

United States, of the descriptions commonly called "Loan Office Certificates," or "Final Settlements," which may have been accidentally destroyed, shall be forever barred and precluded from settlement or allowance, unless the same shall be presented at the treasury, on or before the first day of June, in the year one thousand seven hundred and ninety-five.

Proceedings
to be had for
establishing
claims.

SEC. 2. *And be it further enacted,* That no claim shall be allowed for the renewal of loan office certificates destroyed before the fourth day of March, one thousand seven hundred and eighty-nine, unless the destruction of the same was advertised, according to the resolution of Congress, of the tenth day of May, one thousand seven hundred and eighty; or before that time, was notified to the office from which the same was issued, nor shall claims be allowed for the renewal of loan office certificates destroyed on or after the said fourth day of March, one thousand seven hundred and eighty-nine, nor of final settlement certificates destroyed at any time, unless the destruction of the same was so far made public, as to be known to at least two credible witnesses, soon after it happened, and shall have been before the presentation of the claim, as hereinafter provided, advertised for at least six weeks successively, in some one of the newspapers of the state in which the destruction happened; and also, in some one of the newspapers of the state in which the certificate issued, if that was another state; the advertisement or advertisements, in such case, expressing with as much precision as possible, the number, date and amount of the certificate alleged to have been destroyed, and the name of the person to whom the same was issued, together with the time when, the place where, and the means by which the same was destroyed.

By whom and
how long to be
received.

SEC. 3. *And be it further enacted,* That all claims for the renewal of destroyed certificates, of either of the descriptions aforesaid, not precluded by this act, shall be receivable, with the evidence in support of the same, by the Auditor of the Treasury, until the said first day of June, one thousand seven hundred and ninety-five, and shall, by the accounting officers of the treasury, be duly examined; and if satisfactorily supported, the claimants shall be entitled to receive certificates of registered debt, equal to the specie value of the loan office or final settlement certificates so proved to have been destroyed.

APPROVED, April 21, 1794.

STATUTE I.

May 8, 1794.

CHAP. XXIII.—*An Act to establish the Post-office and Post-roads within the United States.*

[Obsolete.]
Establishment
of Post Roads
after first June
next.

1799, ch. 43.
1810, ch. 37.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following be established as post-roads, namely: From Passamaquoddy, in the district of Maine, to Saint Mary's in Georgia, by the following route, to wit: From Passamaquoddy, through Machias, Gouldsborough, Sullivan, Trenton, Bluehill, Penobscott, Frankfort, Belfast, Ducktrap, Camden, Thomaston, Warren, Waldoborough, Bristol, Nobleborough, Newcastle, Wiscasset, Bath, Brunswick, North Yarmouth, Portland, Biddeford, Wells, York, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Brookfield, Springfield, Hartford, Middletown, New-Haven, Stratford, Fairfield, Norwalk, Stamford, New-York, Newark, Elizabethtown, Bridgetown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Christiana, Elkton, Charles-town, Havre de Grace, Harford, Baltimore, Bladensburg, the city of Washington, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling-Green, Hanover Courthouse, Richmond, Petersburg, Goldson's, Warrenton, Lewisburg, Raleigh, Averysborough, Fayetteville, Lumberton, Cheraw Courthouse, Camden, Columbia, Edgefield

Courthouse, Augusta and Waynesborough, to Savannah; and thence by Newport Bridge, and Saint Savilla, to the town of Saint Mary's. From Portland, by New Gloucester, Green, Monmouth, Winthrop, and Hollowell Courthouse, to Pittstown, on the river Kennebeck. From Portsmouth, by Exeter, Chester, Amherst, Keen, and Walpole, to Charlestown. From Chester, by Concord and Plymouth, to Haverhill. From Exeter to Hampton Falls. From Salem to Gloucester. From Salem to Marblehead. From Boston to Plymouth, Sandwich and Falmouth; and from Falmouth to Edgartown on Martha's Vineyard. From Sandwich to Barnstable and Yarmouth. From Boston to Taunton and New Bedford, and thence to Nantucket. From Boston to Hartford in Connecticut, by Dedham, Mendon, and Pomfret. From Boston to Keen. From Boston, through Andover and Haverhill, to Chester. From Taunton to Providence; and from Taunton, by Dighton and Somerset, to Warren. From New Bedford to Newport. From Boston, by Providence, Norwich, New London, Saybrook and Guilford, to New-Haven. From Newport, by Bristol and Warren, to Providence. From Newport, by East Greenwich, to Providence. From Newport, by Westerly and Stonington Point, to New London. From Springfield, by North Hampton, Greenfield, Brattleborough, Westminster, Charlestown, Windsor, Hanover and Haverhill, to Newbury. From Springfield, by Stockbridge, to Kinderhook. From Brookfield, by North Hampton, Pittsfield and New Lebanon, to Albany. From Hartford, by New Hartford, through Norfolk, Canaan, Sheffield, and Hillsdale, to the city of Hudson. From Hartford to Norwich. From Hartford, by Middletown, to New London. From Hartford, by Farmington, Harwington, Litchfield, New Milford, Newtown, Danbury, Ridgefield, Poundridge, Salem, North Castle, and White Plains, to New York. From New York, by Peekskill, Fishkill, Poughkeepsie, Rhinebeck, Redhook, Clermont, Hudson, and Kinderhook, to Albany. From Albany, by Lansingburg, Bennington, Manchester, Rutland, Middlebury and Vergennes, to Burlington, on Lake Champlain. From Rutland to Windsor, in the state of Vermont. From Albany, by Schenectady, Johnston, Cannojocharrie, and Whitestown, to Canandorque; and from some convenient point in that line, through Cherry Valley, to the Courthouse in Coopers-town, in the county of Otsego. From the city of New York, by the most useful route, to Sagg Harbor. From Newark or Elizabethtown, by Morristown and Rockaway, to Sussex Courthouse; and from thence, by Hacketstown and Morristown, to Elizabethtown or Newark. From Woodbridge to Amboy. From Trenton, by Allentown, Monmouth Courthouse, Shrewsbury and Spotswood, to Brunswick; and from Brunswick, by Somerset Courthouse, New Germantown, Pittston and Flemington, to Trenton. From Philadelphia, by Bethlehem, Easton, Sussex Courthouse, Goshen, Ward's bridge, and Kingston, to Rhinebeck. From Bethlehem to Reading. From Philadelphia, by Woodbury, Swedesborough and Salem, to Bridgetown, in West New Jersey. From Philadelphia, by Norristown, Pottsgrove, Reading, Lebanon, and Harrisburg, to Carlisle. From Reading to Lancaster. From Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford and Greensburg, to Pittsburg. From Pittsburg, by Washington in Pennsylvania, West-liberty in Virginia, and Wheeling, on the Ohio, to Limestone and Fort Washington. From Limestone, by Bourbontown, Lexington, Frankfort, and Harrodsburg, to Danville, in Kentucky. From Danville, by Bardstown, to Louisville. From Yorktown, in Pennsylvania, by Hanover, Petersburg and Tawneytown, to Fredericktown, in Maryland, and thence to Leesburg, in Virginia. From Wilmington, in the state of Delaware, New Castle, Cantwell's bridge and Duck creek, to Dover; and from thence, by Frederica, Millford, Dagsborough, Snowhill, Horntown, and Accomack Courthouse, to

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Northampton Courthouse; and thence, to Norfolk, Hampton or Yorktown. From Philadelphia, by Wilmington, Middletown, Warwick, Georgetown, Crossroads, Chestertown, Chestermills, Easton, Vienna and Salisbury, to Snowhill; and from Snowhill to Princess Ann; and thence to Salisbury; and from Chestertown to Baltimore, at all times, when a stage passes between those two places. From Elkton to Warwick. From Harford to Bellair. From Baltimore to Annapolis, Upper Marlborough, Piscataway, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonardtown. From Baltimore to Yorktown in Pennsylvania. From Baltimore, by Fredericktown and Hagerstown, to Chambersburg. From Hagerstown, by Sharpsburg, to Shepherdstown. From Fredericktown, by Peterstown, and Montgomery Courthouse, to Georgetown, on Potowmac. From Hagerstown, by Hancock, Oldtown, Cumberland, Morgantown in Virginia, and Uniontown in Pennsylvania, to Brownsville on the Monongahela. From Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stephensburg, Strasburg, Woodstock, and Rockingham Courthouse, to Staunton. From Fredericksburg, by Portroyal, to Tappahannock; thence across the Rappahannock, to Richmond Courthouse, Westmoreland Courthouse, Kinsale on Yeocomico, and Northumberland Courthouse, to Lancaster Courthouse; thence recrossing the Rappahannock, to Urbanna, and from Urbanna to Gloucester Courthouse. From Fredericksburg, by Culpepper and Orange Courthouses, to Charlottesville. From Richmond, by New Castle, Ayletts Warehouse, and Todd's bridge, to Tappahannock. From Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk. From Richmond, by Columbia and Charlottesville, to Staunton; thence to Lexington, Fincastle, Montgomery Courthouse, Wythe Courthouse, and Abingdon, to Jonesborough, in the territory southwest of the Ohio; thence by Greensville and Jefferson Courthouse, to Knoxville. From Staunton to Bath Courthouse; thence to the Sweet Springs; and thence to Greenbrier Courthouse. From Richmond, by Powhatan Courthouse, Cumberland Courthouse, Prince Edward Courthouse, Lynchburg, New London and Liberty, to Fincastle. From Prince Edward Courthouse, by Charlotte Courthouse, Halifax Courthouse and Pittsylvania Courthouse, to Martinsburg; and thence to Bethania. From Martinsburg to Liberty. From Osborne's to Bermuda Hundred. From Petersburg, by Cabinpoint, Smithfield and Suffolk, to Portsmouth and Norfolk. From Smithfield, by Southampton Courthouse to Grenville Courthouse. From Petersburg to Halifax, in North Carolina. From Goldson's, by Saint Tammany's and Mecklenburg Courthouse, to Halifax Courthouse, in Virginia. From Suffolk, by Edenton, Plymouth, Washington and Newbern, to Wilmington. From Plymouth to Windsor. From Edenton, by Hertford, Nixonton, Sawyer's ferry in Camden county, to Indian Town in Currituck county. From Halifax to Princeton and Murfreesborough, on Meherrin river; thence to Winton on Chowan river; and thence by the bridge on Bennet's creek, to R. Mitchell's, which is on the post road from Suffolk to Edenton. From Halifax, by Blountsville, Williamston and Dailey's to Plymouth. From Halifax, by Warrenton, Oxford, Hillsborough, Martinville and Salem, to Salisbury. From Salisbury, by Cabarras Courthouse, to Charlotte, to return by Iredel Courthouse to Salisbury. From Salisbury to Fayetteville, to go and return by the following route, alternately: by Montgomery, Anson and Richmond Courthouses, to Fayetteville; thence by Moore and Randolph Courthouses, back to Salisbury. From Halifax, by Tarborough and Greenville, to Washington; and from Tarborough to Lewisburg. From Newbern, by Kingston, Waynesborough and Smithfield, to Raleigh. From Raleigh, by Chapel-hill, to Hillsborough; and from Chapel-hill, to Chatham Courthouse. From Hillsborough, by Person Courthouse, Caswell Courthouse and Rocking-

ham Courthouse, to Germanton. From Fayetteville to Wilmington; the mail to go alternately by Elizabethtown and return by South Washington, the cross roads near Duplin Courthouse and Sampson Courthouse. From Salem, by Bethania, Huntsville, Rockford and Wilkes, to Morganton, in North Carolina; and from Morganton, by Lincolnton, to Pinckney Courthouse, in South Carolina. From Cheraw Courthouse to Georgetown. From Camden, by Statesburg, to Charleston. From Charleston, by Coosawatchy to Sister's ferry, on Savannah river, and thence to the post road from Augusta to Savannah; and from Coosawatchy to Beaufort. From Columbia, by Orangeburg, to Charleston. From Columbia, to Newbury Courthouse and Laurens Courthouse, to Greenville Courthouse. From Edgefield Courthouse to Cambridge, and thence by Abbeville Courthouse, to Pendleton Courthouse. From Columbia, by Winnsborough, Pinckney Courthouse, Spartan Courthouse and Grenville Courthouse, to Washington Courthouse. From Washington Courthouse, by Pendleton Courthouse, to Hatton's ford, on Tug-elo river; and thence by Franklin Courthouse, Elberton and Petersburg, to Washington, in Georgia. From Augusta to Washington, thence to Greensborough; and thence, by the great falls of Ogechee and Georgetown, to Augusta.

Establishment of Post-roads after first June next.

Provided, That until the Postmaster General shall have made provision for the regular transportation of the mail from Wheeling to Limestone, the present post road from Abington to Danville in Kentucky, shall be continued; and if such provision cannot be made within a reasonable time, then the post road shall be extended from Danville, to Frankfort and Lexington; and thence to Washington.

Certain road in Kentucky how long to continue.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Postmaster General to provide, by contract, for the carriage of a mail on any road on which a stage wagon or other stage carriage shall be established, on condition that the expense thereof shall not exceed the revenue thence arising.

Postmaster General may provide for carrying mail on certain roads.

It shall also be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the persons, so contracting, as a compensation for their expenses, to receive, during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets and packets, conveyed by any such post: And the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post roads, within the provisions of this act: And a duplicate of every such contract shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the treasury of the United States.

And enter into contract not exceeding eight years for extending line of posts.

SEC. 3. *And be it further enacted*, That there shall be established at the seat of the government of the United States, a general post-office; and there shall be one Postmaster General, who shall have authority to appoint an assistant, and deputy postmasters at all such places, as he shall find necessary: And he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post-office: He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties, that are or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established; which route or road shall be considered as the post road.

General Post Office at seat of government.

Postmaster General, his powers.

To settle accounts quarterly, with the Secretary of the Treasury,

and with persons employed by him.

To take oath.

Penalty on obstructing the mail and negligence of ferry-men.

Postmaster General to give notice previous to making contract for carrying the mail,

and lodge the contract in Comptroller's office.

Deputy Postmaster to keep an office.

Allowance to Postmaster General and his assistant.

SEC. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balance due thereon, and render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled, as other public accounts; and shall pay, quarterly into the treasury of the United States, the balance in his hands: And the Postmaster General, and his assistant, the deputy postmasters, and such as they may employ in their offices, before they enter upon the duties, or be entitled to receive the emoluments of their offices; and the contractors for carrying the mail, and their agents or servants, and all others to whom the mail shall be entrusted, before they commence the execution of the said trust, shall, respectively, take and subscribe before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the law in relation to the establishment of post-offices and post roads within the United States."

SEC. 5. *And be it further enacted*, That if any person shall obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars: And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour, that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states, where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded, describing the places, from and to which, such mail is to be conveyed; the time, at which, it is to be made up; the day and hour, at which, it is to be delivered, and the penalty or penalties for non-performance of the stipulations: He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals, which he shall have received respecting it, in the office of the Comptroller of the treasury of the United States: *Provided*, That no contract shall be entered into, for a longer term than four years.

SEC. 7. *And be it further enacted*, That every deputy postmaster shall keep an office, in which one or more persons shall attend, at such hours, as the Postmaster General shall direct, for the purpose of performing the duties thereof; and all letters, brought to any post-office, half an hour before the time of making up the mail at such office, shall be forwarded therein; except at such post-offices where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall, in no case, exceed one hour.

SEC. 8. *And be it further enacted*, That from and after the first day of June next, the Postmaster General shall be allowed, for his services, at the rate of two thousand four hundred dollars per annum, his assistant, at the rate of one thousand two hundred dollars per annum, and the Postmaster General shall be allowed four clerks, whose compensation shall be regulated in such manner, as not to exceed five hundred dollars per annum to each: All the above mentioned compensations to be paid quarterly out of the revenues of the post-office; and no fees or perquisites shall be received by any person employed in the general post-

office, on account of the duties to be performed, in virtue of his appointment.

SEC. 9. *And be it further enacted*, That the deputy postmasters and persons authorized by the Postmaster General, shall demand and receive, for the conveyance of letters and packets, except such as are hereinafter excepted, the following rates of postage: For every single letter conveyed by land, not exceeding thirty miles, six cents; over thirty miles and not exceeding sixty, eight cents; over sixty, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and more than four hundred and fifty miles, twenty-five cents; and for every double letter, double the said rates; for every triple letter, triple; and for every packet weighing one ounce avoirdupois, at the rate of four single letters; and in that proportion for any greater weight.

Rates of postage.

SEC. 10. *And be it further enacted*, That for all letters and packets passing by sea, to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, postage shall be charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter, or packet, twenty-four cents; and for every letter or packet brought into the United States, or carried from one port therein to another, by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of like postage, as other letters are made subject to the payment of, by this act.

Rates of letters passing by sea.

SEC. 11. *And be it further enacted*, That if any deputy postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit, for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

Penalty on demanding or receiving beyond stipulated postage.

SEC. 12. *And be it further enacted*, That no ship or vessel arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster, all letters directed to any person or persons, within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Duty of masters of vessels previous to making report, &c.

Duty of collectors herein.

SEC. 13. *And be it further enacted*, That the postmasters, to whom such letters may be delivered, shall pay to the master, commander or other person delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place, from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

Of Postmasters on receipt of foreign letters.

Penalty on persons offending against this act.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up, or maintaining any foot or horse-post, stage wagon, or other stage carriage, on any established post-road, or any packet boat or other vessel, to ply regularly from one place to another, between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines or pamphlets, and carry the same by such foot or horse-post, stage wagon or other stage carriage, packet boat or vessel, (excepting only such letter or letters, as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person, to whom any package or bundle in such conveyance is intended to be delivered) every person, so offending, shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, That it shall be lawful for any person to send letters or packets by a special messenger.

Deputies to account with Postmaster General for way-letters.

SEC. 15. *And be it further enacted*, That the deputy postmasters and other agents of the Postmaster General, shall duly account, and answer to him, for all way letters, which shall come to their hands: And for this purpose, the post-riders and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post-office, to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number and rate or rates in the post-bill, adding to the rate of each way letter, one cent, which shall be paid by the deputy postmaster, to the mail carrier from whom such way letter shall be received. And that letters, directed to persons living between post-offices, may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail, to take charge of, and deliver all such letters, as shall, for that purpose, be committed to them, by any deputy postmaster, and collect the postage thereof, which shall be paid over to such deputy postmaster, on demand: And for every letter, so delivered, the mail carrier delivering the same, shall be allowed to demand and receive two cents to his own use, besides the ordinary postage. And if any deputy postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit for every such offence, a sum not exceeding fifty dollars: *Provided*, That no mail carriers shall make such deliveries at any place not on the post-road: *Provided also*, That the receipt and delivery of letters on the way, between post-offices, shall not be required of the mail carriers, in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

On detaining or secreting letters.

SEC. 16. *And be it further enacted*, That if any person employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed, as aforesaid, shall secrete, embezzle or destroy, any letter, packet, bag or mail of letters with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank-note, or bank post-bill, bill of exchange, warrant of the treasury of the United States, note of assign-

ment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or any bond or warrant, draft, bill or promissory note, whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same, out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person so offending shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Penalty on detaining or secreting letters.

SEC. 17. *And be it further enacted,* That if any person or persons shall rob any carrier of the mail of the United States, of such mail, or any part thereof, such offender or offenders shall, on conviction thereof, suffer death. And if any person shall steal the mail, or shall steal and take from or out of the mail, or from or out of any post-office, any letter or packet, such person shall, upon conviction, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence.

On persons robbing the mail.

SEC. 18. *And be it further enacted,* That the deputy-postmasters shall, respectively, publish at the expiration of every three months, or oftener when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

Deputies to publish every three months a list of letters then on hand, &c.

SEC. 19. *And be it further enacted,* That the following letters and packets, and no other, shall be received and conveyed by post free of postage, under such restrictions as are herein after provided; that is to say; all letters and packets, to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session; all letters to and from the Secretary of the Treasury, Comptroller, Register and Auditor of the

Certain letters to be conveyed free of postage.

Treasury, the Treasurer, the Secretary of State, the Secretary at War, Commissioner of the Revenue, the Postmaster General, his assistant and deputies: And the deputy postmasters shall receive, besides their other allowances, two cents for each free letter or packet (their own excepted) which shall be delivered to the person addressed out of their respective offices. *Provided*, That no person shall frank or inclose any letter or packet, other than his own; but any public letter or packet from the department of the treasury, may be franked by the Secretary of the Treasury, or by the Commissioner of the Revenue, Comptroller, Register, Auditor or Treasurer: And that each person before named shall deliver into the post-office, every letter or packet inclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon: *And provided also*, That no letter to or from a deputy postmaster shall be free of postage, if it exceeds half an ounce in weight.

Penalty on counterfeiting the franking of letters.

SEC. 20. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Privilege of newspaper printers.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Newspapers how to be put up for the mail.

SEC. 22. *And be it further enacted*, That all newspapers conveyed in the mail, shall be under cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent each, for any distance not more than one hundred miles, and one cent and a half for any greater distance: *Provided*, That the postage of a single newspaper, from any one place to another in the same state, shall not exceed one cent. And that where the mode of conveyance, and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail, at one cent per sheet, for conveyance, any distance not exceeding fifty miles, one and a half cent for any distance over fifty miles and not exceeding one hundred, and two cents per sheet for any greater distance. And it shall be the duty of the Postmaster General and his deputies to keep a separate account for the newspapers, magazines and pamphlets; and the deputy-postmasters shall receive fifty per cent. on the postage thereof, exclusively of their other allowances:

Postmaster General and deputies to keep separate accounts of them.

Fine on enclosing letters, &c. in newspapers.

And if any letter, memorandum in writing, or other thing be inclosed in, or placed among such newspapers, or if any note or memorandum, other than the name of the person to whom it is addressed, be written upon any such newspaper, the letter, memorandum, or other thing so inclosed or placed, and the newspaper on which such memorandum shall be written, shall be detained by the deputy-postmaster, until a sum shall be paid him equal to the postage of the whole packet in which they shall be found, calculating such postage at the rates established by this act for letters and packets. And that any printer, or other person, who shall conceal a letter, or any memorandum in writing, in a newspaper, or among any package of newspapers, shall be liable, on conviction, to a fine for each offence not exceeding five dollars. And if any of the persons employed in any department of the post-office shall unlawfully detain, delay, embezzle or destroy any newspaper, magazine or pamphlet, with which he shall be entrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into, for the conveyance of the mail, may authorize the person with whom such contract is made, to carry newspapers, magazines and pamphlets, other than those carried in the mail.

On embezzling newspapers.

Postmaster General may permit contractors to carry newspapers,

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to allow to the deputy postmasters, respectively, such commission on the monies arising from the postage of letters and packets, as he shall think adequate to their respective services and expenses: *Provided*, The said commission shall not exceed twenty per cent. to any one deputy, except the postmaster at the port where the European packets do or shall arrive, to whom such farther allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services, in the receipt and dispatch of letters originally received into his office, from on board such packets, and by him forwarded to other offices: And except the deputy postmaster at Burlington, on Lake Champlain, whose compensation the Postmaster General is hereby authorized to augment, on account of his extra trouble in receiving mails passing to and from Canada, to a sum, not exceeding one hundred dollars per annum: And except certain deputy postmasters who are obliged to rise in the night to receive mails, whose compensations the Postmaster General is hereby authorized to increase, not exceeding forty per cent. on the amount of monies arising on the postage of letters and packets: *And provided also*, That the compensations aforesaid shall not exceed one thousand eight hundred dollars per annum to any one postmaster, excepting the deputy postmaster at Philadelphia, who shall be allowed a compensation, not exceeding the sum of three thousand five hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered to the Postmaster General: And excepting the deputy postmaster at New York, who shall be allowed a compensation, not exceeding two thousand seven hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered, as aforesaid: *Provided also*, That the reasonable charges of the deputy postmasters for stationery, for cases necessary for the safe-keeping and convenient distribution of letters, and for advertising the lists of letters, from time to time, remaining in their offices, accompanied with proper vouchers, shall be admitted by the Postmaster General, and placed to their credit: And there shall also be allowed to the deputy postmaster of Philadelphia, for his extraordinary expenses incurred in the execution of his office, under the existing law, an additional compensation, at the rate of eight hundred and fifty dollars a year, to be computed from the first day of July, one thousand seven hundred and ninety-two, to the first day of June next. (a)

And allow commission to deputies.

Not to exceed 20 per cent. except at port where packets arrive,

and at Burlington on Lake Champlain.

Allowance to certain deputies who rise in the night.

Not to exceed \$1,800 per annum, Except deputy postmasters at Philadelphia and New York.

Allowance of stationery, &c.

Extra allowance to postmaster of Philadelphia.

(a) The decisions of the courts of the United States on the duties and obligations of the "Postmaster General," "Postmasters," and the "Post-office," have been:

When the issue is taken upon the neglect of the postmaster himself, it is not competent to give in evidence the neglect of his assistant. *Dunlop v. Munroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

When it is intended to charge a postmaster for the negligence of his assistants, the pleadings must be made up according to the case; and his liability then will only result from his own neglect in not properly superintending the discharge of their duties in his office. *Ibid.*

In order to make a postmaster liable for negligence, it must appear that the loss or injury sustained by the plaintiff, was the consequence of his negligence. *Ibid.*

Parol evidence cannot be given, that one set of written instructions from the postmaster general superseded the other. *Ibid.*

The circuit courts of the Union have jurisdiction, under the constitution, and the acts of April 30, 1810, sec. 29, and of March 3, 1815, sec. 4, of suits brought in the name of "The Postmaster General of the United States," on bonds given to the postmaster general by a deputy postmaster, conditioned "to pay all monies that shall come to his hands for the postages of whatever is by law chargeable with postage, to the postmaster general of the United States for the time being, deducting only the commission and allowances made by law, for his care, trouble and charges in managing said office," &c. *Postmaster General v. Early*, 12 Wheat. 136; 6 Cond. Rep. 480.

The postmaster general has a right to take a bond from postmasters to him, as postmaster general, under the different acts establishing and regulating the post-office department; and particularly under the act of May 1, 1810, chap. 42, sec. 29. *Ibid.*

An entry in the post bill, is by no means conclusive evidence of the transmission of a letter so as to charge the postmaster for it; still, it may never have been put into the mail, or it may have been stolen on the passage. *Dunlop v. Monroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

The neglect of the postmaster general to sue for balances due by postmasters, within the time pre-

Postmaster general to prosecute deputies neglecting to settle, and

SEC. 24. *And be it further enacted*, That if any deputy postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General, the balance by him due, at the end of every three months,

scribed by law, although he is thereby rendered personally chargeable by the United States with such balances, is not a discharge of such postmasters or their sureties from liability on their official bonds. Nor is an order from the postmaster general to retain those balances, directed to the postmaster, until they should be drawn for by the general post-office. *Locke v. The Postmaster General*, 3 Mason's C. C. R. 446.

The provisions of law enjoining on the postmaster general to require from his deputies regular periodical settlements and payments, are directory to him, but they form no condition in the contract between the postmasters and their sureties. *Ibid.*

The postmaster general cannot sue in the federal courts under that part of the constitution which gives jurisdiction to those courts in consequence of the character of the party, nor is he authorized to sue by the judiciary act. He comes into the courts of the United States under the authority of an act of Congress, the constitutionality of which rests upon the admission that his suit is a case arising under a law of the United States. *Osborn et al. v. The Bank of United States*, 9 Wheat. 733; 5 Cond. Rep. 741.

The act of Congress, for regulating the post-office department, does not, in terms, discharge the obligors, in the official bond of a deputy postmaster, from the direct claim of the United States upon them, on the failure of the postmaster general to commence a suit against the defaulting postmaster, within the time prescribed by law. Their liability, therefore, continues. They remain the debtors of the United States. The responsibility of the postmaster general is superadded to, not substituted for, that of the obligors. *Dox et al. v. The Postmaster General*, 1 Peters, 323.

The claim of the United States, upon the official bond of a postmaster, and upon all the parties thereto, is not released by the laches of the postmaster general, to whom the assertion of this claim is entrusted by law. Such laches have no effect, whatsoever, on the claims of the United States, as well on the sureties, as upon the principal in the bond. *Ibid.*

The circuit court of the United States for the District of Columbia, has a right to award a mandamus to the postmaster general of the United States, requiring him to pass to the credit of certain contractors for carrying the United States mail, a sum found to be due to them, by the solicitor of the treasury of the United States, the solicitor acting under the provisions of a special act of Congress. The mandamus does not seek to direct or control the postmaster general in the performance of an official duty, partaking in any respect of an executive character; but to enforce the performance of a mere ministerial act, which neither he, nor the President, has any authority to control. *Kendall, Postmaster General v. The United States*, on the relation of Stockton and Stokes, 12 Peters, 524.

The distinction between the relation of a postmaster to his sworn assistant acting under him, and between master and servant generally, has long been settled; and though the latter relation might sanction the admission of evidence in an action against the postmaster, to show the neglect of the assistant, if it is intended to charge the postmaster with the neglect of the assistant, the pleading must be made up according to the case; and his liability will then only result from his neglect in not properly superintending the discharge of their duties in his office. *Dunlop v. Monroe*, 7 Cranch, 242; 2 Cond. Rep. 484.

Where there are items of debit and credit, in a running account between the postmaster general and the deputy postmasters, in the absence of any specific appropriation by either party, the credits are to be applied to the discharge of the debits antecedently due, in the order of the account. *Postmaster General v. Furber*, 4 Mason's C. C. R. 333.

The official bonds taken by the postmaster general from his deputies are valid; and the omission to bring suits on such bonds, for the defaults of the principal in such a bond, does not discharge the sureties. *Postmaster General v. Reeder*, 4 Wash. C. C. R. 678.

The mere omission to bring suit on such official bonds, by the postmaster general, against a deputy postmaster, is not, per se, evidence of fraud. *Ibid.*

The giving a new official bond by a deputy postmaster, does not discharge his sureties under the old bond, for the past or subsequent defaults of the postmaster. *Ibid.*

The order of the postmaster general, to the deputy postmaster, not to remit the money he may receive, but to retain it to answer his drafts, does not discharge the sureties. *Ibid.*

The equity rule of limitations applied to bonds where there has been no demand for twenty years, is a mere presumption of payment, not an absolute limitation. *Postmaster General v. Rice*, Gilpin's D. C. R. 562.

The provisions of the act of March 3, 1825, releasing the sureties of a deputy postmaster where suit is not brought within two years after a default, do not apply to a default which occurred before the passing of the act. *Ibid.*

The law which limits suits by the postmaster general against sureties, to two years after a default of the principal, does not operate in cases of balances unpaid at the end of a quarter, which are subsequently liquidated by the receipts of a succeeding one. *Postmaster General v. Norvel*, Gilpin's D. C. R. 131.

A bond given by a postmaster, with sureties, for the performance of official duties, does not constitute a binding contract, until approved and accepted by the postmaster general. *Ibid.*

The reception and detention of an official bond, by the postmaster general for a considerable time, without objection, is sufficient proof of its acceptance. *Ibid.*

The return of a bond to the principal obligor, by the postmaster general, for the purpose of obtaining additional security, affords no proof that it was not accepted; nor does it amount either to a surrender or cancelling of it. *Ibid.*

The postmaster general has a right to require a bond from a deputy postmaster, for the faithful performance of his duties, although such bond is not expressly required by law. *Postmaster General v. Rice*, Gilpin's D. C. R. 554.

it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing: and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent, shall be charged to, and recoverable from, the Postmaster General.

Penalty on his neglect thereof.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

Appropriation of penalties, &c.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General, to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port, to which

Postmaster General to make provision for the conveyance of letters by sea.

The provisions of the act of March 3, 1825, substitute a certified statement of the settled account as evidence in suits against deputy postmasters, in lieu of the certified account current required by the act of April 30, 1810. *Ibid.*

A mail carrier is within the 18th section of the "act regulating the post-office establishment," subjecting to a penalty in certain cases, persons employed in any departments of the general post-office. *United States v. Belew*, 2 Brockenb. C. C. R. 230.

The United States instituted a suit against the Bank of the Metropolis, claiming twenty-seven thousand eight hundred and eighty-one dollars and fifty-seven cents, the balance, according to the statements of the Treasury, due to the United States. The defendant claimed credits amounting to twenty-three thousand dollars, exclusive of interest, which had been presented to the proper accounting officers, for acceptances of the post-office department of the drafts of mail contractors, and an item of six hundred and eleven dollars and fifty-two cents, overdraft of an officer of the post-office department, on the Bank of the Metropolis. The drafts of the contractors, accepted by the post-office department, were discounted by the Bank, in the way of business; one draft was accepted unconditionally, the other drafts were accepted, "on condition, that the contracts be complied with." Held: That the Bank became the holder of the draft unconditionally accepted, for valuable consideration; and its right to charge the United States with the amount cannot be defeated by any equities between the drawers, and the post-office. *The United States v. The Bank of the Metropolis*, 15 Peters, 377.

It was no matter, how the account of the drawer of the draft unconditionally accepted stood with the post-office department; whether he was a debtor or a creditor; whether the Bank knew one or the other. An unconditional acceptance was tendered to the Bank for discount. It was not the duty of the Bank to inquire how the account stood, or for what purpose the acceptance was made. All it had to look to was the genuineness of the acceptance, and the authority of the officer to give it. *Ibid.*

The rule is, that the want of consideration between the drawer and the acceptor is no defence against the rights of a third party, who has given a consideration for the bill: and this, even though the acceptor has been defrauded by the drawee, if that be not known to such third party. *Ibid.*

If one purpose making a conditional acceptance only, and commit that acceptance to writing, he should be careful to express the condition therein. He cannot use general terms, and then exempt himself from liability, by relying upon particular facts which have already happened, though they are connected with the conditional acceptance. By express terms the acceptor might have guarded against any construction, other than that which was intended by, or was the apparent meaning of the words of the acceptance. It matters not what the acceptor meant by a cautious and precise phraseology, if it be not expressed as a condition. *Ibid.*

Nothing out of the condition expressed in the words of the acceptance can be inferred; unless it be in a case where the words used are so ambiguous as to make it necessary that parol evidence should be resorted to, to explain them. *Ibid.*

If two persons deal in relation to the executory contracts of a third, and one of them, being the obligee, induces the other to advance money, "upon condition that his contracts be complied with," and he knows that forfeitures have been already incurred by the obligor, for breaches of his contract, and does not say so, he shall not be permitted afterwards to get rid of his liability, by saying, "I cannot pay you, for when I accepted there was already due to me from the drawer of the bills more than I accepted for; you did not choose to make inquiry." *Ibid.*

The terms "accepted, when the contracts of the drawer of the bill are complied with," are not retroactive; they do not refer to past transactions, to the subsequent performance of the contractors. *Ibid.*

The postmaster general had the same power, and no more, over the credits allowed by his predecessor, if allowed within the scope of his official authority, as given by law to the head of the department. This right in an incumbent of reviewing a predecessor's decisions, extends to mistakes in matters of fact, arising from errors in calculation, and to cases of rejected claims in which material testimony is afterwards discovered and produced. But, if a credit has been given, or an allowance made by the head of a department, and it is alleged to be an illegal allowance, the judicial tribunals must be resorted to, to construe the law under which the allowance was made; and to settle the right between the United States and the party to whom the credit was given. It is no longer a case between one officer's judgment, and that of his successor. No statute is necessary to authorize the United States to sue in such a case. The right to sue is independent of statute, and it may be done by the direction of the incumbent of the department. *The United States v. The Bank of the Metropolis*, 15 Peters, 377.

such ship or vessel shall be bound. And for every letter or packet, so received, there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the postmasters, respectively, receiving the same. And the Postmaster General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets, through the post-offices.

Postmasters &c. exempt from militia duty.

SEC. 27. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Letter carriers

SEC. 28. *And be it further enacted*, That letter carriers shall be employed at such post-offices as the Postmaster General shall direct, for the delivery of letters in the places, respectively, where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request, that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is so lodged, the deputy postmaster shall receive one cent of the person to whom it shall be delivered.

may receive two cents for each letter.

When this act shall be in force.

SEC. 29. *And be it further enacted*, That this act shall be in force, from the first day of June next.

APPROVED, May 8, 1794.

STATUTE I.

May 9, 1794.

CHAP. XXIV.—*An Act providing for raising and organizing a Corps of Artillerists and Engineers.*

[Repealed.]
Troops to be raised for three years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the number of seven hundred and sixty-four non-commissioned officers, privates and artificers, to serve as privates and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

1802, ch. 9.

How incorporated with the corps of artillery.

SEC. 2. *And be it further enacted*, That the aforesaid commissioned and non-commissioned officers, privates, artificers and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers, and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

To be denominated corps of artillerists and engineers.

SEC. 3. *And be it further enacted*, That the organization of the said corps be as herein mentioned, to wit: One lieutenant-colonel commandant, one adjutant, one surgeon; four battalions, each to consist of one major, one adjutant and paymaster, and one surgeon's mate; and four companies, each to consist of one captain, two lieutenants, two cadets with the pay, clothing and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, and ten artificers to serve as privates, and two musicians.

Organization.

Pay and allowance.

SEC. 4. *And be it further enacted*, That the additional commissioned officers, non-commissioned officers, privates, artificers and musicians, by this act directed to be raised, shall receive the same pay and allowances in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be by law established.

Secretary at War to provide books and apparatus.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of War to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments and apparatus, for the use and benefit of the said corps.