and who shall for the term of at least one year previous to the expiration of five years from the date of the purchase of the land, have actually inhabited and cultivated any one tract of land thus purchased, and the time for making the last payment on account of such purchase according to former laws, may have expired or shall expire on or before the first day of January next, shall be allowed a further term of two years, for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions, that is to say: First, that all the arrears of interest on the land purchased to the end of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year: Second, that the residue of the sum due on account of the principal of such purchase shall be paid with interest thereon, in two equal annual payments, viz: one half of the said residue with the interest, which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest, or each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions now prescribed for the sale of lands, purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

Two years allowed for the payment of the residue.

Mode of payment of the residue.

Provision in cases where the lands have reverted to the U. States.

And in cases where any tract or tracts of land, not in the whole exceeding six hundred and forty acres, which have since the first day of January last, reverted to the United States, for default of payment, the original purchaser may again enter the same tract or tracts. And all monies which such original purchaser may have paid shall be replaced to his credit, by the receiver of public monies of the respective land-offices, and such re-purchasers shall be allowed the same benefits of the extension of the time of payment, created by this act, as though no such reversion had occurred: *Provided*, such original purchaser shall make to the proper land officer such application for such re-entry, as is required by law for the entry of lands, on or before first day of June next, and the land so reverted shall not have then been previously re-sold.

Proviso, that application be made before June 1, 1810.

Approved, April 30, 1810.

Statute II.

April 30, 1810.

Repealed by act of March 3, 1825.

Chap. XXXVII.—*An Act regulating the Post-office Establishment.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, at

(a) For the decisions of the courts of the United States on the duties and obligations of the "Postmaster General," "Postmasters," and "the Post-office," see act of May 8, 1794, chap. 23, vol. i. 363.

Previous acts for the regulation of the Post-office department:—

An act for the temporary establishment of the post-office. (Obsolete.) September 22, 1789, chap. 16.

An act to continue in force for a limited time, "An act for the temporary establishment of the post-office." (Obsolete.) August 4, 1790, chap. 36.

An act to continue in force for a limited time, "an act for the temporary establishment of the post-office." (Obsolete.) March 3, 1791, chap. 23.

An act to establish the post-office and post roads within the United States. (Expired.) February 20, 1792, chap. 7.

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the seat of government of the United States, a general post-office, under the direction of a Postmaster-General. The Postmaster-General shall appoint two assistants, and such clerks as may be necessary, for performing the business of his office. He shall establish post-offices and appoint postmasters, at all such places as shall appear to him expedient, on the post roads that are or may be established by law. He shall give his assistants, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the general post-office, instructions relative to their duty. He shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper. He may direct the route or road, where there are more than one between places designated by law for a post road, which route shall be considered the post road. He shall obtain from the postmasters their accounts and vouchers for their receipts and expenditures once in three months, or oftener, with the balances thereon arising in favour of the general post-office. He shall pay all expenses which may arise in conducting the post-office, and in the conveyance of the mail, and all other necesssary expenses arising on the collection of the revenue and management of the general post-office. He shall prosecute offences against the post-office establishment. He shall once in three months 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. He shall also superintend the business of the department in all the duties, that are or may be assigned to it: *Provided*, that in case of the death, resignation or removal from office of the Postmaster-General, all his duties shall be performed by his senior assistant, until a successor shall be appointed and arrive at the general post-office to perform the business.(*a*)

General post-office established at the seat of government.

Duties of the Postmaster-General.

Sec. 2. *And be it further enacted*, That the Postmaster-General, and all other persons employed in the general post-office, or in the care, custody or conveyance of the mail, shall, previous to entering upon the

An act to establish the post-office and post roads within the United States. (Obsolete.) May 8, 1794, chap. 23.

An act in addition to the act entitled, "An act to establish the post-office and post roads in the United States." (Obsolete.) March 3, 1797, chap. 19.

An act to continue in force the 5th section of the act entitled, "An act in addition to the act entitled, An act to establish the post-office and post roads in the United States." (Obsolete.) March 28, 1798, chap. 24.

An act to establish the post-office in the United States. (Repealed.) March 2, 1799, chap. 43.

An act further to alter and establish certain post roads, and for other purposes. (Repealed.) March 26, 1804, chap. 34.

An act to establish certain post roads, and for other purposes. (Repealed.) March 3, 1807, chap. 43.

Acts relating to the post-office department, passed subsequent to the act of April 30, 1810, chap. 37.

An act to provide additional revenues for defraying the expenses of government, and maintaining the public credit, by duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage. (Repealed.) December 23, 1814, chap. 16.

An act in addition to the act regulating the post-office establishment. (Repealed.) February 27, 1815, chap. 65.

An act to repeal so much of an act passed on the 23d of December, one thousand eight hundred and fourteen, as imposes additional duties on postage, February 1, 1816, chap. 7.

An act in addition to an act to regulate the post-office establishment. (Repealed.) April 9, 1816, ch. 45.

An act to reduce into one, the several acts establishing and regulating the post-office department, March 3, 1825, chap. 64.

An act amendatory of the act regulating the post-office department, March 2, 1827, chap. 61.

An act to increase the salary of the Postmaster-General, March 2, 1827, chap. 62.

An act to change the organization of the post-office department, and to provide more effectually for the settlement of the accounts thereof, July 2, 1836, chap. 270.

A resolution to change the time of making contracts for the transportation of the mail, May 14, 1836.

A resolution to enable the Postmaster-General more readily to change the commencement of the contract year in the post-office department, March 2, 1837.

An act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and forty-two, May 18, 1842, chap. 29, sec. 1. Act of 1845, chap. 43.

A resolution in relation to the transmission of the British mail between Boston and Canada, and for other purposes, June 15, 1844. Act of March 3, 1845.

(*a*) Act of March 2, 1827. By the act of March 2, 1827, chap. 62, an addition to the salary of the Postmaster-General, of two thousand dollars was made.

duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the general post-office: "I, A. B. 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 laws in relation to the establishment of the post-office and post roads within the United States." Every person who shall be in any manner employed in the care, custody, conveyance or management of the mail, shall be subject to all pains, penalties and forfeitures for violating the injunctions, or neglecting the duties required of him by the laws relating to the establishment of the post-office and post roads, whether such person shall have taken the oath or affirmation above prescribed or not.

Oath of office.

Violations of their trusts to be punished, as if the persons concerned therein had not taken it.

Postmaster-General may provide for the carriage of the mail.

Sec. 3. *And be it further enacted*, That it shall be lawful for the Postmaster-General to provide by contract, for the carriage of the 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. 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 provision 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.

Free white persons only to be employed in the carriage of the mail.

Sec. 4. *And be it further enacted*, That no other than a free white person shall be employed in carrying the mail of the United States, on any of the post roads, either as a post-rider or driver of a carriage carrying the mail; and every contractor or person who shall have stipulated or may hereafter stipulate to carry the mail, or whose duty it shall be to cause the same to be conveyed on any of the post roads as aforesaid, and who shall, contrary to this act, employ any other than a free white person as a post-rider or driver, or in any other way to carry the mail on the same, shall for every such offence forfeit and pay the sum of fifty dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the person who shall sue for and prosecute the same, before any court having competent jurisdiction thereof.

Postmaster-General may allow the deputy postmasters such compensation as he may judge reasonable.

Sec. 5. *And be it further enacted*, That the Postmaster-General shall be authorized to allow the postmasters at the several distributing offices such compensation as shall be adequate to their several services in that respect: *Provided*, that the same shall not exceed, in the whole, five per cent. on the whole amount of postages on letters and newspapers received for distribution: *Provided also*, that if the number of mails, received at and despatched from any such office is not actually increased by the distributing system, then no additional allowance shall be made to the postmaster.

Post-roads obstructed by gates, &c. &c. to be reported by the Postmaster-General to Congress, that others may be substituted.

Sec. 6. *And be it further enacted*, That whenever it shall be made to appear to the satisfaction of the Postmaster-General that any road established, or which may hereafter be established as a post road, is obstructed by fences, gates or bars, or other than those lawfully used on turnpike roads to collect their toll, and not kept in good repair, with proper bridges and ferries where the same may be necessary, it shall be the duty of the Postmaster-General to report the same to Congress with

such information as can be obtained, to enable Congress to establish some other road instead of it in the same main direction.

Penalties for obstructing or retarding the mail.

Sec. 7. *And be it further enacted*, That if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, 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 ten minutes that the same shall be so delayed, a sum not exceeding ten dollars.

Proposals for contracts to be published by the Postmaster-General.

Sec. 8. *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 or territory, where the contract is to be performed, for at least six weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to 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, and the day and hour at which it is to be delivered. He shall moreover within ninety days after the making of any contract, lodge a duplicate thereof, 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.

Duplicates of contracts and proposals to be lodged in the comptroller's office.

Postmasters to have regular attendance in their offices.

Prescribed by the Postmaster-General.

Sec. 9. *And be it further enacted*, That every postmaster shall keep an office in which one or more persons shall attend on every day on which a mail, or bag, or other packet or parcel of letters shall arrive by land or water, as well as on other days, at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster at all reasonable hours, on every day of the week, to deliver, on demand, any letter, paper or packet, to the person entitled to or authorized to receive the same; 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.

Regulations concerning letters.

No fees or perquisites allowable in the general post-office.

Sec. 10. *And be it further enacted*, That no fees or perquisites shall be received by any person employed in the general post-office on account of the duties to be performed by virtue of his appointment.

Rates of postage.

Act of Dec. 23, 1814, ch. 16, sec. 2.

Sec. 11. *And be it further enacted*, That the following rates of postage shall be charged on all letters and packets (excepting such as are herein after exempted) conveyed by the posts of the United States, viz. for every letter composed of a single sheet of paper, conveyed not exceeding forty miles, eight cents; over forty, and not exceeding ninety miles, ten cents; over ninety, and not exceeding one hundred and fifty miles, twelve and a half cents; over one hundred and fifty, and not exceeding three hundred miles, seventeen cents; over three hundred, and not exceeding five hundred miles, twenty cents; over five hundred miles, twenty-five cents. And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, that no packet of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds: and

the postage marked on any letter or package, and charged on the post bill which may accompany the same, shall, in favour of the postmaster who delivers out said letter, be conclusive evidence of the lawful postage thereon, unless said letter shall be opened in the presence of the said postmaster or his clerk.

Postage upon foreign letters and those carried coastwise.

Sec. 12. *And be it further enacted*, That every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with six cents, if delivered at the post-office where the same shall arrive, and if destined to be conveyed by post to any other place, with two cents added to the ordinary rates of postage.

Penalties for charging unauthorized rates of postage.

Sec. 13. *And be it further enacted*, That if any postmaster, or other person authorized by the Postmaster-General, to receive the postage of letters, shall fraudulently demand or receive any rate of postage, or 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 government of the United States.

Letters to be delivered to the postmasters from vessels, previous to their being permitted to report, &c.

Sec. 14. *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, or the territories thereof, 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. And if any commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this act, every such offender shall, on conviction thereof, forfeit for every such offence a sum not exceeding one hundred dollars.

Masters of vessels to take an oath as to the delivery of letters, &c.

Penalties.

Masters of vessels, except those of foreign packets, to receive postage for letters brought and delivered by them.

Sec. 15. *And be it further enacted*, That the postmasters to whom such letters may be delivered, shall pay to the master or 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.

Penalties for setting up posts between post towns.

Sec. 16. *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 or sleigh on any established post road, or from one post town to another post town, on any road adjacent or parallel to an 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, or sleigh, 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 packet 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.

Regulations concerning way letters.

Sec. 17. *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 postmaster to the mail carrier from whom such way letters 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 postmaster, and collect the postage thereof, which shall be paid over to such 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 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 carrier 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.

Penalties for unlawfully detaining, delaying, or opening letters, packets, &c. &c.

Sec. 18. *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 assignment 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 payment of monies, or any bond or warrant, draft, bill or promissory note, covenant, contract or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance or discharge of or from any debt, covenant or demand, or any part thereof, or any copy of any record of any judgment or decree, in any court of law or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; 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, be im-

prisoned not exceeding ten years. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before he delivers it into the post-office kept at the termination of his route, or to some known mail carrier, or agent of the general post-office authorized to receive the same, 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.

Robberies of the mails, how punishable.

Sec. 19. *And be it further enacted*, That if any person shall rob any carrier of the mail of the United States or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be imprisoned not exceeding ten years, and if convicted a second time of a like offence, he or they shall suffer death; or if in effecting such robbery of the mail, the first time, the offender shall wound the person having custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death.(*a*) And if any person shall attempt to rob the mail of the United States, by assaulting the person having custody thereof, shooting at him or his horse or mule, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by imprisonment not exceeding three years. And if any person shall steal the mail, or shall steal or take from or out of any mail, or from or out of any post-office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post-office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter, or packet, the same containing any article of value, or evidence of any debt, due, demand, right or claim, or any release, receipt, acquittance or discharge, or any other article, paper or thing mentioned and described in the eighteenth section of this act, or if any person shall, by fraud or deception, obtain, from any person having custody thereof, any mail, letter or packet, containing any article of value, or evidence thereof, or either of the writings referred to, or next above mentioned, such offender or offenders, on conviction thereof, shall be imprisoned not exceeding seven years. And if any person shall take any letter or packet, not containing any article of value or evidence thereof, out of a post-office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail carrier, before it shall have been delivered to the person to whom it is directed, with a design to obstruct the correspondence, to pry into another's business or secrets, or shall secrete, embezzle or destroy any such mail, letter or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding five hundred dollars.

Penalties for injuring the portmanteaus, &c. &c. in which mails may be carried.

Sec. 20. *And be it further enacted*, That if any person shall rip, cut, tear, burn, or otherwise injure any portmanteau, valise, or other bag used, or designed to be used by any person acting under the authority of the Postmaster-General, or any person in whom his powers are vested in the conveyance of any mail, letter, packet, newspaper or pamphlet, or shall draw or break any staple, or loosen any part of any lock, chain or strap attached or belonging to any such valise, portmanteau, or bag, with an intent to rob or steal any mail, letter, packet, newspaper or pamphlet, or to render either of the same insecure, every such offender, upon conviction, shall for every such offence pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

(*a*) See act of March 3, 1825, ch. 65, sec. 22.

Accessories to be punished as principals.

Sec. 21. *And be it further enacted*, That every person who from and after the passage of this act shall procure, aid, advise, or assist in the doing or perpetration of any of the acts or crimes, by this act forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to, who shall actually do or perpetrate any of said acts or crimes, according to the provision of this act.

Sec. 22. *And be it further enacted*, That every person who shall be imprisoned by a judgment of court, under and by virtue of the eighteenth, nineteenth, twentieth or twenty-first sections of this act, shall be kept at hard labour during the period of such imprisonment.

Regulations concerning unclaimed letters, &c. &c.

Sec. 23. *And be it further enacted*, That the 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 return such letter to the writer thereof, or 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.

Persons to and from whom letters go free of postage.

Sec. 24. *And be it further enacted*, That letters and packets, to and from the following officers of the United States, shall be received and conveyed by post, free of postage.(*a*) Each postmaster, provided each

(*a*) Privilege of Franking:—

An act to establish the post-office and post roads within the United States. (Obsolete.) February 20, 1792, chap. 7, sec. 19.

An act to establish the post-office and post roads within the United States. (Expired.) May 8, 1794, chap. 23, sec. 19.

An act to extend the privilege of franking to the secretary of the navy. (Repealed.) June 22, 1798, chap. 56.

An act extending the privilege of franking letters to the delegate from the territory of the United States northwest of the river Ohio. (Obsolete.) December 15, 1800, chap. 1.

By an act of March 3, 1801, chap. 35, the privilege of franking was given to John Adams.

An act extending the privilege of franking, and receiving letters free of postage, to any person admitted, or to be admitted to take a seat as delegate, and providing compensation for such delegate. (Obsolete.) February 18, 1802, chap. 5.

An act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45, sec. 16.

An act regulating the staff of the army, April 14, 1818, chap. 34, sec. 10.

An act in addition to an act entitled, "An act regulating the post-office establishment," March 13, 1820, chap. 21.

An act to reduce into one act the several acts establishing and regulating the post-office department, March 3, 1825, chap. 64, sec. 27, 28, 40.

By the 27th section of the act of March 3, 1825, chap. 64, such individual as may have been, or shall be, President of the United States, has the privilege of franking.

Resolution authorizing the speaker of the House of Representatives to frank letters and packages, April 3, 1828.

Resolution in relation to Charles Carroll of Carrollton, May 23, 1828.

An act to extend the privilege of franking letters and packages to Dolly P. Madison, July 2, 1836, chap. 270.

of his letters or packets shall not exceed half an ounce in weight; each member of the Senate, and each member and delegate of the House of Representatives of the Congress of the United States; the secretary of the Senate and clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight, and during their actual attendance in any session of Congress, and twenty days after such session, and in case of excess of weight, that excess alone shall be paid for; the President of the United States; Vice President, the secretaries of state, of the treasury, of war, of the navy; the attorney-general; the comptroller; treasurer; auditor; register; supervisor of the direct tax for the district of South Carolina; superintendent of Indian trade; purveyor; the inspector and paymaster of the army; accountants of the war and navy departments; postmaster-general; and the assistants postmaster-general; John Adams, a former President of the United States; and Thomas Jefferson, late President of the United States; and they may all receive their newspapers by post, free of postage: *Provided*, that the members of the Senate and House of Representatives, secretary of the Senate and clerk of the House of Representatives, shall receive their newspapers, free of postage, only during any session of Congress, and twenty days after the expiration of the same: *And provided*, that no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same, with a specimen of his signature.

Penalties upon franking other letters than their own.

Proviso.

Sec. 25. *And be it further enacted*, That if any person shall frank letters other than those written by himself, or by his order on the business of his office, he shall, on conviction thereof, pay a fine of ten dollars: *Provided*, that the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster-General, may frank letters or packets on official business, prepared in any other public office, in the absence of the principal thereof. And if any person, having the right to receive his letters free of postage, shall receive enclosed to him any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post-office—marking thereon, the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the handwriting or frank of any person or cause the same to be done, in order to avoid the payment of postage, each person so offending shall pay for every such offence fifty dollars.

Regulation concerning newspapers.

Sec. 26. *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.

Further regulations concerning newspapers, &c.

Sec. 27. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each, for any distance not more than one hundred miles, and one and an half cents 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 the Postmaster-General

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An act authorizing the governors of the several states to transmit by mail certain books and documents, June 30, 1834, chap. 168.

An act to provide for the appointment of solicitor of the treasury, May 29, 1830, chap. 153, sec. 11.

An act to carry into effect the convention between the United States and his majesty the king of the French, &c., July 13, 1832, chap. 199, sec. 8.

An act to continue the office of the commissioner of pensions, March 3, 1835, chap. 44, sec. 3.

An act to promote the progress of the useful arts, &c., July 4, 1836, chap. 357, sec. 1.

An act to authorize the chief clerk in the office of the Secretary of State, to frank public and official documents, sent from the office, February 15, 1843, chap. 3.

An act authorizing the transmission of letters and packets to and from Mrs. Harrison, free of postage, September 9, 1841, chap. 19. See act of March 3, 1845, chap. 43.

Regulations concerning newspapers, &c.

shall require those who receive newspapers by post, to pay always the amount of one quarter's postage in advance. If any person employed in any department of the post-office shall improperly detain, delay, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open, or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding fifty dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding twenty dollars for every such offence. And if any person shall take or steal any packet, bag or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding three months for every such offence, to be kept at hard labour during the period of such imprisonment. If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence; and the letter, newspaper, package, memorandum or other thing, shall not be delivered to the person to whom it is directed until the amount of single letter postage is paid for each article of which the package shall be composed. No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed, in proper wrappers, on which, beside the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers. 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 to be made, to carry newspapers, magazines and pamphlets, other than those conveyed in the mail. When 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 a sheet, for any distance not exceeding fifty miles, at one cent and an half for any distance over fifty and not exceeding one hundred miles, and two cents for any greater distance.

Compensation of the postmasters.

Limitation of compensation.

Sec. 28. *And be it further enacted*, That the Postmaster-General be authorized to allow to the postmasters respectively, such commission on the monies arising from the postages of letters and packets as shall be adequate to their respective services and expenses: *Provided*, that the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred and not more than three hundred; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter, and excepting to the postmasters at offices where the mail is regularly to arrive, between the hours of nine o'clock at night and five o'clock in the morning; whose commission on the first hundred dollars collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster-General may allow to the postmasters respectively, a commission of fifty per cent. on the monies arising from the postage of newspapers, magazines and pamphlets; and to the postmasters, whose compensation shall not exceed five hundred dollars in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster who shall be required to keep a

register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the general post-office.

Postmasters to settle their accounts, and pay over to the Postmaster-General the balances in their hands every three months.

Sec. 29. *And be it further enacted*, That if any 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, 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. That all suits which shall be hereafter commenced for the recovery of debts or balances due to the general post-office, whether they appear by bond or obligations made in the name of the existing or any preceding Postmaster-General, or otherwise, shall be instituted in the name of the "Postmaster-General of the United States." That certified copies under the seal of the general post-office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the Postmaster-General for the recovery of balances or debts due from postmasters, and in like manner copies of such accounts current as are lodged in the office of the register of the treasury, certified by the register under the seal of his office, shall be admitted as evidence.(*a*)

Penalties upon the postmasters for not making duly their returns to the general post-office.

Act of March 3, 1825, ch. 103.

Sec. 30. *And be it further enacted*, That if any postmaster or other person who shall receive and open, or despatch mails, shall neglect to render accounts thereof for one month after the time, and in the form and manner prescribed by law, and by the Postmaster-General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no account shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be recovered by the Postmaster-General in an action on the case.

Persons to whom pecuniary penalties and forfeitures are to enure.

Sec. 31. *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.

Sec. 32. *And be it further enacted*, That it shall be lawful for the

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(*a*) The circuit courts of the Union have jurisdiction under the constitution and the acts of April 30, 1810, and of March 3, 1815, sec. 4, of suits brought in the name of "the Postmaster-General of the United States," on a bond 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 such 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 regulating the post-office department, and particularly under the act of April 30, 1810, sec. 29, 42. *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 on the admission that his suit is a case arising under a law of the United States. Osborne et al. *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741.

The claim of the United States on 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 on the principal in the bond. Dox et al. *v.* The Postmaster-General, 1 Peters, 323. Postmaster-General *v.* Reeder, 4 Wash. C. C. R. 678.

The provisions of the act of March 3, 1825, releasing the securities 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. Postmaster-General *v.* Rice, Gilpin's D. C. R. 462.

Postmaster-General may provide for the transmission of letters beyond sea.

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 in 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 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.

Sec. 33. *And be it further enacted*, That the postmasters and the persons employed in the transportation of the mail shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

Letter carriers may be employed at places designated by the Postmaster-General.

Proviso.

Sec. 34. *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 to be so lodged, the postmaster shall receive one cent of the person to whom it shall be delivered.

Before what officers offences under this act may be prosecuted and tried.

Sec. 35. *And be it further enacted*, That all causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates and other judicial courts of the several states, and of the several territories of the United States, they having competent jurisdiction by the laws of such states or territories, to the trial of claims and demands of as great value, and of the prosecutions where the punishments are of as great extent; and such justices, magistrates or judiciary, shall take cognizance thereof and proceed to judgment and execution, as in other cases.

In suits under this act the court to proceed to judgment at once.

When a continuance shall be allowed.

Continuance to next term for want of evidence, on affidavit of the defendant.

Sec. 36. *And be it further enacted*, That in all suits or causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced: *Provided always*, that whenever service of the process shall not have been made twenty days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant, shall judge it expedient: *Provided also*, that if the defendant in such suits shall make affidavit that he has a claim against the general post-office, not allowed by the Postmaster-General, although submitted to him conformably to the regulations of the post-office, and shall specify such claim in the affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

Postmaster-General to report annually to Congress the unproductive roads.

Sec. 37. *And be it further enacted*, That it shall be the duty of the Postmaster-General to report annually to Congress, every post road which shall not after the second year from its establishment, have produced one third of the expense of carrying the mail on the same.

Additional compensation to be paid to deputy postmaster at Washington.

Sec. 38. *And be it further enacted*, That there shall be allowed to the deputy postmaster, at the city of Washington, for his extraordinary expenses, incurred in the discharge of the duties of his office, an additional compensation, at the rate of one thousand dollars per annum, to be paid out of the funds of the post-office establishment.

Sec. 39. *And be it further enacted*, That the adjutant-general of the

Adjutant-general of the militia to transmit and receive certain letters free of postage.

militia of each state and territory, shall have right to receive, by mail, free of postage, from any major or brigadier-general thereof, and to transmit to said generals, any letter or packet, relating solely to the militia of such state or territory: *Provided always*, that every such officer, before he delivers any such letter or package for transmission, shall in his own proper handwriting, on the outside thereof, endorse the nature of the papers enclosed, and thereto subscribe his name and office, and shall previously furnish the postmaster of the office, where he shall deposit the same, with a specimen of his signature. And if any such officer shall frank any letter or package in which shall be contained any thing relative to any subject other than of the militia of such state or territory, every offender shall, on conviction of every such offence, forfeit and pay a fine of fifty dollars.

Regulation as to the franking privilege under this act.

Emoluments of the postmasters limited to two thousand dollars.

Sec. 40. *And be it further enacted*, That from and after the thirtieth day of September next, whenever the annual emoluments of any postmaster, after deducting therefrom the expenditures incident to his office, shall amount to more than two thousand dollars, the surplus shall be accounted for, and paid to the Postmaster-General, and by him to be accounted for in the same manner as other monies accruing from the post-office establishment.

Certain deputy postmasters to report to the Postmaster-General names of their clerks, &c.

Sec. 41. *And be it further enacted*, That every deputy postmaster, the receipt of whose office exceeds one thousand dollars a year, shall, on the last day of September in each year, transmit to the Postmaster-General of the United States a statement of the expenses of the office under his direction, of the number of clerks, with the time they have been severally employed therein, and their respective names and ages.

Repealing clause.

Act of May 8, 1794, ch. 23.

Act of March 2, 1799, ch. 43.

Sec. 42. *And be it further enacted*, That from and after the first day of June next, the second section of an act, entituled "An act to establish the post-office and post roads within the United States," approved on the eighth day of May, one thousand seven hundred and ninety-four, and an act, entituled "An act to establish the post-office of the United States," approved on the second day of March, one thousand seven hundred and ninety-nine, and all other acts, and parts of acts heretofore passed for the regulation and government of the general post-office, and of the Postmaster-General and other officers and agents, employed in said office, shall be, and the same are hereby repealed: *Provided*, that an act, entituled "An act concerning public contracts," approved on the twenty-first day of April, one thousand eight hundred and eight, shall be and remain in full force, and no post road heretofore established, shall be discontinued by this act. *Provided also*, that nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts from suits or prosecutions, but as to all bonds, contracts, debts, demands, rights, penalties, punishments which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of June next the said acts shall have the same force and effect as though this act had not been made: *Provided likewise*, that the Postmaster-General, assistant Postmaster-General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until they are otherwise removed; any thing herein contained that might be construed to the contrary notwithstanding; and also the bonds which they, or either of them, have given or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, as though this act had not been made.

Proviso.

Act of April 21, 1808, ch. 48.

Proviso, that this act shall not exonerate any person who shall have violated the provisions of former acts.

Officers of the post-office department to hold their offices until otherwise removed.

Their bonds to continue in force.

Approved, April 30, 1810.