Act and this Act ought to apply to any vessel or class of vessels which would be within the definition of canal boat contained in section fourteen of the principal Act, if such vessel or class of vessels were not registered under the Merchant Shipping Act, 1854, and the Acts amending the same, the Local Government Board may declare that the principal Act and this Act shall apply to such vessel or class of vessels, although the same may be registered as aforesaid, and thereupon the same shall be deemed to be a canal boat or canal boats within the meaning of the principal Act and this Act, and the definition contained in section fourteen of the principal Act shall be amended accordingly.

Short title and construction of Act.

11. This Act may be cited as the Canal Boats Act, 1884, and shall be construed as one with the Canal Boats Act, 1877, which Act and this Act may be cited together as the Canal Boats Acts, 1877 and 1884.

CHAPTER 76.

An Act to amend the Law with respect to the Protection of the Post Office and to Offences committed in relation to the Post Office. [14th August 1884.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short titles.

1. This Act may be cited as the Post Office (Protection) Act, 1884.

7 Will. 4. & 1 Vict. c. 36. 44 & 45 Vict. c. 20.

This Act and the Post Office (Offences) Act, 1837, may be cited together as the Post Office (Offences) Acts, 1837 and 1884, and this Act and the Post Office (Management) Acts, 1837 to 1881, may be cited together as the Post Office (Management) Acts, 1837 to 1884.

7 Will. 4. & 1 Vict. c. 36.

This Act shall be deemed to be a Post Office Act within the meaning of the Post Office (Offences) Act, 1837.

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and eighty-four (which day is in this Act referred to as the commencement of this Act).

Protection of Post Offices, Postal Packets, and Stamps.

Prohibition of placing injurious substances in or against post office letter boxes.

3. A person shall not place or attempt to place in or against any post office letter box any fire, any match, any light, any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, or any fluid, and shall not commit a nuisance in or against any post office letter box, and shall not do or attempt to do anything likely to injure the box, appurtenances, or contents.

Any person who acts in contravention of this section shall be guilty of a misdemeanor, and be liable, on summary conviction, to a fine not exceeding ten pounds, and on conviction on indictment,

to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Prohibition of sending by post explosive, inflammable, or deleterious substances, or indecent prints, words, &c. See 3 & 4 Vict. c. 96. s. 62.

4.—(1.) A person shall not send or attempt to send a postal packet which either—

(*a.*) Encloses any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal packets in course of conveyance or an officer of the post office, or any article, or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the Post Office; or

(*b.*) Encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any indecent or obscene article, whether similar to the above or not; or

(*c.*) Has on such packet, or on the cover thereof, any words, marks, or designs of an indecent, obscene, or grossly offensive character.

(2.) Any person who acts in contravention of this section shall be guilty of a misdemeanor, and shall be liable, on summary conviction, to a fine not exceeding ten pounds, and on conviction on indictment, to imprisonment with or without hard labour for a period not exceeding twelve months.

(3.) The detention in the post office of any postal packet on the ground of its being in contravention of this section, shall not exempt the sender thereof from any proceedings which might have been taken if the same had been delivered in due course of post.

Prohibition of affixing placards, notices, &c. on post office or letter box, &c. 41 & 42 Vict. c. 26. s. 9.

5.—(1.) A person shall not, without due authority, affix or attempt to affix any placard, advertisement, notice, list, document, board, or thing on, or paint or tar any post office, post office letter box, telegraph post, or other property belonging to or used by or on behalf of the Postmaster General, and shall not in any way disfigure any such office, box, post, or property; and, notwithstanding anything in section nine of the Parliamentary and Municipal Registration Act, 1878, a notice or list referred to in that section shall not be affixed in or on any post office or any such property without authority from the Postmaster General; and where the Postmaster General is of opinion that any such notice or list cannot be so affixed without obstruction or inconvenience to the business of the post office, he may refuse such authority.

(2.) A person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding forty shillings.

Prohibition of imitation of post office stamps, envelopes, forms, and marks.

6.—(1.) A person shall not, without due authority,—

(*a.*) make, issue, or send by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued by or under the authority of the Postmaster General, or of any foreign or colonial postal authority, or having thereon any words, letters, or marks which signify or imply or may reasonably lead the recipient to believe that a post letter bearing the same is sent on Her Majesty's service; or

(*b.*) make on any envelope, wrapper, card, form, or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to or purporting

to be any stamp or mark of any post office under the Postmaster General, or under any foreign or colonial postal authority, or any words, letters, or marks which signify or imply or may reasonably lead the recipient thereof to believe that a post letter bearing the same is sent on Her Majesty's service; or

(*c.*) issue or send by post or otherwise any envelope, wrapper, card, form, or paper so marked.

(2.) A person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding forty shillings.

Prohibition of fictitious stamps.

7. A person shall not—

(*a.*) Make, knowingly utter, deal in or sell any fictitious stamp, or knowingly use for any postal purpose any fictitious stamp; or

(*b.*) Have in his possession, unless he shows a lawful excuse, any fictitious stamp; or

(*c.*) Make, or, unless he shows a lawful excuse, have in his possession, any die, plate, instrument, or materials for making any fictitious stamp.

Any person who acts in contravention of this section shall be liable on summary conviction on a prosecution by order of the Commissioners of Inland Revenue to a fine not exceeding twenty pounds, subject to the like right of appeal as in the case of a penalty under the Acts relating to the excise.

Any stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section, may be seized and shall be forfeited.

For the purposes of this section "fictitious stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, including any stamp for denoting a rate of postage of any of Her Majesty's colonies, or of any foreign country.

Prohibition of false notice as to reception of letters.

8.—(1.) A person shall not, without authority from the Postmaster General, place or maintain in or on any house, wall, door, window, box, post, pillar, or other place belonging to him or under his control any of the words, letters, or marks following; (that is to say,)

(*a.*) the words "post office," or "postal telegraph office;" or

(*b.*) the words "letter box," accompanied with words, letters, or marks which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or

(*c.*) any words, letters, or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office, or that any box is a post office letter box,

and a person, when required by a notice given by the Postmaster General to remove or efface any such words, letters, or marks as aforesaid, or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box, shall comply with such request.

(2.) Any person who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding forty shillings, and if the offence is continued after a previous conviction,

to a fine not exceeding five shillings for every day during which the offence so continues.

Officers of Post Office.

Commission of offences in post office, and obstruction of officers of post office.

9.—(1.) Any person who wilfully obstructs, or incites anyone to obstruct, an officer of the post office in the execution of his duty, or who whilst in any post office, or within any premises belonging to any post office, or used therewith, obstructs the course of business of the post office, shall be liable on summary conviction to a fine not exceeding forty shillings.

(2.) Any officer of the post office may require any person guilty of an offence under this section to leave a post office or any such premises as aforesaid, and if such person refuses or fails to comply with such request, such person shall be liable to a further fine not exceeding five pounds, and may be removed by any officer of the post office, and all constables are required on demand to remove or assist in removing every such person.

Surrender of clothing by officer of post office on ceasing to be officer.

10. Where an officer of the post office vacates his office (whether by reason of dismissal, resignation, death, or otherwise) he, or if he is dead his personal representative, or the person acting as his personal representative, shall deliver to such superior officer of the post office as may for the time being be directed by or in pursuance of the regulations of the Postmaster General, all articles (whether accoutrements, appointments, or other necessaries) which have been issued to the said officer vacating his office for the execution of his duty, and are not, under the regulations of the Postmaster General, the property of such officer, and shall deliver the same up at the time and place fixed by the superior officer to whom they are to be delivered, and shall deliver the same in good order and condition, fair wear and tear only excepted.

Any person who fails to comply with the provisions of this section shall be liable on summary conviction to pay a fine not exceeding forty shillings, and also such further sum not exceeding forty shillings as the court may determine to be the value of the articles not delivered, or, if the same have been delivered, but not in good order and condition, of the damage done to such articles.

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

Telegrams.

Forgery, and improper disclosure of telegrams.

11. Every person who forges or wilfully and without due authority alters a telegram or utters a telegram knowing the same to be forged, or wilfully and without due authority altered, or who transmits by telegraph as a telegram, or utters as a telegram, any message or communication which he knows to be not a telegram, shall, whether he had or had not an intent to defraud, be guilty of a misdemeanor, and shall be liable, on summary conviction, to a fine not exceeding ten pounds, and, on conviction on indictment, to

imprisonment with or without hard labour for a period not exceeding twelve months.

If any person, being in the employment of a telegraph company as defined by this section—

Improperly divulges to any person the purport of any telegram; such person shall be guilty of a misdemeanor and be liable on summary conviction to a fine not exceeding twenty pounds, and on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine not exceeding two hundred pounds.

For the purposes of this section the expression "telegram" means a written or printed message or communication sent to or delivered at a post office, or the office of a telegraph company, for transmission by telegraph, or delivered by the post office or a telegraph company as a message or communication transmitted by telegraph.

The expression "telegraph company" means any company, corporation, or persons carrying on the business of sending telegrams for the public under whatever authority or in whatever manner such company, corporation, or persons may act or be constituted.

The expression "telegraph" has the same meaning as in "the Telegraph Act, 1869," and the Acts amending the same.

Miscellaneous Amendments as to Offences.

Recovery of fines.

12.—(1.) All offences under this Act which are punishable on summary conviction may be prosecuted, and fines under this Act which are recoverable on summary conviction may be recovered,

42 & 43 Vict. c. 49.
27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

(*a.*) In England in manner provided by the Summary Jurisdiction (English) Acts; and

(*b.*) In Scotland before the sheriff or sheriff substitute in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and all necessary jurisdiction is hereby conferred on such sheriff and sheriff substitute; and

(*c.*) In Ireland within the police district of Dublin metropolis, in manner provided by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and

14 & 15 Vict. c. 93.

(*d.*) In the Isle of Man before a high bailiff or two justices of the peace at the instance of an officer of the post office or of a constable in accordance with the law for the time being in force for regulating the exercise of summary jurisdiction by such bailiffs or justices; and

(*e.*) In the Channel Islands, or elsewhere than in the United Kingdom or the Isle of Man, before the court and in the manner provided by law, and if no provision is otherwise made by law, then at the instance of any officer of the post office before the court and in the manner before and in which the like offences and fines can be prosecuted and recovered.

(2.) In Scotland offences and fines which may be prosecuted and recovered on summary conviction in pursuance of this Act may be prosecuted and recovered, and proceedings may be taken at the

instance of the procurator fiscal of the court as part of his official duty, or of any person on that behalf authorised by the Postmaster General.

(3.) Every offence under the Post Office Acts which is punishable with a pecuniary penalty or forfeiture of any sum not exceeding twenty pounds, whether with or without full costs of suit and expenses may be prosecuted, and such penalty, forfeiture, costs, and expenses may be recovered and the payment thereof enforced in manner in this section mentioned with respect to offences and fines under this Act.

(4.) Any offence punis able on indictment under this Act, whether it is or not also punishable on summary conviction, shall be deemed to be an indictable offence under the post office laws within the meaning of the First Schedule to the Summary Jurisdiction Act, 1879, and the schedule to the Summary Jurisdiction over Children (Ireland) Act, 1884. 42 & 43 Vict. c. 49. 47 & 48 Vict. c. 19.

(5.) On the prosecution of any offence under the Post Office Acts, whether on summary conviction or on indictment, evidence that any article is in the course of transmission by post or has been accepted on behalf of the Postmaster General for transmission by post shall be sufficient evidence that such article is a postal packet.

13. The court in England before whom a person is convicted on summary conviction of an offence under any of the Post Office Acts shall have the same power as a court of summary jurisdiction has in England under section four of the Summary Jurisdiction Act, 1879 (which relates to the mitigation of punishment). Power to mitigate punishment. 42 & 43 Vict. c. 49. s. 4.

The court before whom a person is convicted on indictment of an offence under any enactment of the Post Office Acts may mitigate the punishment fixed by such enactment for the offence as follows; that is to say, where the punishment mentioned in the enactment is, or may be transportation the court shall award in lieu of it either penal servitude for any period not exceeding the period of transportation fixed by such enactment, and not less than the minimum period of penal servitude for the time being allowed by law, or imprisonment with or without hard labour for a term not exceeding two years.

14. All pecuniary penalties, forfeitures, fines, and other sums recovered in respect of an offence under the Post Office Acts shall, notwithstanding anything in any other Act, be paid into the Exchequer in such manner as the Treasury from time to time direct. Application of fines.

Supplemental.

15. Any instrument requiring to be executed by the Postmaster General, or to which he is a party, may be executed by any of the secretaries of the Post Office in the name of the Postmaster General, and, if so executed, shall be deemed to have been executed by the Postmaster General, and shall have effect accordingly. Execution of instruments of the Postmaster General.

Any instrument purporting to be executed by any of the secretaries of the Post Office in the name of the Postmaster General shall, until the contrary is proved, be deemed to have been so

executed without proof of the official character of the person appearing to have executed the same.

Saving clause as to liability.

16. This Act shall not exempt any person from any proceeding by indictment or otherwise for an offence which is punishable at common law, or under any Act other than this Act, so that no person be tried or punished twice for the same offence.

When proceedings are taken before any court against a person in respect of an offence under this Act, which is also an offence punishable at common law, or under some Act other than this Act, the court may direct that instead of such proceedings being continued proceedings shall be taken for punishing such person at common law, or under some Act other than this Act.

Substitution of 32 & 33 Vict. c. 18. s. 1. in 41 & 42 Vict. c. 76. for 31 & 32 Vict. c. 119. s. 33.

17. Whereas by sections four and five of the Telegraph Act, 1878, section thirty-three of the Regulation of Railways Act, 1868, is, together with other sections of that Act, applied to the differences therein mentioned:

And whereas the said section thirty-three was repealed, and another section in lieu thereof enacted by the Lands Clauses Consolidation Act, 1869, and it is expedient to substitute a reference to the last-mentioned section for the reference to the repealed section: Be it therefore enacted as follows:

Any reference in the Telegraph Act, 1878, to section thirty-three of the Regulation of Railways Act, 1868, shall be construed to refer to section one of the Lands Clauses Consolidation Act, 1869.

Extent of Act.

18. This Act shall extend to the Isle of Man and to the Channel Islands, and the Royal Courts of the Channel Islands shall register the same accordingly.

Definitions for the purposes of 7 W. 4. & 1 Vict. c. 36.

19.—(1.) In this Act and in the Post Office (Offences) Act, 1837 and in any enactments incorporating or referring to that Act, or to be construed as one therewith, the following expressions shall, unless the context otherwise requires, have the meanings assigned to them by this section; (that is to say,)

The expression "post letter" shall mean a postal packet, as defined by this Act, from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed and a delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post shall be a delivery to the post office, and a delivery at the house or office of the person to whom the postal packet is addressed, or to him or to his servant or agent, or other person considered to be authorised to receive the postal packet according to the usual manner of delivering that person's postal packets, shall be a delivery to the person addressed.

The expression "post office" shall mean any house, building, room, carriage, or place where postal packets, as defined by this Act, or any of them, are by the permission or under the authority of the Postmaster General, received, delivered, sorted, or made up, or from which such packets, or any of them, are by the authority of the Postmaster General despatched, and shall include any post office letter box.

The expression "post office letter box" shall include any pillar box, wall box, or other box or receptacle provided by the permission,

or under the authority of the Postmaster General for the purpose of receiving postal packets, or any of them, for transmission by or under the authority of the Postmaster General.

(2.) Where it appears to the Postmaster General that any post office letter box, by reason of being on the premises of any private person or otherwise, is so situate as not to afford the same security against the improper removal of postal packets therefrom or other fraud as exists in the case of other post office letter boxes, he may declare that the same shall be a private posting box, and shall affix upon or near such box a notice of its being and of the effect of its being a private posting box, and a postal packet put into that box shall not for the purpose of any enactment, law, or contract whereby the due posting of a postal packet is evidence of the receipt thereof by the addressee be deemed to have been duly posted.

A certificate purporting to be signed by the Postmaster General or any secretary or assistant secretary of the post office and to the effect that any box or receptacle is or was provided by the permission or under the authority of the Postmaster General for the purpose of receiving postal packets, or any of them, shall in any legal proceeding be evidence of the facts stated in the certificate.

20. In this Act, unless the context otherwise requires,— Definitions.

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "postal packet" has the same meaning as in the Post Office Act, 1875, as amended by this Act, inclusive of such postal packets as are defined by regulations of the Treasury to be parcels, and includes a telegram. 38 & 39 Vict. c. 22. s. 10.

The expression "telegraph post" means a post, pole, standard, stay, strut, or other above ground contrivance for carrying, suspending or supporting a telegraph as defined by the Telegraph Act, 1869. 32 & 33 Vict. c. 73.

The expression "indictment" includes an information, and in the case of Scotland criminal letters.

The expression "misdemeanor" means as regards Scotland and the Channel Islands a crime and offence.

Other expressions shall have the same meaning as in the Post Office (Offences) Act, 1837. 7 Will. 4. & 1 Vict. c. 36.

21. The Acts mentioned in the schedule to this Act are hereby repealed, as from the commencement of this Act, to the extent in the third column of that schedule mentioned. Provided that this repeal shall not affect— Repeal.

(1.) Anything done or suffered before the commencement of this Act: or

(2.) Any legal proceeding, warrant, or other thing commenced, issued, or done before the commencement of this Act in pursuance of any enactment hereby repealed,

and any such legal proceeding, warrant, or thing, may be carried on, executed, and completed, as if this Act had not passed.

SCHEDULE.

Section 21.

A description or citation of a portion of an Act in this schedule is inclusive of the words, section, or other part first and last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Will. 4. & 1 Vict. c. 36.	Post Office (Offences) Act, 1837.	Section five. Section thirteen, from "and any such justice shall" to "shall be sooner paid," and from "for the county or place" to the end of the section. Section fourteen. Section fifteen. Section sixteen. Section seventeen. Section nineteen. Section twenty. Section twenty-one. Section twenty-two. Section thirty-two. Section forty-one from "not less than seven" to "four years" and from "nor less than seven years," to the end of the section. Section forty-two from "and may also direct" to the end of the section. Section forty-three from "and on due proof being made" to "shall be satisfied." Section forty-five, so far as relates to any proceeding before a court of summary jurisdiction in England. Section forty-seven from "and the term post letter shall mean" down to "sorted, made up, or despatched."
3 & 4 Vict. c. 96. -	Post Office (Duties) Act, 1840.	Section twenty-two from "not less than seven years" to the end of the section. Section twenty-nine the words "not less than two years". Section thirty the words "nor less than six calendar months". Section sixty-two.
38 & 39 Vict. c. 22. -	The Post Office Act, 1875.	Section ten, from "every postal packet shall" to the end of the section.
42 & 43 Vict. c. 49. -	The Summary Jurisdiction Act, 1879.	Section fifty-three, from "every offence under the statutes" down to "provided by the Summary Jurisdiction Acts."
44 & 45 Vict. c. 20. -	The Post Office (Land) Act, 1881.	Section seven.
44 & 45 Vict. c. 33. -	The Summary Jurisdiction (Scotland) Act, 1881.	Section eleven, from "every offence under the statutes" down to "provided by the Summary Jurisdiction Acts."