

May 17, 1864.

CHAP. LXXXVII. — *An Act to establish a Postal Money-Order System.*

1865, ch. 89, § 11.

Post, p. 506.

Money-order offices established at designated post-offices.

Orders for money may be issued.

Notice to drawee.

Amount of order and fees to be first deposited.

Penalty.

Order to be written on a prepared blank form.

Applications, to be filed and preserved.

Orders not to be issued for less than \$1 nor more than \$30.

Fees for orders.

Orders may be changed, when, &c.

Amount when repaid.

Order to be presented for payment in ninety days.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote public convenience, and to insure greater security in the transfer of money through the United States mails, the Postmaster-General is hereby authorized to establish, under such rules and regulations as he may find expedient and necessary, a uniform money-order system at all post-offices which he may deem suitable therefor, and which shall be designated and known as "Money-Order Offices;" and it shall be the duty of the deputy postmaster at every money-order office to issue, in such manner and form as the Postmaster-General may prescribe, an order for a sum of money payable by the deputy postmaster of any other money-order office which the person applying therefor may select; and the deputy postmaster who issues such order shall be required to send through the mails, without delay, to the deputy postmaster on whom it is drawn, due notice thereof, and he shall not deliver such order to the applicant therefor until the latter shall first have deposited with him the amount of money for which such order is drawn, together with the proper charge or fee therefor, as hereinafter provided. And it shall not be lawful for any deputy postmaster to issue a money-order on any other deputy postmaster without having previously received the money therefor; and any person who shall violate this provision shall be deemed guilty of misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 2. *And be it further enacted,* That a money-order shall not be valid or payable unless it be drawn on a printed or engraved form, which shall be furnished to the money-order offices by the Postmaster-General; and it shall be the duty of the latter to supply such offices also with the blank forms of application for money-orders, one of which the deputy postmaster shall hand to each applicant for a money-order, who shall be required to enter, or cause to be entered, therein his own name and the name and address of the party to whom the order is to be paid, together with the amount thereof and the date of application. And all such applications, when filled up and delivered to the deputy postmaster, shall be preserved on file at his office for such length of time as the Postmaster-General may prescribe.

SEC. 3. *And be it further enacted,* That no money-order shall be issued for any sum less than one or more than thirty dollars; and all persons who receive money-orders shall be required to pay therefor the following charges or fees, viz: For an order for one dollar, or for any larger sum, but not exceeding ten dollars, a fee of ten cents shall be charged and exacted by the postmaster giving such order; for an order of more than ten and not exceeding twenty dollars, the charge shall be fifteen cents; and for every order exceeding twenty dollars a fee of twenty cents shall be charged.

SEC. 4. *And be it further enacted,* That if the purchaser of a money-order, from having made an error in stating the name of the office of payment, or the name of the payee, or for other reasons, be desirous that the said money-order be modified or changed, it shall be the duty of the deputy postmaster from whom he received it to take back, at his request, the first order, and issue another in lieu thereof, for which a new fee shall be charged and exacted; and it shall also be the duty of a deputy postmaster to repay the amount of any money-order to the person who obtained it, if the latter apply for such repayment and return the money-order; but the charge or fee paid therefor shall not in any case be refunded.

SEC. 5. *And be it further enacted,* That if any money-order be not presented to the deputy postmaster on whom it is drawn within ninety days after its date, it shall not be valid or payable; but the Postmaster-General shall be, and he is hereby, authorized, on application of the

payee of such money-order, to cause a new order in lieu thereof to be issued in his favor, for which a second fee shall be exacted. And the Postmaster-General is further authorized, whenever a money-order shall have been lost, to cause a duplicate thereof to be issued, for which a second fee shall be paid on application of the remitter or of the payee of such order, provided the party losing the original shall furnish a statement, under oath or affirmation, setting forth the loss or destruction thereof, and a certificate from the postmaster by whom it was payable that it had not been paid, and that it would not thereafter be paid.

Duplicate order to issue in case of loss.

Oath.

SEC. 6. *And be it further enacted,* That the payee of a money-order may, by his written endorsement thereon, direct it to be paid to any other person, and it shall be the duty of the deputy postmaster on whom it is ordered to pay the amount thereof to the person thus designated, provided the person to whom the money-order is endorsed shall furnish such proof as the Postmaster-General may require that the written endorsement is genuine, and that he is the person thereby empowered to receive payment of the order; but such second person shall not be at liberty to endorse the same order to a third party, and more than one endorsement shall render any order invalid, and not payable, and the holder thereof, in order to obtain the amount of the order shall be required to apply in writing to the Postmaster-General for a new order in lieu thereof, for which new order a second fee shall be charged: *Provided, however,* That in all cases, under this section, the original order shall be returned, and such proof shall be made of the genuineness of the endorsement thereon as the Postmaster-General may require.

Order may be once endorsed to another person, &c.

Proof of genuineness of endorsement.

Proviso.

SEC. 7. *And be it further enacted,* That deputy postmasters, at money-order offices, may be allowed by the Postmaster-General, as a compensation for the issuing and paying of money-orders, not exceeding one third of the whole amount of fees on money-orders issued, and, at the option of the Postmaster-General, one eighth of one per centum on the gross amount of orders paid at their offices: *Provided,* That all emoluments arising from such rates of compensation shall be subject to the provisions of the forty-first section of the act of third of March, eighteen hundred and twenty-five, entitled "An act to reduce into one the several acts establishing the Post-Office Department."

Compensation to postmasters for issuing money-orders.

Proviso.

1825, ch. 64, § 41. Vol. iv. p. 113.

SEC. 8. *And be it further enacted,* That it shall be the duty of the Postmaster General to require all postmasters who may be authorized to issue and pay money-orders, to execute new official bonds conditioned for the faithful performance of all duties and obligations imposed by this act, in addition to those required of them by existing laws as postmasters; and it shall be the duty of the Postmaster-General to direct all payments or transfers to or from money-order offices. He may direct transfers of money-order funds from one postmaster to another, and he may require and direct transfers or payments to be made from the funds received for money-orders to creditors of the Post-Office Department, to be replaced by equivalent transfers from the funds of said department arising from postages; and he may require and direct transfers of payments to be made from the funds of the Post-Office Department in the hands of any postmaster arising from postages to the money-order offices. And it shall be the further duty of the Postmaster-General to require each postmaster to render to the auditor of the treasury for the Post-Office Department weekly, semi-weekly, or daily accounts of all money-orders issued and paid, and of all fees received for issuing them, of all transfers, or payments made from funds received for money-orders, and of all moneys received to be applied to the payment of money-orders, or on account of money-order offices.

Postmasters to give new bonds.

Payments and transfers.

Postmasters to account for transfers and payments.

SEC. 9. *And be it further enacted,* That out of the moneys paid into the treasury for the service of the Post-Office Department the Postmaster-General shall have power to transfer to the deputy postmaster of any

Transfers to pay money-orders.

money-order office such sum as may be required, over and above the current revenue thereof to pay money-orders drawn on the latter; and such transfers shall be made by warrant on the treasury by the Postmaster-General, and countersigned and registered by the auditor of the treasury for the Post-Office Department.

Auditor to audit and settle accounts of postmasters.

SEC. 10. *And be it further enacted*, That it shall be the duty of the auditor of the treasury for the Post-Office Department to receive all accounts arising in the money-order offices, or relative thereto, and to audit and settle the same, and to certify their balances to the Postmaster-General as often as he may require. He shall keep and preserve all accounts arising in said offices, and shall report to the Postmaster-General all delinquencies of postmasters in rendering their money-order accounts, or in paying over money-order funds. He shall keep the accounts of the money-order offices separately from the accounts for postages, and in such manner as to show the number and amount of money-orders issued by each postmaster, and the number and amount of money-orders paid, the amount of fees received, and all the expenses of the establishment. And it shall be the further duty of the auditor to superintend the collection of all debts due to the United States, or to the Post-Office Department, by present or late postmasters, or other persons who are, or may have been, employed in the money-order offices. He shall direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the payment of such debts, or for the recovery of any penalties arising under the provisions of this act.

Accounts of money-order offices to be kept separate.

Dues to the United States to be collected.

Moneys received to be deemed moneys of the United States.

SEC. 11. *And be it further enacted*, That all moneys received for the sale of money-orders, including all fees received for selling the same, all moneys transferred from the funds of the Post-Office Department to the money-order offices, all funds transferred or paid from the money-order offices to the use and service of the Post-Office Department, and all transfers of funds from one postmaster to another for the use of the money-order offices, shall be deemed and taken to be the moneys in the treasury of the United States. And if any postmaster, assistant, clerk, or other person employed in or connected with the business or operations of the money-order offices, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, or shall deposit in any bank, or shall exchange for other funds, any portion of such moneys, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, converted, used, loaned, deposited, or exchanged, which is hereby declared to be a felony; and any failure to pay over or to produce the moneys intrusted to such person for the use of the money-order offices shall be held and taken to be prima facie evidence of such embezzlement. And any postmaster, assistant, clerk, or other person employed in or connected with the business of the money-order offices, and all other persons advising or participating in such act, on being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, and to a fine equal to the amount of the money embezzled. And upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it shall be prima facie evidence for the purpose of showing a balance against such person to produce a transcript from the money-order account books of the auditor of the treasury for the Post-Office Department; and such transcript, when certified by said auditor under his seal of office, shall be admitted as evidence in the courts of the United States.

What shall be deemed embezzlement thereof; penalty therefor.

Evidence of embezzlement.

Certified transcript to be evidence of receipt of money.

Penalty for forging, &c., money-orders.

SEC. 12. *And be it further enacted*, That if any person shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid, or assist in falsely making, forging, counterfeiting, engraving, or printing

any order in imitation of or purporting to be a money-order issued by one postmaster upon another postmaster; or shall falsely alter, or cause or procure to be altered, or willingly aid, or assist in falsely altering, any money-order issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited order, purporting to be a money-order as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered money-order, issued as aforesaid, knowing the same to be falsely altered, with an intent to defraud, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, shall be sentenced to be imprisoned and kept at hard labor for a period of not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Penalty for altering,
for knowingly uttering.

SEC. 13. *And be it further enacted*, That for the purpose of carrying on the business of the money-order offices, and keeping and settling their accounts, the Postmaster-General may appoint, in his department, one superintendent of the money-order system, at an annual salary of twenty-five hundred dollars, and three clerks, to wit: one of class four and two of class three. And the Secretary of the Treasury may, from time to time, appoint in the office of the auditor of the treasury for the post-office department, the necessary clerks, in all not to exceed six, to wit: one of class four and five of class two. And to provide for the compensation of the said superintendent and clerks for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, the sum of seventeen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated. And the Postmaster-General is further authorized to cause such additional clerks to be employed in the money-order offices as he may find necessary for conducting the operations of the money-order system, whose compensation shall be paid out of the proceeds of the money-order business: *Provided, however*, That to meet any deficiency that may arise in the amount of such proceeds during the first year, the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Superintendent of money-order system and clerks may be appointed.

Salary.

Appropriation.

Additional clerks.

Appropriation.

APPROVED, May 17, 1864.

CHAP. LXXXIX. — *An Act to appoint certain Officers of the Navy.*

May 17, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for and during the present insurrection, the President, by and with the advice and consent of the Senate, is hereby authorized to appoint acting lieutenant commanders and acting commanders, who shall have the same rate of compensation as is allowed to officers of similar grade in the navy.

Acting lieutenant commanders and commanders may be appointed; — pay.

SEC. 2. *And be it further enacted*, That the proviso in section ten, chapter one hundred and eighty-three, of an act to establish and equalize the grade of line officers of the United States navy, approved July sixteenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed, and that said section shall read as follows: —

Proviso in § 10 ch. 183, act of 1862 repealed.
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Substitute therefor.

SEC. 3. *And be it further enacted*, That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant or acting master in the navy, from civil life, authorized by act of congress of July twenty-fourth, eighteen hundred and sixty-one, may be confirmed in said appointment in the navy and placed in the line of promotion, from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of congress for highly meritorious conduct in conflict with the enemy. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers or acting

Acting volunteer lieutenants and masters may be confirmed and put in line of promotion.

Seamen may be promoted and receive a gratuity and medal of honor.