title of the newspaper with which it is issued printed on the top of each page of letterpress; and
- (d) it is not of a size or form which makes it inconvenient for carriage or delivery by post.

27.—(1.) The proprietor printer or publisher of any newspaper may at such time and in such form and with such particulars as may be prescribed upon payment of a fee of Five shillings register it at the head office and the Chief Postmaster may from time to time subject to appeal as hereinafter mentioned revise the register and may call upon the proprietor printer or publisher of any publication a posted copy of which contains indecent or obscene matter or which by reason of the proportion of advertisements to other matter therein or for any other reason is not within the description aforesaid to show cause why such publication should not be removed from the register and if sufficient cause be not shown he may remove it accordingly; and any publication for the time being on the register shall for the purposes of this Ordinance be deemed a registered newspaper.

Registration of newspapers.
Cwlth. 12 of 1901, s. 29.

Removal from register.

(2.) No publication which after the expiration of one month from the commencement of this Ordinance is tendered for transmission at any post office in the Territory shall be sent by post as a newspaper unless the provisions of this section have been complied with.

(3.) The Chief Postmaster may refuse to transmit or deliver any issue of a publication if such issue contains indecent or obscene matter.

(4.) Any posted newspaper found to contain indecent or obscene matter may be destroyed by order of the Chief Postmaster.

(5.) No action shall be brought against the Chief Postmaster or any officer of the Department for anything done or purporting to be done under the provisions of this section but any person aggrieved by anything done or purporting to be done by the Chief Postmaster under this section may appeal to a judge of the Central Court⁽⁸⁾ by summons or petition in a summary manner. The judge

(8) See Section 17 of the *Laws Repeal and Adopting Ordinance 1921-1939*. At the date of the adoption of the *Post and Telegraph Ordinance, 1912-1916*, of the Territory of Papua as a law of the Territory of New Guinea, there was a "Central Court" in both Territories. As to references in any Ordinance to "Central Court", see now Section 7A of the *Judiciary Ordinance 1921-1938*.

POST AND TELEGRAPH—

may decide whether the action taken under this section was justified in law or in fact and may make such order as to restoration to the register or otherwise as to him may seem just and may award damages and costs or either in his discretion.

Consequence of irregularity.

(6.) All unregistered or irregularly posted newspapers and all newspapers having any matter which is not a supplement accompanying them shall be treated as packets.

Postage stamps to be made and sold.

Cwith. 12 of 1901, s. 30.

Amended by No. 9 of 1933, s. 3.

28. The Chief Postmaster shall with the approval of the [Administrator]⁽¹⁾ cause postage stamps to be made and sold indicating such amounts of postage or fees as may in that behalf be directed by the [Administrator].⁽¹⁾

Postmasters to keep sufficient supply of stamps,

Cwith. *Ib.* s. 31.

29. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Chief Postmaster shall authorize and direct and shall sell the same without premium to any person desirous of purchasing them.

Prepayment of postage.

Cwith. *Ib.* s. 32.

30.—(1.) Except in cases where prepayment of postage is allowed to be made in money prepayment of postage can be effected only by means of postage stamps valid in the Territory for the correspondence of private individuals: Provided however that the reply-half of reply post-cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid if addressed to such country.

(2.) Official correspondence from the Department relative to the postal and telegraphic service and telegraphic messages upon which all fees payable under this Ordinance have been paid may be transmitted free by post for delivery within the Territory.

By money in certain cases,

Cwith. *Ib.* s. 33.

31. Notwithstanding the last preceding section whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any postal article may be prepaid by money and shall be acknowledged by such postmaster on the face or cover of such article.

Prepayment of postage in bulk.

Cwith. *Ib.* s. 34.

32. The Chief Postmaster may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter packet or newspaper in cases where a large quantity of letters packets or newspapers are brought to the post by or on behalf of any person and the postmaster or other officer shall mark on each letter packet or newspaper the full amount of postage prepaid thereon.

(1) See footnote (1) printed on p. 4061.

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

33. The postage stamps upon all postal articles sent by post shall be impressed or affixed upon the face thereof and near the address written thereon and no postmaster shall be bound to take any notice of stamps which are impressed or affixed elsewhere. Postage stamps where to be affixed. Cwlt. 12 of 1901, s. 35.
34. Any person with the permission in writing of the Chief Postmaster may perforate postage stamps with such letters figures or design as are prescribed in such writing and stamps so perforated shall not be considered to be defaced within the meaning of this Ordinance and shall be received in payment of any postage fees or dues and telegraph fees but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the department. Postage stamps may be perforated with letters. Cwlt. Ib. s. 36.
35. The Chief Postmaster may cause letter pillars or boxes for reception of postal articles to be erected and maintained in any public road street or highway or other place. Erection of letter pillars &c. Cwlt. Ib. s. 37.
- 36.—(1.) Any person who sends any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which it is posted upon payment of the prescribed fee for registration. And all articles required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under such conditions as the Chief Postmaster shall appoint. Registration. Cwlt. Ib. s. 33.
- (2.) Any person who sends a registered article by post may obtain an acknowledgement of its due receipt by the person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee. Acknowledgement of the receipt of registered letters.
- (3.) Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders or bills of exchange acceptances or promissory notes payable to order cheques or postal notes or postage stamps not exceeding Five shillings in value such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged. Letters &c. with valuable enclosures must be registered.
37. Any person making a complaint that an unregistered letter or packet containing coin jewellery gems watches or any other valuable enclosure has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post office at which the complaint is made to make a declaration in the Form D in the Second Schedule to this Ordinance Declaration to be made where missing letter &c. contained valuable enclosure. Cwlt. Ib. s. 39. Second Schedule (D).

POST AND TELEGRAPH—

and to pay the fee (if any) prescribed before any inquiry is instituted.

Certain letters &c. to be deemed posted in contravention of this Ordinance. Cwlt. 12 of 1901, s. 40.

38. Every postal article received in a post office—

- (a) on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money); or
- (b) which contains an enclosure contrary to the provisions of this Ordinance or the regulations or of any other Ordinance; or
- (c) which is posted contrary in any other way to the provisions of this Ordinance or the regulations; or
- (d) on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn

shall be deemed to be posted in contravention of this Ordinance.

Letters &c. in contravention of this Ordinance how dealt with. Cwlt. 1b. s. 41.

39. Every postal article—

- (a) which is without address or bears an illegible address; or
- (b) which is posted or is reasonably suspected to be posted in contravention of this Ordinance; or
- (c) which the person to whom it is addressed refuses to receive; or
- (d) upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage

shall be transmitted without delay by the postmaster receiving it to the head office.

Every postal article containing or supposed to contain an enclosure upon which the duties of Customs are payable shall be dealt with in the prescribed manner.

Power to examine newspapers and packets. Cwlt. 1b. s. 42.

40.—(1.) The Chief Postmaster or his officers may examine any newspaper or packet sent by post without a cover or in a cover open at the ends or sides and bearing less than the letter rate of postage in order to discover whether it was posted in conformity with this Ordinance or the regulations.

(2.) The question whether any postal article is entitled to be sent as a newspaper or packet shall if disputed be referred to the Chief Postmaster for determination and his decision shall be final.

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

41. The Chief Postmaster may at any time cause any postal article having anything profane blasphemous indecent obscene offensive or libellous written or drawn on the outside thereof or any obscene enclosure in any postal article to be destroyed.

Blasphemous or obscene letters &c. may be destroyed.
Cwlt. 12 of 1901, s. 43.

No action shall be brought against the Chief Postmaster or any officer of the department for anything done under the provisions of this section but any person aggrieved by anything done by the Chief Postmaster under this section may appeal to a judge of the Central Court⁽⁸⁾ by summons or petition in a summary manner.

42. The Chief Postmaster may refuse to transmit or deliver any newspaper packet or parcel containing any article book picture or advertisement or any printed or written matter in the nature of an advertisement which article book picture advertisement or matter is of an indecent or obscene nature and may cause any such newspaper packet or parcel to be destroyed.

Indecent pictures &c. sent by post.
Cwlt. *Ib.* s. 44.

43. The Chief Postmaster may cause all unclaimed and undelivered postal articles originally posted within the Territory which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened as hereinafter mentioned.

Unclaimed and undelivered articles returned from other countries how dealt with.
Cwlt. *Ib.* s. 45.

44.—(1.) Every postal article which remains undelivered at any post office to which it has been transmitted for delivery shall save as in this Ordinance otherwise provided be kept thereat for delivery for such time as may be prescribed. And as soon as possible after the expiration of such time the postmaster at every such post office shall transmit to the head office every postal article that has been kept for the prescribed time and thereupon every such postal article so transmitted and any postal article which remains undelivered at the head office beyond the prescribed time shall be dealt with as in this Ordinance provided.

Unclaimed letters &c. to be kept for certain periods and then sent to head office.
Cwlt. *Ib.* s. 46.

(2.) Notwithstanding anything in this Ordinance contained when any letter or packet bears an indorsement by the sender to the effect that if it remains undelivered for a certain specified time not less than seven days it may be returned to him the postmaster at the post office to which the same has been transmitted for delivery shall as soon as possible after the time so specified transmit it to such indorsed address and if it be refused at such specified address it shall be deemed to be undelivered and unclaimed and dealt with accordingly.

Letters &c. may be returned to sender if request indorsed thereon.

45.—(1.) All telegrams and postal articles sent by post and addressed to any person at any inn hotel or at any lodging-house or at any house at which lodgers are received and delivered to the occupier or manager of such inn hotel or house shall be deemed to be under the control of the Chief Postmaster until delivered to

Telegrams letters &c. at hotels remaining undelivered for one month to be returned to post office.
Cwlt. *Ib.* s. 47.

(8) See footnote (8) printed on p. 4069.

POST AND TELEGRAPH—

the person to whom the same are addressed and if the same are not so delivered within one month after the receipt of the same by such occupier or manager and if instructions to the contrary are not received from the person to whom the same are addressed they shall be returned to the nearest post office and kept thereat for delivery for such time as may be prescribed and at the expiration of such time shall be transmitted to the head office. All such telegrams and postal articles transmitted to the head office under the provisions of this section shall there be dealt with as undelivered and unclaimed.

Penalty.

(2.) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article as aforesaid shall be liable to a penalty not exceeding Five pounds.

How dead letters &c. disposed of at head office.
Cwlth. 12 of 1901, s. 48.

46. On the receipt at the head office of any postal article hereinbefore required to be transmitted to such office such postal article if it was originally posted in the Territory or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Ordinance or of any Ordinance relating to the Customs or of any regulation or order made under the authority of this Ordinance may be opened in the head office in the manner hereinafter mentioned; and every letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the country in which it was so posted but every newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in the Territory.

How or by whom unclaimed or dead letters may be opened.
Cwlth. 1b. s. 49.

47. Every postal parcel opened under the provisions of this Ordinance shall be opened in the presence of not less than two officers at the post office nominated for that purpose by the Chief Postmaster and every such officer shall before he enters upon his duties in this respect make and subscribe before a justice of the peace a declaration in the Form B in the Second Schedule to this Ordinance.

Second Schedule (B).

Opened postal articles not containing anything of value how dealt with.
Cwlth. 1b. s. 50.

48. The Chief Postmaster shall cause every detained unclaimed refused and undelivered postal article whatsoever posted in any part of the Territory which has been opened under the provisions of this Ordinance to be forthwith returned to the writer or sender thereof if his name and address can be ascertained by examination of such article and such writer or sender shall thereupon be liable to pay the original postage payable thereon if not prepaid; and if such writer or sender refuses to receive any such article the same may be forthwith destroyed but he shall be liable to pay the postage thereon.

49.—(1.) Every undelivered letter or packet which is opened under the provisions of this Ordinance (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved; and the Chief Postmaster shall (unless such contents have been posted or be in fraud or violation of this Ordinance or of any Ordinance relating to the Customs or of any regulation or order made under the authority of this Ordinance or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application by the first-named person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the person so making such demand.

Opened letters and packets containing anything of value how dealt with. Cwlth. 12 of 1901, s. 51.

(2.) If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Ordinance or of any Ordinance relating to the Customs or of any regulation or order made under the authority of this Ordinance or with intent to evade payment of the postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Chief Postmaster directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Chief Postmaster directs and the proceeds thereof shall be paid into the public revenue. And if the contents aforesaid are money or a security or order for money payable to bearer the same shall form part of the public revenue.

50. Every unclaimed or undelivered newspaper opened under the provisions of this Ordinance may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom the same is addressed. But if any such newspaper has been posted or contains any enclosure in fraud or violation of this Ordinance or of any Ordinance relating to the Customs or of any regulation or order made under the authority of this Ordinance or with intent to evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid; and anything which is enclosed in or with or which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or security or order for money payable to bearer the same

Opened newspapers how dealt with. Cwlth. 1b. s. 52.

POST AND TELEGRAPH—

may be destroyed sold or converted into money in such manner as the Chief Postmaster may direct and the proceeds thereof shall be paid into the public revenue. And if such enclosure or accompaniment is money or a security or order for money payable to bearer the same shall form part of the public revenue.

Sender of opened letters &c. to pay postage.
Cwlt. 12 of 1901, s. 53.

51. The sender of any postal article which is opened under the provisions of this Ordinance shall on demand pay the postage and fees (if any) remaining due thereon and in case of refusal so to do shall be liable to a penalty not exceeding Forty shillings.

No letters &c. to be returned except in certain cases.
Cwlt. *Ib.* s. 54.

52. Except in the cases in this Ordinance expressly mentioned no letter packet or newspaper shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction in writing of the Chief Postmaster and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction.

Letters of insolvents to be delivered to trustee.
Cwlt. *Ib.* s. 55.

53. Whenever any person becomes or is adjudged bankrupt or insolvent by any court of competent jurisdiction within the Territory the Chief Postmaster if so directed by the order of the court shall until a date to be specified in such order cause any postal article addressed to such bankrupt or insolvent to be delivered to the official trustee or other person named in such order.

Letters &c. for deceased persons how to be disposed of.
Cwlt. *Ib.* s. 56.

54. Postal articles addressed to deceased persons may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but until such production the Chief Postmaster may cause such postal articles to be delivered as may be prescribed.

Power in certain cases to refuse to register or deliver letters &c.
Cwlt. *Ib.* s. 57.

55.—(1.) If the Chief Postmaster has reasonable ground to suppose any person to be engaged either in the Territory or elsewhere in receiving money or any valuable thing—

- (a) as consideration (1) for an assurance or agreement express or implied to pay or give or (2) for securing that some other person shall pay or give any money or valuable thing on any event or contingency of or relating to any horse-race or other race or any fight game sport or exercise; or
- (b) for promoting or carrying out a scheme connected with any such assurance agreement or security or a lottery or scheme of chance or an unlawful game; or
- (c) as contributions or subscriptions towards any lottery or scheme of chance; or

- (d) under pretence of foretelling future events; or
- (e) in connection with a fraudulent obscene indecent or immoral business or undertaking

he may by order under his hand published in the *Gazette* direct that any postal article received at a post office addressed to such person either by his own or fictitious or assumed name or to any agent or representative of his or to an address without a name shall not be registered or transmitted or delivered to such person.

(2.) The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Chief Postmaster.

(3.) No order shall be made without the direction of the [Administrator].⁽¹⁾

Sub-section (3) amended by No. 9 of 1933, s. 3.

56.—(1.) Any postal article addressed to the person named in such order by such name or to such address if received at a post office shall not be delivered to such person or at such address but shall be forthwith sent to the head office and shall if it was originally posted in the Territory be opened and immediately returned to the sender and if it was not originally posted in the Territory shall be returned unopened to the proper authorities of the colony possession or country where it was originally posted.

Letters &c. in such cases how dealt with. Cwlt. 12 of 1901, s. 58.

(2.) Money orders shall not be issued in favour of or paid to any person with respect to whom any such order is made.

57. Any postmaster may refuse to receive or to transmit by post any postal article exceeding the weight or dimensions prescribed or of inconvenient form or containing or reasonably suspected to contain any article likely to injure any person or the contents of the mail bags.

Heavy letters packets and newspapers may be refused. Cwlt. 1b. s. 59.

58.—(1.) The transmission of a postal article addressed to a person in the Territory to the post office of the post town to which it is directed or if not so directed then to the post office of the post town nearest to the address named shall be sufficient transmission under this Ordinance.

Delivery at post town or at named or last known residence sufficient. Cwlt. 1b. s. 60.

(2.) When delivery by letter carriers is provided delivery according to the address or at the last known place of residence of the person named in the address shall be sufficient delivery to such person unless he by written notice to the postmaster of the office to which such article is addressed has prohibited such delivery.

(1) See footnote (1) printed on p. 4061.

POST AND TELEGRAPH—

Despatch and delivery of packets &c. may be delayed.
Cwlth. 12 of 1901, s. 61.

59. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post-cards books packets newspapers or parcels the latter or any of them may subject to the regulations be detained in the post office until a later despatch or delivery.

Cwlth. *Ib.* s. 62.

60. In any action or other proceeding for the recovery of any postage or fee payable by authority of this Ordinance in respect of a postal article—

Who deemed to be sender of a postal article.

(a) the person from whom the postal article purports to have come shall be deemed the sender thereof and the onus of proving that such article did not come from or was not sent by him shall rest on the person proceeded against;

Post office stamp evidence of refusal of letter &c.

(b) the post office stamp or mark denoting that the postal article has been refused or that the person to whom such article is addressed is dead or cannot be found shall be *primâ facie* evidence of the refusal thereof or that such person is dead or cannot be found;

Post office stamp evidence of liability to postage.

(c) the post office stamp or mark thereon denoting the postage or fee shall be *primâ facie* evidence of the liability of the postal article to the postage or fee and that the sum stamped or marked thereupon is payable in respect thereof.

Mail in charge of postmaster &c. deemed to be by post.
Cwlth. *Ib.* s. 63.

61. In any action or other proceeding every mail or postal article in charge of or being carried by a postmaster postman mailman mail-driver officer or servant of the department or other person employed by or under the Chief Postmaster shall until the contrary is proved be deemed to be in course of being sent by post.

Power to destroy books documents telegrams &c.
Cwlth. *Ib.* s. 64.
Sub-section (1) am. by No. 9 of 1933, s. 3.

62.—(1.) The Chief Postmaster may upon the direction of the [Administrator]⁽¹⁾ order the destruction in such manner as he thinks fit of any telegrams books of record telegraph tape letter-bills registered letter receipts money orders postal notes returns requisitions orders for delivery of letters or letters to the Department or any other document or the butts thereof: Provided that such telegrams have not been written within the period of two years prior to the date of any such order and that such books and other documents have not been printed written or prepared within the period of one year prior to the date of any such order and the King or the Chief Postmaster or any officer of the post office shall not be accountable in any manner to any person for any telegrams books or documents so destroyed and no claim for damages shall arise to any person by reason of any such destruction.

(1) See footnote (1) printed on p. 4061.

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

(2.) In this section "document" shall be deemed to include documents relating to the parcels post.

63. All moneys collected on account of the sale of postage stamps commission charges fees penalties fines on officers and other dues levied collected or received under this Ordinance or the regulations shall be paid to the Treasurer and placed to the credit of the public revenue.

Appropriation of fees &c.
Cwltth. 12 of 1901, s. 65.

PART II.—CONVEYANCE OF MAILS BY SHIPS.

64. In all vessels by which mails are conveyed under any contract entered into by the Chief Postmaster under this Ordinance there shall be provided a suitable locker or other secure place in which such mails and all postal articles shall be locked up and carried apart from all other articles and things. And if such locker or place is not so provided or if such mails or any postal article are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place the master of such vessel shall be liable to a penalty not exceeding Fifty pounds.

In all vessels conveying mails lockers to be provided.
Cwltth. 1b. s. 66.

65.—(1.) All mails and every loose postal article on board a vessel at the time of her arrival within a port within the Territory directed to a person in the Territory except letters concerning goods on board the vessel and to be delivered with the goods or sent by way of introduction only or concerning the bearer's private affairs shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster or a port officer or Customs officer of the port or to any person duly authorized by writing under the hand of a postmaster.

Delivery of ship mails on arrival of ship.
Cwltth. 1b. s. 67.

(2.) Any master who (except as aforesaid) knowingly or negligently detains or keeps in his possession or neglects or refuses to deliver a mail or postal article after demand made as aforesaid shall be liable to a penalty not exceeding Fifty pounds.

Penalty.

66. The master of a vessel arriving at any port within the Territory shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form set forth in Form C of the Second Schedule to this Ordinance and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate has been delivered to the proper officer of Customs at such port he shall not permit such vessel to report. And any master who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding Fifty pounds:

Declaration by masters of inward-bound vessels.
Cwltth. 1b. s. 68.
Second Schedule (C).

POST AND TELEGRAPH—

Provided that a postmaster may in cases of vessels which are known or reasonably believed to have no mails on board authorize the proper officer of the Customs to permit any such vessels arriving at any port in the Territory to report without requiring the declaration to be signed and the certificate to be delivered.

Mails to be taken
in vessels
outward bound
and coastwise.
Cwlth. 12 of
1901, s. 69.

67.—(1.) The master of a vessel about to depart from a port within the Territory to a port or place within or beyond the Territory may be required by an officer of the Department or by a port officer or Customs officer or other person duly authorized by a postmaster to receive or take delivery at an approved wharf of any mail and he shall in such case give a receipt for such mail to the person tendering or delivering the same and shall carefully deposit the mail in some secure and dry place on board the vessel and convey the same upon her then intended voyage.

Penalty.

(2.) Any person in this respect offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding Fifty pounds.

Payments to
master of vessel.
Cwlth. *Ib.* s. 70.

68.—(1.) The master of a vessel about to depart from any port within the Territory to any other port or place who receives on board thereof any mail for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof payment at such rates as may be prescribed. But nothing herein contained shall entitle the master of any vessel under contract for the carriage of mails to receive any such payment.

(2.) When mails are brought from one port to another and transhipped or forwarded by a second vessel belonging to the same owner payment shall not be made on account of the second conveyance.

(3.) Payment shall not be made to the master of a ship arriving from any port or place for the conveyance of mails.

Notice of
departure of
vessels.
Cwlth. *Ib.* s. 71.

69.—(1.) The master of a vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port within the Territory to any port or place beyond the Territory shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel and every master of a vessel not carrying mails under a contract which is about to depart from a port within the Territory to another port or place therein shall before the clearance of the vessel give to the postmaster at the port from which the vessel is about to depart

not less than six hours' notice in writing of her intended hour of departure:

Provided that a shorter notice may be prescribed⁽⁹⁾ in any case or special class of cases and every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

(2.) Such master shall also give notice to such postmaster or officer of any postponement of such time of departure exceeding one hour and in default thereof shall be liable to a penalty not exceeding Fifty pounds. And such postmaster or other officer of the post office shall upon receiving such notice grant a certificate of the receipt of such notice to such master and until such certificate has been given the vessel shall not be cleared.

And of postponed departure.

70. When the master of a vessel has received a mail on board for carriage and the vessel does not depart on her voyage according to the time fixed for departure or within one hour thereof the master shall forthwith give notice to the postmaster of the delay and shall on demand return the mails and the gratuity or payment which has been paid for carriage to the postmaster or to some port officer or Customs officer of the port or some other duly authorized person in that behalf in writing under the hand of the postmaster.

Duty of master where ship not sailing pursuant to notice.
Cwlt. 12 of 1901, s. 72.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds.

Penalty.

71. The master of a vessel proceeding from a port or place within the Territory to some other port or place within the Territory and having on board a mail for delivery in such last-mentioned port or place shall give notice of the near approach of the vessel thereto by ringing a bell or by some other concerted signal which may reasonably be expected to be distinctly heard or seen by the postmaster port officer officer of Customs or other person in such last-mentioned port or place duly authorized to receive or despatch a mail and shall give such notice a sufficient time before the actual arrival of the vessel to enable him to be prepared to receive the mail from or despatch a mail in the vessel.

Masters to give notice of approach to a place appointed for the receipt and despatch of mails.
Cwlt. *ib.* s. 73.

Any master who refuses or omits to give such notice shall be liable for every offence to a penalty not exceeding Fifty pounds.

PART III.—MONEY ORDERS AND POSTAL NOTES.

72.—(1.) The [*Administrator*]⁽¹⁾ may make arrangements with or through the Postmaster-General of the Commonwealth for the issue and payment by means of the Department of money orders and postal notes between the Territory and the Commonwealth and also between the Territory and the United Kingdom or any British

Arrangements for money orders and postal notes.
Cwlt. *ib.* s. 74.
Sub-section (1) amended by No. 9 of 1933, s. 3.

(1) See footnote (1) printed on p. 4061.

(9) See the *Regulation (Papua, adopted)* under the *Post and Telegraph Ordinance, 1912-1916*, printed on p. 4113.

POST AND TELEGRAPH—

possession or a foreign country and for the accounting for and transmission of moneys required for that purpose.

Sub-section (2)
amended by
No. 9 of 1933,
s. 3.

(2.) The [Administrator]⁽¹⁾ may also make arrangements for the issue and payment by means of the Department of money orders and postal notes within the Territory and for the accounting for and transmission of moneys required for that purpose.

Amount and cost
of money orders
and postal notes.
Cwlt. 12 of
1901, s. 75.

73. A money order shall not be granted for a larger sum than Twenty pounds nor a postal note for a larger sum than Twenty shillings. The Chief Postmaster may charge and receive in respect of money orders and postal notes issued under this Ordinance the prescribed commission or poundage.

Currency of
notes.
Cwlt. *Ib.* s. 76.

74. After the expiration of six months from the last day of the month of issue any postal note issued under the provisions of this Ordinance shall be payable only at the head office.

When amount of
money order may
be refunded.
Cwlt. *Ib.* s. 77.

75.—(1.) The Chief Postmaster may repay the amount of a money order to the person to whom it was granted or his executors or administrators whether the money order remains or is in his or their possession or not.

(2.) Upon the repayment all liability if any of the Chief Postmaster or of any postmaster or officer of the Department in respect of the money order or the issue or repayment of the amount thereof shall as against all persons whomsoever cease and determine.

To be deemed
valuable security
and public
moneys.
Cwlt. *Ib.* s. 78.

76. Every money order and postal note shall be deemed a valuable security within the meaning of any law relating to larceny and an unissued postal note shall be deemed public moneys.

No stamp duty
on money orders
or postal notes.
Cwlt. *Ib.* s. 79.

77. No stamp duty shall be charged upon any money order or postal note issued or paid under the provisions of this Ordinance.

PART IV.—TELEGRAPHS.

Chief Postmaster
to have exclusive
rights in respect
of telegraphs.
Cwlt. *Ib.* s. 80.

78. The Chief Postmaster shall have the exclusive privilege of erecting and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Territory and performing all the incidental services of receiving collecting or delivering such telegrams or communications except as provided by this Ordinance or the regulations:

Provided that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting maintaining and using any telegraph line—

(1) See footnote (1) printed on p. 4061.

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

- (a) which is wholly within or upon land whereof he is the proprietor or occupier and solely for his own purposes if no part of such line is within twelve feet of any existing line of the Chief Postmaster except for the purpose of connecting with or crossing such line; or
- (b) which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor and solely for his own purposes.

79. The Chief Postmaster may by direction of the [Administrator] ⁽¹⁾ on such conditions as he deems fit authorize any person to erect and maintain telegraph lines within the Territory and to use the same for all purposes of and incidental to telegraphic communication:

Authority to persons to erect and maintain telegraph lines. Cwlt. 12 of 1901, s. 81. Amended by No. 9 of 1933, s. 3.

Provided that such conditions and authority shall not be requisite in the case of any person erecting or maintaining telegraph lines erected upon private land or within a private building.

80.—(1.) The Chief Postmaster or any person authorized in that behalf by the Chief Postmaster may by the like direction enter into a contract with any other person for the construction and maintenance of any telegraph line by such person for the Chief Postmaster or for his own use.

Chief Postmaster may contract for construction of telegraph lines.

(2.) Every telegraph line constructed or to be constructed within the Territory shall be subject to the provisions of this Ordinance and the regulations.

Telegraph lines to be subject to this Ordinance. Cwlt. 1b. s. 82.

81. Where a private line has been constructed before or after the commencement of this Ordinance by a person who is the owner of the land upon both sides of a road railway tramway public reserve Crown lands or creek nothing in this Ordinance shall be deemed to prevent such person on payment of the prescribed fee from continuing or carrying such private line across any such road railway tramway public reserve Crown lands or creek at a height of at least eighteen feet from the surface of such road railway tramway public reserve Crown lands or creek or otherwise as approved by the Chief Postmaster.

Provisions as to crossing roads &c. by private lines. Cwlt. 1b. s. 83.

82. Any person acting under the authority of the Chief Postmaster may for the purpose of this Ordinance enter upon any land and survey and take levels thereof and dig fell remove and carry away from the land any earth stone gravel sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith.

Lands may be entered and surveyed &c. Cwlt. 1b. s. 84.

(1) See footnote (1) printed on p. 4061.

POST AND TELEGRAPH—

Works to be made
on any land &c.
Cwilt. 12 of
1901, s. 85.

83.—(1.) A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Ordinance upon under or through any land or any shore of the sea road stream or water and may break excavate and remove any soil to the extent and depth required for placing or removing the works:

Provided that every wire or cord crossing a road or commonly used waggon track or water above the surface shall be at least twenty feet above the surface and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purposes of this Ordinance.

(2.) Where subsequent to the erection upon any footpath road or highway of any telegraph line it becomes necessary to remove the same owing to any alteration of alignment or other action on the part of a municipal council or a local authority the cost of such removal shall be borne by the municipal council or local authority concerned.

Wires &c. may
be affixed to
buildings.
Cwilt. *Ib.* s. 86.

84. A person so authorized may whenever it is necessary for continuing or completing a telegraph line cause a wire or cord to be supported by affixing or annexing the same to in or upon through or against any part of a house building or other structure in a city town or village:

Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house building or other structure is situate.

Trees obstructing
telegraph lines
may be cut or
lopped.
Cwilt. *Ib.* s. 87.

85.—(1.) Such trees or underwood as obstruct or in the opinion of the Chief Postmaster or other officer duly authorized by him are likely to interfere with the proper working of any telegraph line if growing upon Crown lands or upon any road street or highway may after notice to the local or other authority having the care and management thereof be cut down or lopped as may be deemed necessary by the said Chief Postmaster or such officer after consultation with such authority and if growing upon private lands within twenty feet of any such line then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Chief Postmaster or such officer and upon default the said Chief Postmaster or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped away as may be deemed necessary.

(2.) This Ordinance shall be sufficient to indemnify the Chief Postmaster and his officers servants agents and workmen and all other persons whomsoever for what he or any of them shall reasonably do by virtue of the powers by this section granted.

86.—(1.) Where subsequently to the erection of a telegraph line whether erected before or after the commencement of this Ordinance a fence is erected crossing the line of direction of such telegraph line the owner of such fence shall at his own cost on the demand of the Chief Postmaster in writing cause a gate or slip-rails at least ten feet wide to be put up in such fence at the point of intersection with the telegraph line to admit the passage at all times of any vehicle used in the repair of such telegraph line.

Free access to be permitted for the repair of telegraph line. Cwlt. 12 of 1901, s. 88.

(2.) Any person being employed in the repair of a telegraph line if such demand has not been complied with within fourteen days after such demand may remove cut down or otherwise break through such fence.

(3.) Where previously to the erection of a telegraph line a fence has been erected which is subsequently crossed by a telegraph line the person causing the erection of such telegraph line may if authorized by the Chief Postmaster in writing cause a gate or slip-rails at least ten feet wide to be put up in the manner aforesaid at the expense of the Chief Postmaster and shall give to the owner of such fence seven days' notice in writing of his intention to do so.

(4.) The owner within the meaning of this section shall include the person in occupation of the lands on which the fence is erected.

87. The Chief Postmaster or any person authorized by him may after notice to the local or other authority having the care and management thereof place and maintain any lines or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road and may alter or remove the same and for such purposes may break up any street or public road and alter the position thereunder of any pipe (not being a sewer or drain or a main) for the supply of water or gas or electricity.

Laying lines under streets. Cwlt. *Ib.* s. 89.

88.—(1.) In the exercise of the powers conferred by this Ordinance the Chief Postmaster or the person so authorized as herein mentioned shall do as little damage as possible and the Chief Postmaster shall on direction of the [Administrator]⁽¹⁾ make adequate compensation to all local authorities and persons interested for any damages sustained by them by reason of the exercise of such powers.

Provision as to compensation. Cwlt. *Ib.* s. 90. Sub-section (1) amended by No. 9 of 1933, s. 3.

(2.) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

(1) See footnote (1) printed on p. 4061.

POST AND TELEGRAPH—

Chief Postmaster may resume possession of private lines for default.

Cwlt. 12 of 1901, s. 91.

89. If any person to whom before or after the commencement of this Ordinance the use of any line of telegraphic communication has been granted—

- (a) refuses or neglects to pay when due and on demand the rent or charges prescribed by the regulations; or
- (b) commits in the opinion of the Chief Postmaster a breach of any of the said regulations or of the terms or conditions upon which the use of such line is granted permitted or continued

the Chief Postmaster may without prejudice to the remedies for such refusal or neglect prescribed in the next following section resume possession of the said line and prevent the further use thereof by such person and such person shall not be entitled to any compensation for loss arising through the exercise by the Chief Postmaster of the powers conferred by this section.

Resumption of private lines after notice.

Cwlt. *Ib.* s. 92.

90.—(1.) The Chief Postmaster may with the consent of the Legislative Council and after giving six months' notice resume any private telegraph or telephone line.

(2.) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

Recovery of rents and charges.

Cwlt. *Ib.* s. 93.

91. If any person refuses or neglects to pay on demand the rent or charges due from him under the regulations for the use of any line of telegraphic communication the Chief Postmaster may recover the same with costs in any court of competent jurisdiction.

Telegraph lines vest in Chief Postmaster.

Cwlt. *Ib.* s. 94 (2).

92. All telegraph lines erected acquired or maintained by the Chief Postmaster whether before or after the commencement of this Ordinance are hereby vested in the Chief Postmaster.

Order of transmitting telegrams.

Cwlt. *Ib.* s. 95.

93.—(1.) Telegrams shall as far as practicable be transmitted in the order in which they are received but urgent telegrams that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals the discovery or prevention of crime the administration of justice and when so required telegrams on the public service shall be transmitted before other telegrams.

(2.) Provided that regulations may be made prescribing the order of transmission of delayed telegrams that is to say telegrams upon which reduced rates are to be paid.

Penalty.

(3.) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years.

94. Any person employed under the authority of the Chief Postmaster may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Blasphemous obscene and scandalous telegrams may be refused.
Cwilt. 12 of 1901, s. 96.

PART V.—REGULATIONS.

95. The [Administrator]⁽¹⁾ may make regulations⁽¹⁰⁾ not inconsistent with this Ordinance prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular may make regulations for all or any of the following purposes:—

Regulations.
Cwilt. 1b. s. 97.
Cwilt. 28 of 1910, s. 2.
Amended by No. 9 of 1933, s. 3.

- (a) providing for the establishment and management of post offices and telegraph offices and the receipt despatch carriage and delivery of postal articles and telegrams and for the conduct and guidance of all postmasters and other officers and servants of the Department;
- (b) fixing the rates payable to masters of vessels for the carriage of mails in cases not provided for by contract;
- (c) prescribing the maximum weight and dimensions of postal articles;
- (d) providing for—
 - (1) transmission and delivery of parcels;
 - (2) the conditions under which parcels may be received transmitted delivered returned to the senders or otherwise disposed of;
 - (3) the maximum weight rates or fees to be charged for the transmission delivery return insurance or registration of parcels; and
 - (4) the manner in which such rates or fees are to be paid and the arrangements as to the collection of any Customs duties or any other duties or fees which may lawfully be payable in respect of any parcel;
- (e) imposing fees to be paid upon postal articles registered under this Ordinance or posted after the time appointed for closing the mails;

(1) See footnote (1) printed on p. 4061.

(10) See the *Postal Regulations* 1928, printed on p. 4101, the *Telephone Charges Regulations* 1934, printed on p. 4102, the *Postal (Air Mail) Regulations*, printed on p. 4103, the *Rates of Postage Regulations* 1939, printed on p. 4104, and the *Rates of Postage (Defence Forces) Regulations*, printed on p. 4107. See also the *Regulations (Papua, adopted) under The Post and Telegraph Act, 1901 (Commonwealth)*, printed on p. 4109, the *Regulation (Papua, adopted) under the Post and Telegraph Ordinance, 1912-1916*, printed on p. 4113, the *Telegraphic Addresses Regulations* 1919, printed on p. 4115, and the *Telephone Regulations* 1919, printed on p. 4118.

POST AND TELEGRAPH—

- (f) providing for private boxes and private bags and prescribing the fees to be payable therefor;
- (g) prescribing the form of and the mode of issuing licences for the sale of stamps and the commission to be allowed thereon;
- (h) prescribing the mode of defacing or obliterating stamps on postal articles;
- (i) prescribing the mode of dealing with postal articles supposed to contain dutiable articles;
- (j) prescribing the mode of sale distribution or destruction of undelivered newspapers;
- (k) prescribing the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued and the persons in favour of whom and the places where and the time when and the manner and form in which money orders shall be paid and the length of time after which they shall become void and the mode of forwarding messages or advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders whereby the public may be enabled promptly and safely to remit sums of money through the Department;
- (l) prescribing the conditions relating to the issue payment and cancellation of postal notes;

Paragraph (la)
inserted by
No. 9 of 1933,
s. 3.

[(la) *prescribing the rates to be charged for the conveyance of postal articles posted within the Territory for delivery therein or for transmission abroad;*]⁽¹⁾

- (m) prescribing the fees rates and dues to be received for—
 - (1) any conversation on any telegraph line or on any telephone exchange or private telephone line;
 - (2) rent or hire for the use of any such exchange or private telephone line;
 - (3) and generally for the management working and maintenance of any or all such telegraph lines;
- (n) prescribing the fees rates and charges to be received for the despatch postage and delivery of telegrams;

(1) See footnote (1) printed on p. 4061.

[(na) regulating the use of code and other telegraphic addresses;]⁽¹⁾

Paragraph (na) inserted by No. 9 of 1933, s. 3.

- (o) prescribing the terms and conditions on which agreements may be made by the [Administrator]⁽¹⁾ with any person for the construction and maintenance of a telegraph line for the exclusive use of any of⁽¹¹⁾ such person or for granting the exclusive use of any existing telegraph line to any person and prescribing the scale and times and manner of payment in advance or otherwise of the rent and charges to be paid by such person as the consideration for the agreement;
- (p) for securing the telegraph lines and works from interference or injurious affection by electric lines or works;
- (q) for voting by post at elections under any law of the Territory;
- (r) providing for the payment by any person instead of the sender of the rate payable on any postal article;
- (s) for the purpose of providing for the payment for a rate of wages and fair working conditions in all contracts under this Ordinance such rates of wages and conditions to be those recognized in the locality in which the work is carried out;
- (t) prescribing penalties not exceeding Fifty pounds for the breach of any regulation.

Paragraph (o) amended by No. 9 of 1933, s. 3.

The power to make regulations contained in this section shall extend to the making of regulations binding not only upon officers and persons having business with the Department but upon all persons whatsoever and all regulations made in pursuance of this section shall have effect as if they were enacted in this Ordinance.

PART VI.—PENALTIES.

96.—(1.) No letter shall be sent or carried for hire or reward otherwise than by post.

Letters not to be carried for hire.

Cwlth. 12 of 1901, s. 98, altered.

Evidence.

(2.) Every letter sent or conveyed or caused to be sent or conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been sent or conveyed or caused to be sent or conveyed or taken charge of for hire or reward unless the contrary is shown by the defendant.

(1) See footnote (1) printed on p. 4061.

(11) The word "of" appeared in the original Ordinance. It has now been omitted by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

POST AND TELEGRAPH—

Exceptions.

(3.) Nothing herein contained shall extend to any letter—

- (a) exceeding sixteen ounces in weight;
- (b) exclusively concerning goods sent and to be delivered therewith;
- (c) sent by any person concerning his private affairs by any special messenger; or
- (d) *bonâ fide* sent or carried to or from the nearest post office.

Publishing unauthorized telephone list. Cwith. 28 of 1910, s. 3.

97.—(1.) Any person who without the authority of the Chief Postmaster (the proof of which authority shall be upon the person charged) prints publishes or circulates any list purporting to be a list of the subscribers or persons connected with any telephone exchange shall be liable to a penalty not exceeding Ten pounds.

(2.) Every list printed published or circulated in contravention of this section shall be forfeited to the King and shall on demand in writing by the Chief Postmaster be delivered up to him.

Post offices may be entered and possession taken of letters &c. on behalf of Department. Cwith. 12 of 1901, s. 137.

98.—(1.) Any person duly authorized in that behalf by the Chief Postmaster may enter into any post office or telegraph office and take possession of all property moneys money orders letters goods chattels or effects therein belonging to or appertaining to the Department and may for such purpose remain a reasonable time in the post office or telegraph office or in or upon the premises where the post office or telegraph office is situated.

Penalty.

(2.) Any person who wilfully obstructs hinders or delays any person so entering taking possession or remaining as aforesaid shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding six months.

Penalty for posting placards on post office pillars &c. Cwith. 1b. s. 139.

99. If any person not duly authorized in that behalf (the proof of which authority shall be on such person) places any placard or other document writing or painting on or otherwise defaces any post office or telegraph office pillar or receiving box or telegraph pole he shall be liable to a penalty not exceeding Five pounds.

Penalty on unauthorized persons opening mail. Cf. S.A. 49 of 1876, s. 83. Cwith. 1b. s. 116. Inserted by No. 11 of 1916, s. 3 (Papua).

99A. If any person not being a postmaster or a person authorized in that behalf by the Chief Postmaster (the proof of which authority shall be on such person) shall on any pretence whatever open or endeavour to open any mail he shall be guilty of an offence and shall on conviction thereof be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding one year.

PART VII.—PROTECTION OF TELEGRAPH LINES FROM INJURIOUS AFFECTION BY ELECTRIC LINES OR WORKS.

100. An electric authority shall not except subject to the conditions hereinafter contained construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line vested in the Chief Postmaster is or may be injuriously affected.

Electric authority not to injuriously affect telegraph lines. Cwth. 12 of 1901, s. 140.

101. Any telegraph line vested in the Chief Postmaster shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.

Definition of injurious affection. Cwth. *Ib.* s. 141.

102. In the case of an electric tramway or electric lighting system the electric authority using such tramway or lighting system shall not be held responsible for its lines or works affecting the lines vested in the Chief Postmaster on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations.

Limit of responsibility in case of injurious affection of lines. Cwth. *Ib.* s. 142.

103.—(1.) Before the electric line is constructed or work is done by any electric authority within ten yards of any telegraph line vested in the Chief Postmaster (other than repairs or the laying of consumers' connections with mains where the direction of the electric line crosses a telegraph line vested in the Chief Postmaster at right angles at the point of shortest distance and continues in the same direction for a distance of six feet on each side of such point and where the connecting wires so crossing are not within three feet of any telegraph wire) the electric authority or its agents shall not less than seven nor more than twenty-eight clear days before commencing the work give written notice to the Chief Postmaster specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be constructed and used and the amount and nature of the currents intended to be transmitted thereby and the manner in which such work shall be carried out continued and used and the electric authority and its agents shall comply with such reasonable requirements either general or special as may from time to time be made by the Chief Postmaster for the purpose of preventing any telegraph lines of the Chief Postmaster from being injuriously affected by any such work.

Provision when any work done by electric authority. Cwth. *Ib.* s. 143.

(2.) In the event of any contravention of or wilful non-compliance with this section by the electric authority or its agents the electric authority shall be liable to a penalty not exceeding Ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wil-

Penalty.

POST AND TELEGRAPH—

fully interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

(3.) Nothing in this section shall subject the electric authority or its agents to a penalty under this section if the court having cognizance of the case is satisfied that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

Provision when
work to be
done involves
alteration in
telegraph line.
Cwith. 12 of
1901, s. 144.

104.—(1.) When any work proposed to be done by an electric authority involves or is likely to involve an alteration either temporarily or permanently in any telegraph line vested in the Chief Postmaster and provision is not otherwise made by enactment agreement or otherwise with respect to such alteration or with respect to giving notice to the Chief Postmaster thereof or to the expenses thereof or incidental thereto the following provisions shall apply:—

- (a) the electric authority or its agents shall give to the Chief Postmaster not less than fourteen days' previous notice of the time and place at which the work will be begun and of the nature of the alteration required;
- (b) before the expiration of seven days after the notice is given the Chief Postmaster may give the electric authority or its agents a counter-notice either stating his intention himself to make or requiring the electric authority to make under his supervision and to the satisfaction of himself or his agents such alteration in the telegraph line as he deems necessary or expedient to be made in consequence of the proposed work;
- (c) if the Chief Postmaster by his counter-notice states that it is his intention himself to make such alteration he may make the same himself or by his agents and the electric authority or its agents shall pay to the Chief Postmaster all reasonable expenses incurred by him of and incidental thereto and the amount of any loss or damage sustained by him in consequence thereof;
- (d) if the Chief Postmaster by his counter-notice requires the electric authority or its agents to make such alteration the electric authority or its agents shall at the expense of the electric authority make the same

under the supervision and to the entire satisfaction of the Chief Postmaster or his agents and the electric authority shall pay to the Chief Postmaster all reasonable expenses incurred by him of and incidental to such supervision and also the amount of any loss or damage sustained by him in consequence of the alteration;

- (e) if the Chief Postmaster fails to give a counter-notice or if having undertaken himself to make the alteration he or his agents fail to make the alteration within a reasonable time the electric authority or its agents may make the alteration; but such alteration shall be made to the entire satisfaction of the Chief Postmaster or his agents;
- (f) if the electric authority or its agents fail to serve on the Chief Postmaster the notice required by this section with respect to any work or begins to do the work specified in the notice before the expiration of fourteen days after the notice is given the electric authority or its agents shall be liable to pay a penalty not exceeding Ten pounds for every day during which the work is continued without the sanction in writing of the Chief Postmaster and the Chief Postmaster may at the expense of the electric authority remove such work;
- (g) if the electric authority or its agents fail to comply with the reasonable requirements of the Chief Postmaster or his agents under this section they shall be liable to a penalty not exceeding Ten pounds for every day during which such failure continues or if the telegraphic communication is interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

(2.) Nothing in this section shall subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Chief Postmaster or his agents or for executing without previous notice any work if the court having cognizance of the case is satisfied that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

POST AND TELEGRAPH—

(3.) Nothing in this section shall compel the Chief Postmaster to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable.

Penalty for injury to telegraph line and for interruption of telegraphic communication. Cwlt. 12 of 1901, s. 145.

105.—(1.) If a telegraph line vested in the Chief Postmaster is destroyed injured or injuriously affected by an electric authority or its agents such electric authority shall not only be liable to pay to the Chief Postmaster such expenses if any as he may incur in making good the destruction injury or injurious affection but shall also if the telegraphic communication is carelessly or wilfully interrupted or injuriously affected be liable to a penalty not exceeding Twenty pounds for every day during which the interruption or injurious affection continues.

(2.) If the electric authority liable to pay such daily penalty to the Chief Postmaster is not authorized to execute such works as may be required for remedying the interruption or injurious affection the interruption or injurious affection shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognizance of the case would have been sufficient to enable the Chief Postmaster to remedy the interruption or injurious affection.

(3.) The Chief Postmaster may instead of taking proceedings for the recovery of such daily penalty proceed for the recovery of a penalty not exceeding Fifty pounds.

Penalty for obstruction of Chief Postmaster. Cwlt. *Ib.* s. 146.

106. If an electric authority or its agents obstructs the Chief Postmaster or his agents in constructing maintaining altering examining repairing or removing a telegraph line or in supervising or directing any alteration in a telegraph line made by an electric authority or its agents in pursuance of this Ordinance such electric authority and its agents respectively shall for every act of obstruction be liable to a penalty not exceeding Ten pounds and if the obstruction continues to a penalty not exceeding Ten pounds for every day during which it continues.

Restrictions when telegraph lines injuriously affected. Cwlt. *Ib.* s. 147.

107.—(1.) When any electric lines or works are used for the generation use or supply of electricity in such a manner as to injuriously affect any telegraph line vested in the Chief Postmaster the Chief Postmaster may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines vested in the Chief Postmaster and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe.

(2.) In default of compliance with such conditions and restrictions the Chief Postmaster may require that the supply of electricity

Post and Telegraph Ordinance, 1912-1916 (Papua, adopted).

through such electric lines or works shall be forthwith discontinued until such default ceases.

(3.) Where such electric lines or works have been lawfully constructed prior to the erection of the telegraph line vested in the Chief Postmaster injuriously affected thereby the Chief Postmaster shall pay to the person owning or using or entitled to use such electric lines or works the amount of any costs reasonably incurred or damages sustained by him by reason of compliance with such conditions and restrictions.

108.—(1.) Any electric authority constructing or using any electric line or works or generating using or supplying electricity contrary to the provisions of this Ordinance or the regulations shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction.

Penalty for unlawfully constructing or using works. Cwith. 12 of 1901, s. 148.

(2.) The electric authority so offending shall also be liable to pay in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such electric authority and any costs or expenses that may be lawfully incurred in remedying the default of such electric authority.

109. Any action taken by the Chief Postmaster or his agents for the protection of any telegraph line whether at the request of or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Ordinance or the regulations or under any Ordinance providing for the safety of persons or property.

No action of Chief Postmaster to relieve electric authority. Cwith. *Ib.* s. 149.

110.—(1.) A notice under this Ordinance or the regulations or any order may be in writing.

Provisions as to notices. Cwith. *Ib.* s. 150.

(2.) A notice appointment direction or document given issued or made for the purposes of this Ordinance by the Chief Postmaster shall be sufficiently authenticated if it purports to be signed by the Chief Postmaster or by any duly authorized officer and when so authenticated shall be deemed to be given issued or made by the Chief Postmaster.

(3.) When a notice is given by an electric authority the notice shall be sufficiently authenticated if it purports to be signed by the chairman secretary or other principal officer of the electric authority.

(4.) A notice required to be given under this Ordinance to the Chief Postmaster may be given by leaving it at or by forwarding it by post to the Department in a registered letter addressed to the Chief Postmaster or by delivering it or forwarding it by post in a registered letter addressed to the officer in charge of the telegraph

POST AND TELEGRAPH—

office nearest to the place in which the work telegraph line or other matter referred to in the notice is situate or by forwarding it by post in a registered letter addressed to him at his office or usual place of residence.

(5.) A notice required to be given under this Ordinance to an electric authority may be given by leaving it at or by forwarding it by post in a registered letter to its office or if there is more than one office to the principal office of the electric authority in a registered letter addressed to the electric authority or to its chairman secretary or other principal officer.

PART VIII.—LEGAL PROCEEDINGS.

Proceedings
for penalties.
Cwlth. 12 of
1901, s. 151.

111. Offences against this Ordinance or the regulations not declared to be indictable offences are punishable upon summary conviction by a magistrate or two justices of the peace.

Chief Postmaster
may depute
another officer
to appear on
his behalf.
Cwlth. 1b. s. 153.

112. The Chief Postmaster may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant and his authority in writing to that effect shall be good and sufficient in law.

Differences to
be settled by
arbitration.
Cwlth. 1b. s. 154.

113. Any difference which arises between the Chief Postmaster and an electric authority or its agents with respect to any requirements of the Chief Postmaster or as to the cost of any alterations of telegraph lines shall be determined by arbitration.

Chief Postmaster
may settle cases.
Cwlth. 1b. s. 156.

114. Where any person admits to the Chief Postmaster that he has committed a breach of this Ordinance other than an indictable offence the Chief Postmaster may with the consent in writing of such person determine the matter and may order such person to pay such pecuniary penalty as he may think proper and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter.

PART IX.—NOTICE AND LIMITATION OF ACTIONS.

Notice and
limitation of
action.
Cwlth. 1b. s. 157.

115.—(1.) Any action against the Chief Postmaster or any officer or servant of the Department, for anything done or omitted to be done in pursuance of this Ordinance or the regulations shall be commenced within six months after the act committed or omitted and not afterwards. And the action shall not be commenced until one month after notice thereof and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode or business by the party intending to commence the action and upon the back of the notice shall be indorsed the name and

place of abode or business of the plaintiff and his solicitor or agent if the notice is served by a solicitor or agent.

(2.) Contractors and their mailmen shall not be considered as officers or servants of the Department under this section. Contractors and mailmen excepted.

116. An action or other proceeding shall not be maintainable against the King or the Chief Postmaster or any officer of the Department by reason of any default delay error omission or loss whether negligent or otherwise in the transmission or delivery or otherwise in relation to— Protection from actions.
Cwltth. 12 of 1901, s. 158.

(a) a postal article posted or received or omitted to be posted or received under this Ordinance; or

(b) a telegram sent or received or omitted to be sent or received under this Ordinance.

117. An action or other proceeding shall not be maintainable against the King or the Chief Postmaster or any officer of the Department by reason of the payment of the amount of a money order or postal note being refused or delayed or on account of any accidental neglect omission or mistake or for any other cause and no action or other proceeding shall be maintainable in respect of a money order or postal note after payment thereof by whomsoever presented if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable. In case of money orders or postal notes.
Cwltth. 1b. s. 159.

SCHEDULES.

FIRST SCHEDULE.

The Post and Telegraph Ordinance of 1907.

Section 2.

“*Post and Telegraph Act, 1901 (Commonwealth Adopted).*”

SECOND SCHEDULE.

(FORM A.)

I A.B. do solemnly and sincerely declare that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any postal article which shall come into my hands power or custody by reason of my employment relating to the Department except by the consent of the person or persons to whom such postal article shall be directed or by an express warrant in writing for that purpose under the hand of the Chief Postmaster or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Ordinance law or duly authorized regulation of the Department passed and made for or in relation to the postage and conveyance of postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me and that I will hold strictly secret all telegraphic or other Section 6.

POST AND TELEGRAPH—

SECOND SCHEDULE.—*continued.*

communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph except to the persons to whom such telegrams or despatches may be addressed or to their recognized agents.

(FORM B.)

Section 47.

I A.B. do solemnly declare that I will not intentionally read the contents or any part of the contents of any letter or packet which I may open in the discharge of my duty except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same; and that I will not divulge to any person whomsoever except to the Chief Postmaster upon demand by him any of the contents of any such letter or packet which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

(FORM C.)

Section 66.

I A.B. the master or person in charge of [state the name of the ship or vessel] arrived from [state the place] do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorized to receive delivery thereof every mail and postal article that were on board the [state the name of the ship or vessel] except such letters as are exempt by law from postage.

(FORM D.)

Section 37.

Declaration of the particulars relating to a missing letter or packet containing a valuable enclosure unregistered.

- | | |
|------------------------------------------------------------------------------------------------------|--------|
| 1. What is the exact address of the letter or packet? | 1. |
| 2. Why was the letter or packet unregistered? | 2. |
| 3. Describe precisely all the contents of the letter or packet? | 3. |
| 4. By whom was the letter or packet addressed? (Name and address.) | 4. |
| 5. Who placed the letter and enclosure in the cover and how was the cover fastened? | 5. |
| 6. What was the value of the postage stamp affixed? | 6. |
| 7. By whom was the letter or packet posted and through whose hands did it pass before it was posted? | 7. |
| 8. (1) At what post-office was the letter or packet posted? | 8. (1) |
| (2) On what date? and | (2) |
| (3) At what time? | (3) |
| 9. What is the name and address of the sender of the letter or packet? | 9. |

I A.B. residing at _____ in _____ do hereby declare that the answers to the above questions are correct in every particular.

Declared before me at _____ this _____ day of _____

C.D., J.P.

THIRD SCHEDULE.

* * * * *

Third Schedule
repealed by
No. 9 of 1933,
s. 3.