

Names of Counsel.

large discretion in the premises that it will not always be his absolute duty to exercise the authority with which he is invested. But if he acts, having authority, his conduct cannot be made the foundation of a suit against him personally for damages, even if the circumstances show that he is not disagreeably impressed by the fact that his action injuriously affects the claims of particular individuals. In the present case, as we have found, the defendant, in issuing the circular in question, did not exceed his authority, nor pass the line of his duty, as Postmaster General. The motive that impelled him to do that of which the plaintiff complains is, therefore, wholly immaterial. If we were to hold that the demurrer admitted, for the purposes of the trial, that the defendant acted maliciously, that could not change the law.

The judgment of the Supreme Court of the District of Columbia is

Affirmed.

SPALDING v. DICKINSON. Error to the Supreme Court of the District of Columbia. No. 82, argued with No. 81, *ante*, 483.

MR. JUSTICE HARLAN: The defendant in error succeeded Mr. Vilas in the office of Postmaster General. The declaration in the present case is, in all material respects, like that in *Spalding v. Vilas*, just decided. For the reasons stated in the opinion in that case the judgment is

Affirmed.

Mr. W. Willoughby for plaintiff in error.

Mr. Attorney General and *Mr. Assistant Attorney General Dickinson* for defendant in error.