

REPORT

OF

THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
December 2, 1841.

To the PRESIDENT OF THE UNITED STATES :

In the discharge of the duty of reporting to you the condition of the General Post Office, I have to regret that my recent introduction into office will prevent me from giving you that full development at this time so necessary to a clear understanding of the various and extended operations of a department so important and interesting to every class of our fellow-citizens.

Unlike the other departments of Government, which derive their support from the national Treasury, the General Post Office looks for the means to continue and extend its operations to the income derived alone from a successful administration of the laws prescribing its duties and privileges.

The General Post Office, at first almost the creature of administrative discretion, necessarily so remains, to a great degree, at the present time. In its infancy, it required the constant and vigilant superintendence of its head, to direct its affairs in such manner as to extend the sphere of its usefulness commensurate with the increase and extent of population and business. Equal if not greater vigilance is demanded at the present day.

It is to be desired that, in the general administration of the Government, as little of discretion as possible should be left with those charged with public trusts; and I regret my acquaintance with the details of the department, at this time, is so limited, as not to qualify me to suggest more specifically those improvements in the laws pertaining to it, whereby much of that discretion, heretofore exercised, might be restrained and profitably regulated by legislative enactments. The propriety of these remarks will be fully demonstrated by a recurrence to the history of the Post Office operations, from their commencement to the present time.

In 1790, the whole number of post offices in the United States did not exceed seventy-five; the number of miles of post road, 1,875; the revenue, \$65,995; the expenditure, \$32,140. In 1840; it will be seen that the whole number of post offices in the United States was 13,488; the number of miles of post road, 155,739; the gross revenue for the same year was \$4,539,265, and the expenditure was \$4,769,110. The necessity of guarding, as far as practicable, by specific legislation, such an amount of income and expenditure, and the duties and liabilities of so many agents, must be apparent.

As has already been remarked, the original design in the establishment of the Post Office Department was, that its income should be made to sustain its operations. That principle ought never to be abandoned. While the de.

partment should not be regarded as a source of revenue to the nation, it should never become an annual charge to its Treasury.

Upon assuming the discharge of the duties pertaining to the office of Postmaster General, my first object was to investigate its financial condition; and it becomes my duty to inform you that I did not find it in that prosperous state which the demands upon it require.

The income of this department is always liable to be affected by the fluctuations of the business of the country. It is increased or depressed in proportion to the increase or depression of that business.

Beside this cause of fluctuation in its income, other causes of a reduction, more or less in every year, may be found in the increased facilities which the travel upon railroads and steamboats furnishes for the transmission of letters and newspapers by private conveyance; secondly, in the great extension, to say nothing of the abuse, of the franking privilege; thirdly, in the recent establishment of what are called private expresses, upon the great mail routes of the United States; fourthly, in the frauds practised upon the department, in evading, by various devices, the payment of the postage imposed by law. While all of these causes operate to lessen the revenue of the department, the expenses of transporting the mail are not affected or lessened by them; and I respectfully suggest, whether the evils to which I have referred do not deserve the serious attention of Congress, so far as to call for some more specific legislation, whereby they may be removed or suppressed.

The total gross revenue of the Post Office for the fiscal year commencing on the 1st of July, 1840, and terminating on the 30th June, 1841, was \$4,379,317 78; the total expenditure for the same time was \$4,567,238 39. In this year the expenditures exceeded the revenue by the sum of \$187,920 61. A statement of the expenditures, more in detail, will in due time, as required by law, be reported to Congress.

The precise income and expenditure of the General Post Office cannot be known in any one year, until the close of that fiscal year, and the settlement of all accounts have been completed. Consequently, any statement of expenditure and income, for the present year, is liable to the fluctuations and changes always incident to the peculiar character of the service.

The expenditures and income of the department for the current year may, upon estimate, be stated in round numbers as follows :

Total amount of revenue derived from postage, fines, and all other sources	\$4,380,000
Expense of mail transportation	3,145,000
Commission to postmasters, if the rates of per centage remain unchanged	1,015,000
Ship, steamboat, and way letters	20,000
Incidental expenses, including blanks, stationery, printing, &c.	310,000
	<u>4,490,000</u>
Total estimated expenditure	4,490,000
Total estimated income	4,300,000
	<u>110,000</u>

Thus it will be seen that the probable amount of expenditure will exceed the amount of revenue, as estimated, by \$110,000.

With this deficit presenting itself so palpably to my mind, I have essayed to infuse into the administration of the service a rigid economy; yet, with all the savings which it may be possible to make by the most rigid economy, I am satisfied the expenditure cannot be reduced within the income, without either reducing the transportation of the mail below the just wants of the community, or in some other mode increasing the revenue of the department.

To continue the present amount of service, and extend it with the growth and spread of our population, particularly in the west, the present revenue, with its former charges, is evidently inadequate; and a reduction of that service, greatly below its present standard, would have to take place, unless Congress make an appropriation from the public Treasury, which I neither ask nor desire to see made.

Upon a view of all the circumstances, and with a perfect sense of the delicate responsibility assumed, I have felt myself imperiously called upon to exercise a power vested by the act of 1825, in the Postmaster General, and have readjusted the commissions heretofore allowed to deputy postmasters. By this regulation, a copy of which (marked A) is annexed, there will be added to the net annual income of the department about \$100,000. I thought it better to do this than either to ask Congress for an appropriation or to reduce the transportation of the mail below the just wants of the community.

When it is known that this reduction has been made to enable the department to send intelligence among the people, by continuing and extending mail facilities, and not in a spirit of parsimonious economy, the liberal and enlightened of all sections will, I am persuaded, approve what has been done; and I will not allow myself to believe that those whom it most immediately affects, will view it in an illiberal spirit.

Should Congress, however, not approve of this measure, they will have it in their power, before the order takes effect, to arrest its force; and will no doubt adopt the necessary measures to require the reduction of mail service, or to provide the means of paying the balance which will be due to contractors at the end of the year.

The annexed report of the Auditor of the Post Office Department (marked B) will exhibit the progress which has been made in the adjustment and liquidation of the accounts of postmasters since the 4th of March last.

It is to be expected that among 14,000 deputy postmasters (appointed generally without a personal knowledge of the individuals or their securities), there will be found some who will prove faithless to their trusts, and whose securities are not good for the amount due the department. In view of this, I have instituted a rigid inquiry, not only into the fitness and business qualifications of the postmasters, but the solvency of their securities, from which the best results may be anticipated. This operation, performed in part by the special agents of the department, under the letter of instructions annexed (marked C), and the prompt settlement of the accounts, of all postmasters, will more effectually guard the department from losses by defaulting postmasters.

The reduction of the postage upon letters, is a subject which has engaged

the public attention for years, and is one of great interest to the whole community.

It is contended by many, whose opinions are entitled to respectful consideration, that the reduction of postage would give an increase of revenue. Without undertaking to discuss this question at present, I am not prepared, from the present financial condition of the department, to recommend a reduction of the rates of postage, as now fixed by law, but invite a modification of them so far as to make them conform more generally to the smaller coin of the United States, and solicit a revision of the laws regulating the postage on newspapers. I do not desire that the rates of postage on newspapers proper should be increased, though much might be saved to the department if the principal of pre-postage was applied to newspapers, provided such regulation was deemed acceptable to public opinion. I must, however, earnestly invite your attention, and hope you will call that of Congress, to the necessity of the enactment of some law by which a just discrimination may be made in the imposition of postage on newspapers proper and those mammoth periodicals which assume the shape and name of newspapers, but which are, in fact, the republication of books, reviews, and novels, sent through the post office, not always to subscribers, but in large masses to agents, to vend in the markets of the more distant cities, towns, and villages, which greatly increase the size and weight of the mails and the expense of transportation, without a corresponding remuneration to the department. The great number of these large publications which have been sent by the mail from Baltimore to Wheeling, has mainly contributed to the frequent irregularities of the western mails for the last twelve months. I respectfully inquire whether it is just that the United States mail shall be compelled to transport one of these papers, weighing nearly a pound, for a cent and a half, from Boston or New York to Louisville, Ky., to a factor, to sell for the benefit of the publisher, while the letter of friendship or of business is taxed with twenty-five cents postage between the same points.

I have already alluded to the establishment of what are called private expresses, for the carrying of letters, packages, and newspapers, upon the post roads of the United States, for pay and compensation, as one cause tending greatly to the reduction of the revenue of the department. I must beg leave again to bring the subject more particularly to your notice, under a hope that you will invite that of Congress to the necessity of some further legislation, more effectually to protect the interests and the rights of the General Government in its Post Office Department.

If there is any grant of exclusive power to Congress upon which all unite in opinion, it is the power to establish post offices and post roads; and it may fairly be assumed as an admitted principle, that when Congress, in the exercise of that power, has established a post road, the right of a State, or the individuals of a State, to establish lines of transportation, for letters, packages, and newspapers, upon and over the same roads, for compensation, cannot be successfully maintained.

How far this usurped power has been exercised by individuals, and to what extent, I am not fully informed; but the information communicated to the department induced me to avail myself of the services of the First Assistant Postmaster General, while on a temporary visit of business to Philadelphia, to collect and report to me such information upon the subject as his other engagements would permit; and I have the honor now to submit to you his report (marked D).

Another report from the First Assistant Postmaster General, herewith submitted (marked E), will present you with a detailed statement of the amount of mail service for the year ending the 30th June, 1841, and the rate of cost for the same in each State and Territory, distinguishing between each character of service. By this report it will appear that the United States mail was transported on railroads and steamboats 3,946,450 miles, at the cost of \$585,843; on horse and in sulries 12,088,862 miles, at a cost \$781,897; in stages and coaches 18,961,213 miles, at the cost of \$1,791,635; making a total aggregate of annual transportation of 34,996,525 miles, at the rate of cost of \$3,159,375.

The act of 1838 declares that "each railroad within the limits of the United States which now is, or hereafter may be, completed, shall be a post road;" and in that law, and the act of 1839, provisions limiting the amount beyond which the Postmaster General is prohibited from paying for the transportation of the mail on railways will be found.

Great embarrassments to the department have arisen in the making of contracts for the transportation of the mail with many of the railroad companies, under the laws now in force. These embarrassments arise mainly from two causes: the one, that the price which the department is enabled to pay, whether in reference to its means or the maximum fixed by the legislation of Congress, has been deemed inadequate by many of the principal companies. The other arises from an unwillingness on the part of some of the companies to run by a schedule prescribed by the department; preferring to run at such times as will best suit the travel upon the road; regarding, as it is natural for them to do, the carrying of the mail as secondary to the transportation of passengers. The latter evil has been particularly felt in the great southern mail, on its transit from Washington city to New York. The mail going south from New York is necessarily thrown upon the Philadelphia and Baltimore railroad in the night, between Philadelphia and Baltimore; and the southern mail for New York is compelled to lie over twelve hours in Baltimore, unless the Philadelphia company can be induced to run that trip also in the night. This they have declined doing, unless the Department would pay them a compensation greater than is authorized by the laws of Congress. Under a hope that some arrangement could be made—to last during the session of Congress, if no longer—I addressed to the presidents of the railroad companies concerned in the transportation of the mail between the city of Washington and New York a letter, a copy of which, and the report of the First Assistant Postmaster General upon this subject, are herewith submitted (marked F).

An anxious desire to effect some permanent arrangement with the railroad companies for the transportation of the mail, upon a basis which shall be both just and uniform, considering the nature of the service performed by each, induced me to invite a meeting of the presidents of the different companies, in the city of Washington, on the 1st of January next; and I am gratified at the prompt manner in which all who have been heard from have consented to attend; and a hope is cherished that some arrangement satisfactory to all parties, and beneficial to the public, may yet be effected.

The improved mode of intercommunication by railroad and steam, operating under chartered rights granted by the States, and over which it is not pretended that the General Government, much less the Post Office Department, can exercise any control, imposes upon Congress, in my opinion, new duties and obligations, which can only be cancelled by the adoption of some

measure whereby the Post Office Department may, upon adequate consideration, secure by compact the right to transport the mail in the cars of railroad companies, and at the same time give to the Department the power to control the departure and arrival of the same.

There is now paid to the different railroad companies, annually, over \$400,000 for the service, without power in the Department to regulate the travel, arrival, and departure of the mail; and constant and frequent difficulties, both in entering into and the execution of contracts, are presented.

It has occurred to me that the present was a most favorable period for the adoption of some measure by Congress, whereby to secure to the United States the right to transport the mail upon these roads in all time to come, free of any annual charge upon the Post Office Department, by the advancement of a sum in gross, which may be agreed upon, to each of these companies, or such of them as may be willing to contract. Many of the railroad companies, and some of them constituting most important links in the great chain of intercommunication between Boston and Charleston, owing to the great derangement of the monetary concerns of the world, and the depression of all State and company stocks, find themselves laboring under embarrassments and difficulties, which the aid of the General Government, applied in the way proposed, would effectually remove, and at the same time secure to the United States the advantage and the ample equivalent of transporting the mail upon these roads.

The credit of the United States to an amount not greater than the sum necessary to produce, at five per cent. interest, the amount paid by the Post Office Department to these companies annually, would, I have no doubt, be sufficient to accomplish this desirable end. The prompt and favorable action of Congress upon this subject at the present time would effectually secure the Government against the danger of being called upon for occasional and large appropriations to meet the balances due by the Department.

Do I ask the United States to do more for the Post Office Department than justice would seem to demand, especially when it is remembered that the whole expense of the official correspondence of the Government and the public, and private correspondence of those entitled by law to the franking privilege, is sustained and paid by a tax upon the correspondence of the community? If by this arrangement the Department is relieved from the heavy annual charge as now rated (and it has neither the power to lessen it nor to prevent its increase), it may be hoped that the object so much demanded by considerations of public justice (that of reducing the tax upon the friendly and business correspondence of individuals) will be attained, and, at the same time, the usefulness of the public mail greatly enlarged and extended to those portions of the Union hitherto measurably denied the necessary mail facilities.

If the Government was required to pay postage upon official correspondence, and if the franking privilege was abolished, or reduced to proper limits, the revenue of the Department would be increased to an amount sufficient of itself to pay the interest upon the debt to be incurred by the proposed arrangement, and liquidate the principal in less than thirty years. I respectfully submit to the President the propriety of communicating to Congress the views which I entertain and have here expressed upon this subject.

Some embarrassments to the free transit of the United States mail coaches over that part of the Cumberland road which lies within the limits of the State of Virginia, have been experienced during the present year, incident to

a right assumed by the authorities of that State to impose a tax upon the coach transporting the mail.

In the act of Congress proposing a cession of all right which the United States claimed over said road, upon certain conditions, to the States through which it passed, it was expressly provided that no toll upon the stages, coaches, &c., conveying the United States mail, should be imposed. With this, among other reservations and exceptions, the States of Maryland, Pennsylvania, Virginia, and Ohio, accepted the cession and assumed the control over so much of the road as is within their respective territories. It appears that, by a subsequent act of the Virginia Legislature, so much of the act by which she accepted the road, exempting the stage, coach, &c., conveying the United States mail from the payment of tolls, was repealed, and a tax was authorized to be, and was, imposed upon the same. Without detaining you with a further narrative upon this subject, I submit the letters and correspondence of the Department in relation thereto, and the documents accompanying the same (marked G). Though the amount charged and exacted at the single gate in Virginia, is inconsiderable, yet, if she have the right to impose the toll, the other States have an equal right, and will most unquestionably assert it; and thus an additional annual burden of near \$9,000 will be added to the transportation of the United States mail over that road, which is already the most expensive mail-coach service in the United States.

It is proper I should inform you that the prosecution instituted against the agent of Virginia, before I was called to the discharge of the duties of this Department, for obstructing the passage of the United States mail on said road, by closing the toll-gate against the free passage of the coach conveying the mail, has, upon my suggestion, been suspended for the present, under a hope that, upon a full representation of this subject, by the proper authority, to the State of Virginia, all cause of difficulty might be removed, without the necessity of a penal prosecution.

I submit, for your information, the report of the chief clerk of the Post Office Department, in reference to the expenditure of the appropriation made at the extra session of Congress, to pay the debts due to contractors and others, for services rendered prior to the 31st of March, 1841 (marked H).

There are other matters of detail, connected with the service of this Department, which by law are required to be reported to Congress; and it is therefore deemed inexpedient to bring them particularly to your notice in this communication.

I have the honor to be, with respectful consideration, your obedient servant,

C. A. WICKLIFFE.

A.

The Postmaster General, upon an investigation of the financial condition of his Department, is convinced that, to continue the transportation of the mail upon its present plan and extent, and to meet the increasing demands caused by the extension and increase of population, and the business of the country in the south and northwest, the present net income of the Department is not sufficient.

His two immediate predecessors, aware of this, have in many instances reduced the service to that standard below which it is not deemed wise at this time, if it can be avoided, to make a further reduction. Some further diminution in other branches of the service, is contemplated during the current year. With all these, however, the income from postage will fall short of the expenditure absolutely required.

It was the original design, in the establishment of the General Post Office, (and ought not now to be abandoned) that the Department should sustain itself; that, while it should never be regarded as a source of revenue to the nation, it ought never to become an annual charge upon its Treasury.

To ascertain the best mode, at this time, to prevent this latter result, has been to the present head of the Department a subject of anxious inquiry. If he adopted the plan of still further reducing the service of transportation, he endangered the usefulness of it, without a certainty of attaining the end desired. It is not always certain that, by discontinuing the number of trips upon a given route, we save in the expense more than we lose by a decrease of postage. The community, in such cases, will often seek other channels of communication.

The Postmaster General, under all the circumstances, regrets that he feels it his duty to add to the income of the Department by a reduction of the commissions allowed by the existing regulations to the deputy postmasters. He hopes, however, the necessity for this reduction may only prove temporary. The period at which it is proposed it shall take effect, is not only fixed so distant that each postmaster of the United States will be informed of this order, but it is sufficiently protracted to place it in the power of Congress to arrest its force, if, in its wisdom, it shall think proper to make other provisions to enable the Department to defray the necessary expenses of the mail service over and above its net current income.

The Postmaster General cannot doubt but the deputy postmasters will concur with him in the necessity of this measure, and see in it a further incentive on their part to economize the expenses of their respective offices. He hopes, at least, they will accord to him the influence of no other motive than a desire to continue and extend the usefulness of the United States mail; and he respectfully invokes their cheerful acquiescence in a measure rendered necessary to the well-being of a public service in which we are all embarked.

It is therefore ordered, as a regulation of the Post Office Department, to take effect from and after the first day of January, 1842, that there be allowed, in lieu of the rates of commissions now allowed to each postmaster in the United States and Territories thereof, commissions of the following several rates on the amount he shall receive in each quarter, and no more, viz :

On a sum not exceeding one hundred dollars, twenty-seven per cent.

On any sum over and above the first hundred dollars, and not exceeding four hundred dollars, twenty-three per cent.

On any sum over and above the first four hundred dollars, and not exceeding two thousand four hundred dollars, eighteen per cent.

On any sum over and above the first two thousand four hundred dollars, seven per cent.

Postmasters at whose offices the mails shall regularly arrive between the hours of nine o'clock at night and five o'clock in the morning, will be allowed, on the first hundred dollars collected in one quarter, eighteen per cent., in addition to the twenty-seven per cent., so that they will be allowed an aggregate commission of forty-five per cent.

Postmasters will be respectively allowed a commission of forty-five per cent. on the money arising from the postage of newspapers, magazines, and pamphlets; and to postmasters whose compensation shall not exceed five hundred dollars in one quarter, one cent for every free letter delivered out of the office, excepting such as are for the postmaster himself.

To the postmaster at New Orleans will be allowed seven hundred and twenty dollars, instead of eight hundred, as mentioned in the act of 3d March, 1825, in addition to his ordinary commissions as here designated.

To the postmaster of the city of Washington will be allowed for postage collected, and for free letters received by him for delivery, a commission of four and a half per cent., instead of five, on the amount of mails distributed at his office; provided, nevertheless, that the whole annual emolument of the postmaster in the city of Washington, including the extra compensation of seven hundred and twenty dollars, shall be subject to the restrictions imposed by the forty-first section of the act aforesaid, and the proviso at the end of this regulation. (Act 3d March, 1825, section 14, page 9.)

Postmasters at the distributing offices will be allowed a commission of four and a half per cent. on the amount of postage on letters and packets received for distribution, instead of five per cent., now allowed by the first section of the act amendatory of the act regulating the Post Office Department, approved the 2d of March, 1827, subject, however, to the restriction of the proviso of the act last mentioned (section 1, pages 26 and 27); provided, also, the whole amount to be allowed to any postmaster for commissions shall not exceed the sum of eighteen hundred dollars in any one year.

B.

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT.

November 20, 1841.

SIR: The following statement exhibits the number and aggregate amount of the accounts of the late and present postmasters which have been stated and sent out since the 4th of March, 1841, the amount collected, with the number of other accounts partially completed:

Late postmasters' accounts.

1st. 3409	Have been stated, copied, sent out, and balances drawn for, whose aggregate amount is	\$228,358 70
	Of which this sum has been collected	90,203 16
Leaving, to be collected or adjusted by outstanding claims		\$138,155 55

- 2d. 432 Have been stated, copied, and sent out, ready for draft, on which is apparently due - - \$21,184 98
- 3d. 1531 Have been stated in part, and suspended by the absence of books from the office, they having been required on the trial of a suit against Mr. Reeside, in Philadelphia, and by the necessary withdrawal of other books temporarily from the collecting clerks :

5372 Whole number of late postmasters mentioned above.

Present postmasters' account.

- 1st. 1289 Have been stated, copied, and sent out, on which the aggregate sum apparently due is - - 37,085 67
- 2d. 1416 Have been stated, or nearly so, and have necessarily been suspended by the withdrawal of books.

2705 Whole number of present postmasters' accounts mentioned above.

5372 Late postmasters.

8077 Total number of accounts completed, or partially so.

The progress made in stating the accounts of late and present postmasters, under the act of 9th September last, is as great as could be expected from the force employed and the character of the work performed.

It is impossible to ascertain the condition of the finances of the Department until the accounts of late and present postmasters are stated, sent out, and audited, on such state of facts as their investigation elicits.

Large balances frequently appear to be due on accounts as they are stated and sent out, which are greatly reduced or entirely discharged by outstanding claims for the transportation of the mail, on the procurement of that service by postmasters, when contractors have failed to perform their contracts, or by claims for contingent expenses, or by claims for transporting the mail on special routes. The last class of claims exist where postmasters at special offices are charged with their quarterly receipts, and not credited with the expense of transporting the mail, because vouchers were not sent with their accounts, to prove the amount of money paid.

I have been obliged to employ a part of the temporary clerks in preparing information for the biennial register, under the joint resolution of Congress of July 14, 1832, and for making out a list of post offices, and the amount of the net revenue, under the resolution of April 27, 1825.

Most sincerely yours,

E. WHITTLESEY.

Hon. C. A. WICKLIFFE,
Postmaster General.

C.

POST OFFICE DEPARTMENT, *November 4, 1841.*

SIR: To the duties assigned you by any former instructions, as special and confidential agent of this Department, I desire to add that of strictly observing the manner in which the post offices are kept in the section and along the lines of route you may be called to inspect and travel.

The Postmaster General expects that every post office, whatever may be its importance, shall be attended to or supervised by the deputy postmaster. The practice which, I regret to learn, has obtained in many portions of the United States, of one man holding the commission of postmaster while another discharges its duties, must be stopped; and when such cases fall within your knowledge, I desire that they shall be made the subject of special report.

Great carelessness in the opening and keeping the mail in insecure places, and permitting persons other than the postmaster, or his sworn assistants, to have access to the same when opening, or after it is opened, has been charged, in general terms, upon many of the postmasters in the small towns and villages. This evil must be corrected, and when you have evidence of the fact it is expected that you will make it known to the Department, that the only efficient remedy may be applied. I will not continue in office those who will not themselves give their time and attention to the discharge of its duties, or who violate or suffer violations of the rules of the Department in opening and distributing the mail.

It is also desirable that you observe the deportment of all carriers and drivers of mails, and report any misconduct arising from wilful negligence or carelessness and inattention to their employers and to the department.

Many complaints have been made against the agents or travelling postmasters on railroad routes. You are expected to observe the conduct of all such as may fall within the range of your supervision.

Information has been communicated to this Department, that drivers and carriers of the mail, on the more distant and more unimportant routes, are in the habit of carrying letters, in violation of law, thereby lessening the income of the Department. As this may be done in ignorance of the law, you will inform and instruct the contractors to charge the carriers and drivers not to violate the law in this particular. The act of 1825, section 20, directs that all carriers shall deliver such letters, whether sealed or unsealed to the first post office at which they arrive after receiving them, and the postmaster is directed to rate and charge the postage.

If you become satisfied that any post office is not of public utility, and not required for the public accommodation, you will report that fact, and the reasons for the opinion.

Upon the active exertions and vigilant supervision of the special agents of this Department mainly depend the regularity, security, and efficiency of mail transportation; and I cannot too strongly impress upon you the importance and high responsibility of your stations. It is to you the Postmaster General must look for accurate information upon all subjects pertaining to the out-door operations of the Department. Give me your efficient aid, and I do not despair of making the Post Office Department eminently useful and popular.

C. A. WICKLIFFE.

To _____,

Special Agent, Post Office Department.

D.

POST OFFICE DEPARTMENT,

Contract Office, Nov. 30, 1841.

SIR: Having been directed by you to make investigation, during my recent stay in Philadelphia, into the nature and extent of the express arrangements, by individuals and companies, for the transportation of letters and papers out of the mail, their points of operation, the rates charged by them, and the probable loss of revenue to the Department which they occasion, I have the honor to submit the following report:

It becoming obvious that the information to be obtained at the Philadelphia post office, and at the branch office in that city, of Harnden & Co.'s Boston, New York, and Philadelphia express, would not be as ample as desired, I addressed inquiries to several of the principal postmasters, and to others, from whose replies I have made the following tables and extracts.

I. It appears that the business of travelling to and fro on railroads and steamboats, to convey and deliver packages, and in most, if not all the cases, letters and newspapers, is carried on between the places, and by the persons and companies hereinafter named, as follows:

Between	By	Since	Upon
Boston and N. York.	Harnden & Co. -	April, 1839	Providence railroad, a Stonington steamboat.
	Adams & Co. -	May, 1840	Norwich railroad and steamboat.
Boston and Albany.	Harnden & Co. -	July, 1841	Western railroad.
Boston and Providence.	Earle -	-	Railroad.
Boston and Taunton.	E. F. Davenport -	July, 1840	Railroad.
Boston and New Bedford.	Hatch -	July, 1840	Railroad.
Boston and Fall river.	Kingsley.		
Boston and Worcester.	Leonard -	Aug. 1840	Railroad.
Boston and Lowell.	Gray -	-	Railroad.
Boston and Nashua.	Gillis -	-	Railroad.
Boston and Concord.	Walker.		Railroad.
Boston and Dover.	Niles -	Oct. 1840	
Boston and Haverhill.	Dow -	1838	Railroad.
Boston and Salem.	A. Law -	1840	Lynn road.
	Potter -	-	Railroad.
Boston and Portsmouth.	P. C. Hatch	Nov. 1840	Railroad.
	Conant & Walker	-	Railroad.
Boston and Portland.	J. Winslow -	1840	Steamboat.
Boston and Augusta and Bangor.	Carpenter & Harris		
New York and Philadelphia.	Harnden & Co. -	July, 1840	Railroad.
New York and Albany.	Harnden & Co. -	Mar. 1841	Steamboat.
Albany and Buffalo.	Pomeroy & Co. -	Aug. 1841	Railroad.

The postmaster of Philadelphia says :

"There are agents *also* employed by the brokers, who travel by the mail routes between the different cities, who are making a deep hole in the coffers of *Uncle Sam*. For instance, there are two agents who travel between Philadelphia and New York, who take an immense number of *letters* and *money packages*. A respectable broker acknowledged to me, a few days since, that he was in the habit of paying these agents two or three times as much postage, in the course of the year, as he paid to the post office. They take letters for considerably less postage than we charge; pay their regular fare every trip (\$4); deliver their letters and packages at the termini of their

route, and still make a vast deal of money. This will give you some idea of the immense number of letters *illegally* conveyed by them. The agents of the brokers between this city and Baltimore also take a great number of letters, and pay the railroad company \$600 per annum each for their fare ; and, notwithstanding this, they '*drive*' a profitable business. The other day I accidentally stopped in the office of one of our brokers, and saw a number of letters, &c., all ready for the agent, who called at the office while I was there, at about 4½ P. M., on his way to New York in the cars.

"The agents between Philadelphia and New York pay \$4 per trip ; and, making 313 trips, they consequently pay \$1,252 per annum, independently of their other travelling expenses, board, &c. This will give you some idea of the enormous quantity of letters and money packages they must carry daily, to justify such a heavy expenditure."

The postmaster of New York reports another arrangement resorted to, to facilitate the forwarding of letters out of the mail, as follows :

"I understand that a box is kept at Howar!s, for the reception of letters for places on the Hudson ; also, one in a store in Pine-street, for letters going east ; but I have not been able to learn which store it is in."

II.

The express of	As reported by	Charge
Harnden & Co. -	Postmaster of Boston -	25 cents per single letter between Boston and Albany, Boston and New York, and Boston and Philadelphia. \$1 per ounce for heavier letters, all which they enter, as they say, at the post office, at 75 cents per ounce. 3 cents for each newspaper, but carry few except to editors, and these they take free. Packages are charged for according to size, value, and other circumstances.
The same -	Postmaster of N. York -	25 cents for single letters, and in proportion for double or triple ones. 2 cents per newspaper.
The same -	Assistant postmaster of Albany.	50 cents a package of bank-notes as inch thick between Albany and New York: more for larger bundles; knows nothing as to their conveying letters, except to the Cunard line of steamers, and on them they pay the postage into the post office.
Pomeroy & Co. -	Postmaster of Buffalo -	50 cents for smallest parcels, say to Rochester. 75 cents for smallest parcels, say to Utica. \$1 for smallest parcels, say to Albany. \$1 25 for smallest parcels, say to New York. \$1 additional for every additional \$1,000 conveyed. Single newspapers free.
Adams & Co. and the other expresses.	Postmaster of Boston -	<i>Brief of parcels and packets forwarded out on the 11th November, 1841, as copied from their register.</i> 3 lawyers' parcels - - - expense \$2 75 2 merchants' bills, lading, and money 1 00 1 broker's specie and bank certificate 15 25 Robinson & Co., brokers, pay by the quarter, amount not known. Commercial B's, gold & paper money 7 50 Waring & Co., brokers, parcel - 1 50 Murray & Sutor, brokers, parcel - 1 00 1 order for goods - - - 1 00 12 1/2 cents per single letter, or more, between Boston and any point to or past which they run, but nothing paid into the Post Office Department on the same.
Brokers' expresses between Philadelphia and New York, and Philadelphia and Baltimore.	Postmaster of Philadelphia.	Take letters for considerably less postage than the department's rates.

III. As to the effect of these expresses upon the revenue of the Department, while the general result is manifestly of a most unfavorable character, a distinction appears to be made in favor of some of them in this respect. It is represented that Harnden's line, instead of operating to the prejudice of the United States mail establishment, acts as an important auxiliary to it. On the other hand, facts are stated to rebut this conclusion.

It is here proper to mention that, some two years since, Mr. Harnden entered into contract with the Department, at a nominal amount, to convey

paid letters between Boston and New York, under the United States mail-lock, and took the oath as a carrier; thus placing himself under the additional liabilities to punishment provided by law against such as stand in those relations, for any acts in violation of the Post Office policy of the United States. This arrangement was adopted on the recommendation of the then postmaster at Boston, Nathaniel Greene, Esq., and some of the most prominent gentlemen of that city. It expired on the 30th June last, and has not yet been renewed from a prevailing doubt of its expediency. In prosecuting this investigation I had much conversation with Mr. Greene, whom I met at Philadelphia, and who displayed great intelligence on this subject. At my request, he reduced his statement to writing; so much of which as bears upon this branch of the inquiry I will present, with the evidence derived from the other sources.

The evidence at hand is not sufficiently exact, nor can it be, from the nature of the subject, to enable me to indicate, by any specific sum, the probable loss to the revenue caused by these expresses. This must be a matter of general inference with all; and the best mode of enabling just conclusions to be formed is, to present the statements I have received under this head, with such correlative facts as are otherwise in my possession.

The postmaster at Boston states:

"Each of the express establishments named, convey letters, packets, newspapers, and parcels, receiving and delivering them at Boston, and at each of the depots or stopping places along the route over which it travels.

"On the days of the sailing of the British steamers, Adams & Co. generally deposit letters in this office several times during the morning, and frequently fifty or more at once. They send in on such days, as I have reason to believe, large numbers by persons who are strangers to myself and clerks, for the purpose, probably, of avoiding detection, and of preventing its being known what number they do bring. A large portion of the letters for the packets are double, treble, and more. I have several times estimated what the postage from New York would be on a parcel of letters deposited by Adams & Co., and found it to amount to from twenty-five to thirty dollars on a single deposit. Excepting such letters as are to be forwarded by the British steamers, very few of those conveyed by the several expresses come into the post office.

"In regard to the effect that these express establishments have upon the revenue of the Post Office Department, my opinion is that it is very great; to estimate the loss, however, with much accuracy would be difficult. All the expresses, with the exception perhaps of Harnden & Co.'s (who do take charge of packages of merchandise conveyed over the Providence route between this city and New York), are supported mostly by the profits derived from conveying letters and small packages, as they take charge of very little heavy freight. Besides the letters that are carried openly by the express, the carriers knowing them to be such, a great many are carried by them, done up in packages. I have very good reason to believe that merchants and others, in the same neighborhood, both in this city and New York, are in the daily habit of putting their letters together in a bundle, and forwarding them in this way, paying perhaps twenty-five or fifty cents for the whole. In some cases, even trunks and bags are used, which I doubt not pass daily between this city and New York as regularly as the mail. A merchant in New York, who is largely connected with the Boston manufacturers, told me last March, that he wrote and sent to Boston from six to ten letters daily, and that he did not think one in fifty of them was conveyed by mail. His

custom was to do up all he had to send on any particular day in one packet, and address it to one of the parties to whom he was writing, and send it by express carriers, at the charge of 25 cents. Answers were returned in the same way."

The postmaster of New York speaks as follows:

"The effect of these arrangements (meaning Harnden & Co's, and Adams & Co's lines) and of other smaller establishments between this city and Boston, and the large towns east of this city, this side of Boston, upon the revenue of the Department, is at least one third—a probable *loss of one third to the Department*. The number of letters carried outside of the mails, particularly to the eastern towns, is very great; but it is very difficult to obtain any accurate estimate of the number. Perhaps you may remember of my giving information to the Department of the number of letters found on one of the unfortunate persons who was on board the steamer Lexington, and, after being drowned, floated on shore on Long Island. There were 148 letters found on his person, and taken to the nearest post office and mailed to this office; and many other letters were found on most of the passengers that were found from the same vessel. This will give the Department some idea of what number is sent by individuals. This will also apply to the large towns on the Hudson river, between this city and Troy."

The postage accruing between New York and Boston, and the intermediate towns on the line of railroad, does not appear separately on the post office returns, nor can it be ascertained in time for this report. The one third of it must amount to several thousands annually.

The assistant postmaster of Albany says:

"We are unable to furnish any very full account of the operation of the express lines in this city. Harnden & Co. have an office here, and, we understand, do a profitable business; but their manner of doing it is not fully known to us. They have, we understand, an iron safe on board of the steamboat, and an agent constantly goes with it, receiving and delivering all parcels intrusted to their care. Letters, we understand, they do not forward by mail, except to Cunard's line of packets, paying the regular postage at this office, which is three to five dollars for each ship. We do not know that they carry anything which would go by mail if they did not carry it.

"We have been unable to discover that these express lines affect the revenue of the Department; but it may well be imagined that they will be unable to refrain from carrying letters, more especially law-papers; but, as yet, we cannot prove that they have done so. We keep with several of the law offices a monthly account of postage, and we have not discovered any falling off in the amount."

The postmaster of Buffalo reports:

"They (Pomeroy & Co.) carry packets of money, law-papers, an occasional newspaper to printers, and some half dozen for gratuitous distribution; and have once carried 150 New York Herald's. They will not carry common business letters without they contain orders for parcels of goods to be brought back, or a draft or bill of exchange. They also carry gold, silver, trunks, parcels of goods, and whatever may be offered in small compass.

"The effect upon the Department, at this time, is very trifling, perhaps from two to five dollars per week; but I understand the venders of newspapers intend making an arrangement to have their papers brought on by express, which, you will ascertain from a schedule this day forwarded to the Postmaster General, amounts to 2,032 per week, if the express should bring the dailies."

The following statement of the postmaster at Philadelphia bears upon this head of the inquiry :

"I will remind you now, however, of a circumstance which I communicated to you verbally. Mr. Brown, the Philadelphia agent of Harnden, has brought letters to this office, the day before the sailing of the Havre packet, on which he had received postage at his depot, and offered to pay the postage as single letters; but, upon examination by one of my clerks, they were found to be double, when he took them away, and did not return to the office. The conclusion, therefore, was inevitable, that he forwarded them by private hand. *Packages of letters* have frequently been dropped into this office, from Boston, New York, and other points, by Harnden's express, for deliverance by our carriers; and having ascertained that they were thus conveyed, in consequence of the '*per Harnden's express*' not being entirely obliterated, I have invariably charged them with postage, which has been quietly submitted to by the recipients of such packages. Many other packages have doubtless escaped my observation, which have been thus *illegally* conveyed. A highly respectable and extensive merchant of Philadelphia informed me that, to his certain knowledge, Harnden was in the habit of conveying by his express, multitudes of letters which ought to be transmitted by mail. If an opportunity should be afforded of bringing up, on a subpoena, any of our large commission dry-good merchants, either in Philadelphia, New York, or Boston, there would not be the slightest difficulty in establishing the fact of Harnden's gross violations of the post office laws; and I am firmly convinced that, if he and Adams be not put down, they will ere long put down the Post Office Department."

[See, also, the statement of the Postmaster of Philadelphia, quoted in this report, next to the list of *expresses*.]

A different view of Mr. Harnden's operations, and their effect upon the post office receipts, is presented by Mr. Greene. His statement furnishes an interesting memoir of this successful enterprise, the most important of its kind in the United States. He says:

"Mr. Harnden's was the first express established. I may add to this, that it was established as a *package express*, and without any intention of conveying letters. He commenced simply the business known to the law as that of a '*common carrier*,' with a sprinkling of the *commission merchant*; that is, he not only *transported* packages of goods between New York and Boston, but, in many cases, was employed to *purchase* the goods he transported. Being an honorable man, and wishing to establish himself in a legitimate business, he soon made arrangements with the proprietors of the railroads and steamboats on the route, by which each party was enabled to derive its appropriate profit from Mr. Harnden's enterprise, and the business was thus rendered mutually beneficial. On the establishment of the Cunard English steamboat line, Mr. Harnden's reputation for enterprise and honesty attracted the attention of the proprietors of that line, and he was offered the *exclusive* agency of the line for the management of its freighting business, which, though confined to light goods and small packages, is yet very considerable in the aggregate, and lucrative. [On all freight forwarded by the English steampackets, Mr. Harnden receives a commission of 10 per cent. This arrangement rendered it necessary for him to establish a branch of his house at Liverpool; and out of this has arisen another branch of business, which he is enabled to carry on, much to the convenience of the public and his own advantage—I mean drawing bills of exchange, in small sums, for the accommodation of emigrants and

others. I understand that he now draws, in this way, bills to the amount of from \$10,000 to \$20,000 for each packet; and even our merchants are beginning to apply to him for accommodations of this kind. I add, that Mr. Harnden is now in Albany, for the purpose of signing a contract with the managers of the Western railroad (from Boston to Albany), which will place him in something like the same relation to the freight transported over that road that he already bears toward that transported in the British steampackets. I presume I shall have said enough to give you some general idea of the nature and extent of Mr. Harnden's business.

"By the foregoing you will see that the carrying of letters was no part of Mr. Harnden's original intention, and can now form, under any circumstances, but an inconsiderable item of his business.

"From a time whereof the memory of man runneth not to the contrary, there have existed in Boston, New York, and probably the other maritime cities, what have usually been called *foreign letter offices*, generally kept by the keepers of the news rooms in the respective cities, who assumed the business of receiving letters to be forwarded to foreign countries by sea. These letters were despatched by a vessel sailing directly from the port where the letter was originally deposited, or sent by mail to some other port, whence a packet or other ship was about to sail. When such a letter was to be sent direct from the same port, a small compensation was charged for the trouble. When to be sent by mail to another port for despatch, then the amount of postage was charged in addition, and paid into the *post office* by the keeper of the *foreign letter office*. This is the system which has always been practised, and from which no detriment to the revenues of the Department has ever arisen; but there was a defect in this system detrimental to the merchants. The packages of letters sent by the keepers of foreign letter offices (say from Boston) would be sent by the very last mail previous to the sailing of the foreign packet from New York, and would arrive there but a few hours previous to the sailing of the packet; and it would often happen that the mail would not be assorted in season for the letters to be put on board, or that the packet agents (to whose care they were directed) would forget to send to the post office at the last moment; so that, from one or the other of these causes, the whole budget would often have to lie over until the sailing of the next packet. The frequency of these occurrences led many of the merchants to send their letters by such of their friends and acquaintances as happened to be going to New York on the day, and thus a large portion of the foreign-letter business was gradually withdrawn from the mail. On the establishment of Harnden's express, a sure means of securing the forwarding of these letters presented itself, in the person of his agent, who could immediately, on his arrival in New York, repair on board the ship and deposit the letters in the hands of the captain; and Harnden was constantly importuned to take them. Under these circumstances, Harnden communicated the facts (through me) to the Department, and the final result was an arrangement, by which he was appointed a mail carrier, gave bonds, and took the oath. By this arrangement, he received the foreign letters from the merchants, put them up in parcels directed to himself in New York, brought them to the office, and paid the postage on them: they were then mailed for New York; put in a separate bag, with a separate way bill, locked with the post office lock, and the bag confided to the hands of Harnden, to be conveyed to the New York post office. On his arrival there, the bag was immediately opened, its contents delivered to Mr. H., according to the direction, and he immediately repaired on board the packet ship with the same.

"By this arrangement the objects of all parties were accomplished. The Department got the postage; the merchants were assured of the certain conveyance of their letters, even into the cabin of the ship; and Mr. Harnden got a reasonable compensation for his trouble. This arrangement was originally one of my suggestion; it has brought thousands of dollars into the treasury of the Department, which otherwise would never have found their way there; and, to this day, I can see no objection to it. The establishment of the English mail, by the Cunard line, has since somewhat modified the details of this business, and partially changed its direction; but, were it not for wearying you with a letter too long to permit a hope of its being read, I could show you, conclusively, that Mr. Harnden's services are now as conducive to the interests of the Department, and to the public accommodation, as they previously were. I will just give one illustration. The postmasters cannot receive money for European postage; they have no means of transmitting the money to Europe, and of sending a letter as a *paid* letter. Now, many people who write, *on their own business*, to persons in England, and on the Continent, being unwilling to tax their correspondents with the expense of postage, desire to pay through; and many who write to friends or poor relations desire to do the same thing. Mr. Harnden enables them to do this. A person in Philadelphia, wishing to pay the American, English, French, and German postage on a letter to Vienna, can pay the same to Mr. Harnden, and the letter will go free of expense to the recipient. Mr. Harnden will pay the postage from Philadelphia to Boston; at Boston he will enclose it, with others of the same kind, to his partner in Liverpool, and that partner will pay at Liverpool the postage to its place of destination. This arrangement has already been found to be of great public convenience, and to deny him the privilege of doing so, would be to deny to the public a facility for which it is not in the power of the Department to furnish a substitute. Now, if the theory be correct, that the Post Office Department is established for the public convenience, it would seem to be a perversion of its powers and duties to act in any manner as an obstruction to communication in those particular cases where it cannot itself furnish the necessary facilities.

"I recollect that, in conversation, you considered it an objection to the present system, that Mr. Harnden collects the postage on the letters singly, and pays it in aggregate, by weight, thereby saving a difference in his own favor. If this be an objection, it certainly is not one of great importance. The difference cannot be very great, and must be nearly, if not quite, balanced by the labor saved in the post office, by mailing them collectively in packages, instead of mailing them separately. Besides, it enables him to keep his bag open until within five minutes of actual departure, which is at least half an hour later than the regular mail can be kept open, and thus catch all the tardy, who are a numerous race, and who would otherwise be compelled to send by private hand.

"It has also been suggested that, although Mr. Harnden would not, knowingly, convey a letter out of the mail, yet he is liable to be imposed upon by having letters done up in packages resembling some article of merchandise, and thus sent in disguise, to the injury of the revenue. We know that a case of this kind of imposition recently occurred, in which a distinguished merchant of this city enclosed forty-five thousand dollars, in notes, between two pattern cards, directed the package to his friend in Philadelphia, and endorsed on the outside, '*pattern cards only*.' The conse-

quence was, that he deceived not only Harnden, but his correspondent, who, neglecting to open the package, of 'pattern cards only,' a great fuss was made about the supposed loss of the notes. These cases may and do occur; but they would occur with the same frequency, whether Mr. Harnden were or were not authorized to carry the mail he now carries, and cannot affect the decision of the question of his continuance in the performance of that function.

"You will perceive, by Mr. Gordon's letter, that Mr. Harnden charges twenty-five cents for a letter from New York to Boston; and I have already stated my conviction that the effect of the system established by him has been to put 'thousands of dollars into the treasury of the Department, which otherwise never would have found their way there.' For the foregoing, as well as many other reasons equally cogent, I desire, in the most distinct and formal manner, to advise a renewal of the arrangement with him, which has recently expired.

"Of Mr. Adams's express, perhaps, it may be sufficient for me to say that, while he subserves *his own interest*, the Department derives but very little advantage from his exertions.

"That the shorter expresses, running to different points in this State, all carry more or less letters, is a fact of which scarcely any doubt can reasonably be entertained. Many of them would be glad, however, to act legitimately under the authority of the Department, which would serve to increase its revenue. It seems to me that, with regard to them, the Department has to choose only between a legal employment of them and a vigorous system of repression; and I hardly know which to advise. Perhaps the one course would be best with some, and the other with others. But it should be borne in mind that the expresses are a public want, without reference to the carrying of letters, and will continue to run over the road for other purposes, whatever may be the course of the Department; and it is questionable whether the repression system can ever be entirely successful with our present laws. But if, with our present laws, it is difficult to suppress the rivalry of the '*common carriers*,' it is utterly impossible to suppress that of transient travellers. Hundreds of these pass daily between Boston and New York, with their pockets full of letters, and no law can reach them. It is a notorious fact, that our principal hotels are the common receptacles of letters, which are daily forwarded by some of their departing customers. The Tremont house, in this city, has thus become quite a formidable rival to the post office, and I am utterly at a loss to devise a remedy for this evil."

Further evidence is furnished, as to the two principal expresses, in the following report of the present postmaster of Boston, made anterior to the present inquiry:

"Mr. Harnden, who has a commission from the Department as a mail carrier, has an express carrier, who accompanies the mail daily between here and New York both ways; and although he doubtless carries a large number of letters in packages on which no postage is paid, still I think him very honest in paying postage on all those openly intrusted to his care, and having them stamped; and I think he refuses to take charge of any parcels if he *knows* they contain letters. I doubt not, judging from the short experience I have had, that he pays more postage on letters he carries than would be received from the same letters if his express was

discontinued, as a large portion of them would in that case be intrusted to private hands or other expresses. I understand from him that he has paid the New York post office six or eight hundred dollars on letters brought from there for a single English mail steamer.

"There is, however, another express, run by Adams & Co., between here and New York, on the Worcester and Norwich route, in regard to which I think it my duty to inform the Department. This express is daily both ways, and is the bearer of a great number of letters on which no postage is paid. About the time of the sailing of the British steamers, they have deposited letters in this office several times during the day, and sometimes fifty or more at once. I have good reason to believe that they daily carry letters openly, knowing them to be such, at a low rate, and such as would otherwise be sent by mail or by Mr. Harnden.

"My knowledge of this matter arises as much from past experience, having been long in correspondence with merchants in New York, as from any information gained since I have had charge of this office."

The postmaster of Webster, Mass., situated on the line of Worcester and Norwich railroad, reports:

"The young man who has the care of Adams & Co.'s express from New York to Boston is making great inroads upon the income of this office. He takes letters daily to one of these cities, and brings letters from each city to some one of this place. Four letters have been left at their office in New York, for a gentleman of this place. Those enclosed in a wrapper have been brought here by this express for 18½ cents. Operations like this, some days to a greater extent and some days less, are occurring continually. He will reduce the receipts of this office, this quarter, \$50."

The quarterly receipts of this office are about \$125. The estimated loss, therefore, is at the rate of 40 per cent.

Mr. Grenville, formerly employed by the Postmaster General to investigate this class of depredations, says:

"In Boston there are several *daily express offices* established, where agents receive, convey, and deliver, all descriptions ofailable matter, particularly to and from Salem, Newburyport, Portsmouth, Portland, Bangor, Haverhill, Exeter, Dover, Lowell, Nashua, Concord, Taunton, New Bedford, Worcester, Norwich, Springfield, Providence, Stonington, New York, Albany, Philadelphia, and Baltimore; thus completely including the principal routes on which the Department must depend for its revenues in this section of the country. In my opinion, many of the post bills *to and from* the Boston post office do not amount to *shillings*, when they should exceed dollars.

"I am informed from an authentic source, that the proprietor of a commercial news room in New York is in the daily habit of receiving and forwarding letters to Boston, for which he charges 12½ cents each, on an 18½ cents route; and I have known a conductor on the railroad from New York to Philadelphia to charge 50 cents on a 12½ cents route.

"As the mails are usually closed one hour before the starting of the railroad-cars, steamboats, and post-coaches, I would suggest that in order to secure to the Post Office Department all its legal revenues, and effectually to obviate all excuses for fraudulent practices, responsible persons be authorized to receive letters, &c., until fifteen minutes previous to starting of said

conveyances, to be paid for at the post office in the place where they may be written.

"By a contract with the Department, William F. Harnden, of Boston, is now authorized to carry letters to and from New York and Boston; which is greatly approved of by the business community. Mr. Harnden says that the money he has paid into the Boston and New York post offices has averaged about *six hundred dollars per month the past year*, although Mr. Alvin Adams runs a daily express between Boston and New York, via Norwich and Worcester, who, I believe, has never paid one dollar on his letters at the post offices, and that the amount he forwards is about equal to Harnden's express.

"Mr. Harnden is desirous of having his contract include Philadelphia, New York, Albany, and Boston, if, in the estimation of the Department, it should be deemed expedient. Mr. H. deservedly enjoys the highest confidence of the business community in the above-named cities. I think it will advance the interest of the Department to make the arrangement immediately."

It will be seen by the table given at the commencement of this report that Boston has a greater number of packages and letter expresses running to and from it than any other point. It will be seen by the quarterly returns that its postage receipts are falling off to a greater extent than any other place of its class. Its postage, for the year ending June 30, 1841, was less by \$8,102 80, than for the preceding year, when special reasons for an increase are furnished in the opening of new and important lines of communication with it, the establishment of the Cunard line of steamers, and the consequent addition to its business and correspondence. Did time allow this comparison to be followed out at all the points on the track of these expresses, a distinct and increasing cause for no inconsiderable portion of the large aggregate decline in the revenue of the Department which has occurred within the last year would no doubt be exhibited.

It is upon those already in the enjoyment of the amplest provisions of mail service, that these additional facilities for the conveyance of letters and newspapers by private expresses are bestowed; and as it is done wholly at the expense of the resources of the Department, the unequal and unjust consequence results, that an equivalent amount in cost of mail accommodation elsewhere must be withdrawn or withheld.

When the post office receipts are falling off from year to year, and the mail service is retrenched from time to time in the effort to keep the expenses of the Department reduced to its income; when Congress, in view of these facts, refrains from exercising its power to establish post-roads, and from introducing the desired amelioration of the postage tax, the necessity and duty of protecting the resources of the Department against this species of encroachment must be obvious to all. But I beg leave to suggest whether it cannot be done with better discrimination and effect by obtaining further legislation in regard to it than by relying wholly on the penal provisions of the present law. Those provisions enforce the principle of prohibition against all the modes then known of conveying letters, &c., as a regular business. But these contrivances of expresses upon railroads, and even railroads themselves, have come into existence long since; and though the language of the enactments referred to may be broad enough to reach them, yet provisions might now be framed, under a full knowledge of these novelties, that would guard the revenue in a more intelligent, just, and effectual way. The pack-

age-carriers might be allowed to convey, on the application of their customers, but for the Department, letters and newspapers, under arrangements with the Postmaster General, the full postage on every mailable article to be secured by requiring periodical returns under oath, and by proper pains and penalties for all acts of unfaithfulness or fraud upon the Department, especially for concealing letters in packages or otherwise. Thus these "common carriers," as they are called in one of the statements, might be continued in all their usefulness as such, with the incalculable advantage of acting honestly and legally in regard to the conveyance of mailable matter, and become important auxiliaries to the Department. This would enable it to continue arrangements with Mr. Hamden, so strongly recommended in some of the communications, and to enter into like ones with others, but under sanctions and safeguards that would better protect its interests. Believing that my report of the facts I was directed to ascertain would be less incomplete by adding these suggestions, I have ventured on the liberty of presenting them.

All which is respectfully submitted.

S. R. HOBBS,

First Assistant Postmaster General.

Hon. C. A. WICKLIFF,

Postmaster General.

E.

POST OFFICE DEPARTMENT,

Contract Office, November 23, 1841.

SIR: I have the honor to report the following TABLE of *mail service* for the year preceding the 1st July, 1841, giving the length of routes, the annual transportation, and the rate of the cost of the mails for the year, according to the state of the contract arrangements on the 30th June last.

States and Territories.	Length of routes.	Annual transportation & rate of cost.						Total transportation.	Total annual rate of cost.
		Horse and sulky.		Stage and coach.		Railroad and steamboat.			
Maine	3,993	279,294	\$14,997	735,347	\$72,379	-	-	1,014,641	\$87,369
New Hampshire	2,841	135,130	6,155	786,157	61,480	-	-	921,287	67,615
Vermont	2,526	107,205	5,056	615,430	50,869	-	-	732,635	55,924
Massachusetts	3,927	140,030	8,710	1,185,730	96,383	391,954	\$33,817	1,717,714	136,960
Rhode Island	414	8,970	809	115,306	8,799	60,164	2,792	184,440	19,360
Connecticut	2,546	133,652	7,690	393,240	21,949	465,470	29,038	930,362	68,677
New York	14,556	1,100,994	63,605	2,378,812	243,888	618,228	73,269	4,698,134	386,697
New Jersey	2,044	139,706	6,480	398,446	33,284	123,660	22,150	660,812	51,854
Pennsylvania	11,034	961,378	45,590	1,689,438	141,682	261,941	37,779	3,124,757	224,991
Delaware	493	34,840	1,825	83,405	4,477	20,003	8,743	136,248	15,045
Maryland	2,352	241,522	15,206	266,664	44,796	257,469	56,117	765,665	116,119
Virginia	11,953	1,061,244	55,017	952,389	85,518	333,900	43,370	2,366,842	183,906
North Carolina	7,465	566,290	32,924	726,692	65,106	274,569	43,360	1,569,462	141,290
South Carolina	4,677	289,537	25,779	547,623	63,544	135,064	36,945	1,002,434	131,261
Georgia	6,927	486,272	34,669	844,060	101,406	189,332	35,866	1,488,684	171,921
Florida	1,817	95,884	11,663	75,416	15,478	99,424	18,840	270,794	45,679
Ohio	11,604	966,564	46,653	1,370,511	119,470	103,308	9,062	2,440,383	175,065
Michigan	3,615	325,354	19,709	267,608	19,307	95,368	4,475	708,339	45,491
Indiana	7,793	631,690	36,390	681,386	55,645	45,136	4,611	1,358,408	95,646
Illinois	9,787	550,623	41,949	1,070,576	104,841	63,222	7,193	1,684,421	157,983
Wisconsin	1,696	142,464	12,351	58,072	5,894	-	-	200,556	18,175
Iowa	1,014	96,768	7,716	29,224	4,012	-	-	125,999	11,788
Missouri	5,935	463,596	33,179	275,672	23,382	7,039	1,540	766,506	66,161
Kentucky	6,698	565,598	30,619	732,668	61,790	97,306	11,611	1,395,774	104,070
Tennessee	8,035	630,374	38,296	756,402	70,092	16,891	3,047	1,403,667	106,435
Alabama	7,920	594,812	32,765	686,377	116,635	106,184	42,878	1,389,379	212,696
Mississippi	5,909	602,434	56,410	260,552	55,607	84,499	11,296	947,785	125,445
Arkansas	3,626	373,360	36,190	140,192	31,917	42,224	7,619	555,776	75,728
Louisiana	2,599	294,056	34,483	12,104	3,099	127,373	40,475	434,733	78,047
Total	155,026	12,088,862	781,897	18,961,213	1,791,635	3,946,450	566,843	34,966,525	3,159,876

The cost of service above exhibited is not the actual amount paid for the year; it is what the amount for the year would have been had the service throughout that period been the same as at the end of it. As it was much more at the commencement, and was subsequently retrenched, the amount paid will necessarily exceed the rate above stated. These tables show the extent of service, and the rate of its cost at a given time, and furnish comparative views from year to year, and between the different States and Territories. For better convenience, the transportation and cost are expressed by annual amounts.

The annual cost of mail transportation for the last year appears to be less than for the preceding year by the sum of \$137,501. This reduction is caused by orders of curtailment.

For the *current* year the service in operation stands at the annual rate of \$3,046,657, \$112,718 less than the last year. This results from the reletting of the service in the eastern States and New York, in which section new contract arrangements commenced on the 1st July last, effecting a reduction in the transportation expense of that section of \$120,855 per annum. It should be noted, however, that on an important portion of this service the terms of compensation have not yet been adjusted. It is carried into the foregoing statement at the amount offered by the Department, viz: \$85,651, but the parties ask \$41,714 more.

The amount of \$3,046,657 above given for the cost and transportation of the present contract year, now only advanced into the second quarter, is liable to increase not only upon the unadjusted service referred to, but also for the substitution of railroad conveyance in lieu of the cheaper grades, as the railways progress to completion; for the employment of temporary service, at higher rates, when routes are abandoned by the contractors, and for the general extension of mail accommodation which the country may demand. To what extent such increase may be made must depend mainly on the ability of the Department to provide for the additional expense. The probability of the passage of a new route bill at the approaching session of Congress presents the prospect of an important augmentation of expenditure for the ensuing contract year.

I am, most respectfully, your obedient servant,

S. R. HOBBIE,

First Assistant Postmaster General.

Hon. CHARLES A. WICKLIFFE,

Postmaster General.

F.

Proceedings for expediting the great mail North and South.

POST OFFICE DEPARTMENT,
October 18, 1841.

GENTLEMEN: I beg leave to call your attention to the suggestions for alterations in the running of the mail on the great line covered, in part, by your railroads, which the First Assistant Postmaster General is authorized and directed to submit to you.

I have considered the changes which this officer proposes, through your concurrence, to introduce, and they meet my approbation. I see no other mode to prevent the delay of near 24 hours at Charleston, in the mail going South, and of 13 hours at Baltimore in the mail going East, and of bringing the passage of the mail down Cape Fear river in daylight, instead of the night, which the difficult navigation of that river renders indispensable. The arrangement proposed confers the desirable advantage of flinging the Southern mails into Boston in one direction, and into Albany in another, and all points beyond, 24 hours in advance of their present receipt, beside greatly expediting the mail to Philadelphia from both directions. It is possible objections may arise in New York, as the Southern mail will depart five hours earlier in the day than now; but will it not be considered that this is more than counterbalanced by a gain of 24 hours at Charleston, and the avoidance of the frequent failures this side?

This change will dispense with the present late night running from Philadelphia to Baltimore, by substituting a trip performed earlier in the evening and night, and a night run going North. This night-running, I understand, will be made the objection, which nothing can obviate but an increased price. In this matter it appears that the Department has gone as far as the law will allow. It is for the lawmakers then to provide you the redress which you ask for the additional difficulties and expense incident to night-running. But, in the meantime, it is right or politic that the whole nation should be denied the advantages which a perfect arrangement now in your power to make would give? Let me entreat your acquiescence; and, when Congress meets, submit to that branch of the Government the question of remuneration.

I am, with great respect, your obedient servant,

C. A. WICKLIFFE.

Messrs. McLEAN, NEWKIRK, and STOCKTON,

Presidents of the Railroad Companies between

Washington and New York.

Proposed arrangement of departures and arrivals for the great Atlantic mail line going South.

Leave Boston at 4 a. m.; arrive at New York by 10 a. m. next day.

Leave New York at 12 m.; arrive at Philadelphia by 6 p. m.

Leave Philadelphia at 6½ p. m.; arrive at Baltimore by 2½ a. m. next day.

Leave Baltimore at 3 a. m.; arrive at Washington by 5 a. m.

Leave Washington at 6 a. m. arrive at Richmond by 5½ p. m.

Leave Richmond at 6 p. m.; arrive at Petersburg by 7½ p. m.

Leave Petersburg at 8 p. m.; arrive at Garysburg by 1 a. m. next day.

Leave Garysburg at 1½ a. m. arrive at Weldon by 2½ a. m.

Leave Weldon at 2½ a. m.; arrive at Charleston by 8½ a. m. next day.

This arrangement will allow ample time for distribution in New York, and enable the mail of the day to bring off intelligence of part of the transactions of the day. In this respect, however, the proposed is not as good as the present schedule; which, putting the departure at 5 p. m., allows all the transactions of the day to be communicated by the mail of the day; but this late departure compels the mail to lie over at Charleston, South Caro-

line, nineteen hours, and exposes the mail-boat on Cape Fear river to frequent detentions and failures, by delaying its passage down that difficult navigation till after dark.

The great object of this arrangement is to enable the mail and travel of the great cities and the entire North to pass off to the South, without suffering a day's detention at Charleston. The direct despatch through that city cannot be accomplished, unless the great mail is made to depart from New York in the middle of the day, five hours earlier than at present. This delay at Charleston affects most seriously the correspondence and travel to Savannah in one direction, and to Augusta in another, and to all points beyond, embracing in that extensive region the cities of Mobile and New Orleans.

Proposed arrangement of departures and arrivals for the great Atlantic mail line going North.

No change is needed south of Washington. The mail now arrives at Washington by 25 minutes past 4 p. m.

Leave Washington at 5 p. m.; arrive at Baltimore by 7 p. m.

Leave Baltimore at 8 p. m.; arrive at Philadelphia by 3 a. m. next day.

Leave Philadelphia at 6 a. m.; arrive at New York by 12 m.

Leave New York at 4 p. m.; arrive at Boston by 9 a. m. next day.

This arrangement takes the great mail through to Philadelphia, without any detention at Baltimore. For the southern correspondence and travel it gains a business day at Philadelphia, half a business day at New York, and full twenty-four hours at Albany and Boston, and all points beyond.

Respectfully submitted.

S. R. HOBBIE,

First Assistant Postmaster General.

POST OFFICE DEPARTMENT,
Contract Office, November 16, 1841.

SIR: As the alterations in the running of this mail, necessary to effect the improvement above set forth, would fall chiefly upon the Philadelphia and Baltimore, and Philadelphia and New York railroads, I had, agreeably to your directions, interviews with the presidents of those companies, in the city of Philadelphia. Beside presenting your letter to them, and the accompanying statement, I went into full explanations of the necessities and advantages of the desired change. From Captain Stockton, president of the New Jersey Railroad Company, I received assurances of his readiness to conform to your wishes in this matter, so soon as the Philadelphia and Baltimore company should concur in the proposed arrangement; and I was informed by the vice president of the Baltimore and Washington railroad that the assent of that company likewise might also, in that event, be fully depended on. The determination of this matter thus resting with the Philadelphia and Baltimore company, I availed myself of an occasion when the directors were convened to obtain a full consideration of the subject, urging, in particular, the public dissatisfaction at the detention of the

Southern mail in Baltimore. The president of the company, Mr. Newkirk, afterward informed me that, without deciding to reject absolutely the alterations proposed by the Department, they had concluded to postpone adopting them this winter, on account of the increased expense and hazards of night service during that season, particularly in crossing the Susquehannah; and from the belief that the closing of navigation by ice on the Potomac would compel the loss of a day, and prevent the expedition south which the Department anticipated from the change; and, also, under the hope that Congress, in the meantime, would readjust the rates of compensation for mail transportation on railroads, so as to allow higher pay to be given for night service. He made statements, showing how expense was increased and profits lessened by running in the night, and the justice and expediency of increasing the pay for it; which might be done without enlarging the aggregate, by making a countervailing reduction of the rates for the day service, with many suggestions as to mode of compensation, &c., not necessary to be given in this communication. The final result, which it becomes my duty to report, is, that the accomplishment of this most obvious and beneficial improvement on the chief mail line in the United States cannot, under the present disposition of the parties, be effected at this time. And it remains to be decided whether it shall be made the subject of further efforts by the Department, or referred to the action of Congress.

I am, with high respect, your obedient servant,
S. R. HOBBIIE,

First Assistant Postmaster General.

HON. CHARLES A. WICKLIFFE,
Postmaster General.

Subjoined is Mr. Newkirk's reply to the Postmaster General's letter, which did not come to hand till after the foregoing report was made:

PHILADELPHIA, November 12, 1841.

DEAR SIR: I received your favor, dated 18th October, a few days since, through the politeness of Major Hobbie, in which you suggest some alteration in the running the mails between this city and Baltimore, with a view of expediting the same. I can assure you, on the part of our board, there is the most earnest desire to accommodate the department, and we will do so on every occasion as far as we consistently can. Being trustees or guardians of other persons' property, we must have some regard to the benefit or loss that may arise to the company in making the arrangement. You will observe your proposed arrangement will give our line the whole of the night-running, which is very objectionable, as our road has to depend largely on the way travel. This arrangement would deprive us of nearly the whole of that business, as it would be impossible for the mass of the way passengers to leave at such hours; consequently, this line would have to run with the mail and such persons as might be willing to take their chance with a night line. There is still a greater difficulty with us: we are obliged to cross the Susquehannah river in a very heavy and (during stormy weather) timmangeable steamboat, one built expressly for the purpose of carrying mail car, &c., over, and such as cannot be replaced by any ordinary one; consequently, we are very much afraid of risking her during the night, and never do so when we can possibly avoid it. I have stated to Major Hobbie, who is very

familiar with our road, all our difficulties. As soon as you can ascertain from the other parties you have addressed, we will then see what arrangement we can make with you.

I have been very desirous to visit Washington, to have an interview with you on another subject; but severe illness in my family has prevented me. I think it immensely important for the Government to obtain an interest in our road; which could be done, I think, at a cost which would not be deemed too great for the attainment of an object so important to the Post Office Department, viz: Let the Government issue scrip to the amount of one million of dollars, at five per cent., to our company, payable in twenty or thirty years, and, in return, have the perpetual control of the road as far as one mail daily line is wanted, and at such hour as the Department might direct. This would save an immense trouble in making new contracts and new engagements, as every year additional weight and importance will be attached to the mail on so important a route. In addition to the mail, make our company agree to furnish the War Department certain facilities—such as to carry all Government troops, ordnance, and ammunition, at half the regular price during a war, if we should be so unfortunate as to have one. The road would soon return in advantages all the Government would pay, and if we never have a war, the bargain is still good enough for the Post Office Department; for I have no doubt in a few years the Department will have to pay \$50,000 or more for the transportation of the mails, particularly if carried at such hours as may interfere with the travel. I have not time at this moment to present anything in detail, but have hastily thrown out the above hints. I am well satisfied our company would make a more favorable arrangement at this time than they would do should they succeed in making some negotiations they now have in prospect.

With great respect, I remain, your obedient servant,

M. NEWKIRK,

President Phila., Wil., and Balt. R. R. C.

Hon. C. A. WICKLIFFE,

Postmaster General.

G.

POST OFFICE DEPARTMENT,

Inspection Office, June 17, 1841.

Sir: A difficulty of several years' standing still exists, and now threatens actual and early interruption to the progress of the United States mail to and from the west, on the Cumberland road, at a point on that part of it which lies within, and has been ceded to, the State of Virginia.

It appears that on the 7th February, 1832, the Legislature of Virginia passed a law, in anticipation of the surrender by the General Government of the United States to that State of so much of the Cumberland road as lies within its limits, by which it was expressly enacted, "that no tolls shall be received or collected for the passage of any stage or coach conveying the United States mail, or horses bearing the same."

With this law in view, the road, or so much of it as is within the State of Virginia, was surrendered to that State by an act of Congress of the 24th June, 1834. Subsequently—to wit, on the 22d March, 1836—the Legislature of Virginia passed an act to *repeal* that portion of their act above referred to which exempted the mail of the United States from the payment of tolls; and, in the month of September, 1837, toll was demanded from the

contractors, and process issued against them daily for the amount charged for each passage of the stage. On trial before the city alderman of Wheeling, the claimants, represented by Mr. Thompson and by the Honorable Mr. Steenrod, now a Representative in Congress, were non-suited and mulcted to the amount of costs of suit. The process was issued in these cases after tender and refusal of a bond with security to pay any damage that might be ultimately awarded in an amicable suit, subject to the right of appeal.

Being thus defeated in a trial of the question under process of law, the claim was not again renewed until February, 1838, when the contractors were warned, by a notice from the superintendent of the public works of Virginia, that on a certain day in that month the *gates would be closed* against the mail, if the toll should be refused. The Department, being advised of this determination to interpose, forcibly, a physical obstacle to the passage of the mail, instructed the contractors to demand for it a free passage, and to take precaution to be able to prove the refusal of the gate-keeper, with a view to the trial of the question, by way of prosecution, under the act of Congress in such cases provided. The contractors accordingly went on to pay the tolls, until advised by letter dated on the 26th November, 1840, that the "Department will not be bound for any tolls you may pay on that road hereafter;" whereupon they gave notice to the superintendent of the road, that they would not pay toll after the 1st of December last. On the 7th December, 1840, the Department said, in a letter to the contractors—"If the mails be still denied a free passage at the Virginia gate, you are requested to inform the Department of the fact, in order that measures may be taken to a final settlement of the question."

On the 1st of February, 1841, the agent for the contractors was served with the following copy:

"At a meeting of the board of public works, on the 25th day of January, 1841, the following resolution was adopted:

"Resolved, That the superintendent of that portion of the Cumberland or National Road, lying within the State of Virginia, be instructed to close the gates on said road against all stages or other vehicles carrying the mail of the United States, the owners or drivers of which refuse to pay the tolls established thereon in conformity to law, first giving reasonable notice of intention to do so."

The contractors allege that they were induced to pay the toll by the request, in February last, of the late General Harrison, then President elect, he saying that the case should be looked into after the 4th of March. The superintendent now again threatens to close the gates, but has consented to leave the matter open until the contractors, who are now here, can hear definitively from this Department; and *thus the case now rests*. The juncture is now at hand. The difficulty must be met; and for its solution the Department has to choose, as it seems to the undersigned, between the payment of an unlawful exaction, or the arrest and prosecution of the agents of Virginia, upon their execution of the order to close the gates against the mail; or is it the pleasure of the Postmaster General, that further attempts at adjustment of the question be made by correspondence with the board of public works, or other authority of Virginia? For his greater convenience, I have here brought together all the facts of the case, being ready to receive his instructions: and remaining

Very respectfully, his obedient servant, J. S. SKINNER,
Third Assistant Postmaster General.

Hon. FRANCIS GRANGER, Postmaster General.

POST OFFICE DEPARTMENT,
Inspection Office, February 19, 1838.

SIR: Your letter of the 15th inst., bringing to the notice of the Department the difficulties you apprehend with the superintendent of the public works on the Cumberland road at Wheeling, has been duly received.

The Legislature of Virginia passed an act on the 7th of February, 1832, in anticipation of the surrender by the Government of the United States to that State of so much of the Cumberland road as lay within its limits, in which it is expressly enacted "*that no tolls shall be received or collected for the passage of any stage or coach conveying the United States mail, or horses bearing the same,*" &c.

Upon the conditions, and under the regulations of this act, the road was surrendered to the State of Virginia by an act of Congress of the 24th June, 1834.

That all stock necessary, bona fide, for the transportation of the mails upon this road, in the mode and manner contracted with, or ordered by the Postmaster General, is toll free, under the provisions of the act referred to, seems, beyond doubt; and after legislation by the State of Virginia, without the assent of Congress, changing the conditions of the surrender, would, I think, be inoperative.

If, however, the superintendent should persist in his attempt to execute his threat, in order that there may be as little interruption in the transportation of the mail as possible, I would beg leave to suggest that, after a demand on your part to pass, and a refusal on his part to open the gate, that you pay him such sum as he may demand, protesting, at the same time, against his right, and in each and every instance when such free passage is not allowed you after demand, you will report to this Department the facts, and the names of such persons as will be able to establish them in a court of justice, and the Department will endeavor to try the question with the superintendent, gatekeeper, or any other person engaged in thus retarding the mails, by way of prosecution, under the act of Congress in such cases provided.

I am advised to say to you that such sums as may be wrongfully extorted from you under the circumstances before detailed, will be refunded to you by this Department.

D. COLEMAN,
Third Assistant Postmaster General.
 L. W. STOCKTON, Esq., *Baltimore, Maryland.*

POST OFFICE,
Wheeling, October 14, 1841.

DEAR SIR: Since I had the pleasure of seeing you here I have been collecting such information as I could obtain on the subject of the claim by Virginia of collecting toll on the stages carrying the United States mail, and herewith submit such as I suppose may be useful to you in deciding what course to pursue. Before, however, referring you to the accompanying documents, I will give you a brief account of what has transpired here.

Some years ago toll was demanded by the then superintendent of the national road (John McLure, Esq.), which was resisted by the contractors:

the gate was closed on the stage. After which, the contractors consented to pay the toll, and continued to do so until some time last summer.

The Department, I am informed, allowed the contractors the amount of toll in settlement; but, after some time, refused to allow it any longer. The contractors then notified the superintendent that they would not pay the toll, consequently, he closed the gate, and refused to let the mail pass until the tolls were paid. This occurred on the 30th July last.

The mail from the east returned from the gate to the post office at Philadelphia, a few miles east of the gate, whence one of my clerks had it brought to this office in a wagon. On the same day, the mail made up at this office for the east, proceeded as far as the gate, and after remaining there about two hours, returned.

The next morning, I rode out to the gate, and found the eastern mail there (had been there some ten or fifteen minutes), and the gate shut. I paid the toll, and sent the mail on to town. I then paid the toll for four days in advance. Before the expiration of that time, Doctor Kennedy, agent of the Department, arrived. The agent of the contractors, the doctor, and myself, visited the superintendent. He consented to let the mails pass for a time, to allow time to communicate with the Department, in hopes some arrangement could be made. At the expiration of the time (no arrangement having been made), I informed the superintendent that I would *individually* account to him for the tolls until I should inform him to the contrary; and on this arrangement the matter still remains. I have paid the tolls (eighty-eight cents per day) from the 16th of August to the 1st instant, and design to continue to pay until the matter shall be decided, unless otherwise instructed.

Now, sir, permit me to refer you to the accompanying documents. No. 1 is extracts from the act of the Legislature of Virginia, accepting the road from the General Government. Section 3, you will perceive, exempts the mail and other public property from the payment of toll. Section 5, same act, reserves to the Legislature the right to change, alter, or amend this act without the consent of Congress.

On the provisions of this section the Legislature passed an act on the 22d March, 1836 (marked No. 2), repealing that part of the act of 1832, which exempts the mail from the payment of toll. It is under the provisions of this last named act, amended act, that the difficulty has occurred. No. 3 is the opinion of the Attorney General of Virginia, from which you will find he claims for the Legislature the right by the 5th section of the act of 1832, to pass the act which it did in 1836, exacting toll on the mail stage, &c.

You will also find, herewith, extracts of letters to the superintendents, and resolutions of the board of public works under which the superintendent has acted in closing the gates on the mail stage as beforementioned.

From these documents, I trust you will be able to understand the matter fully, and be prepared to take such measures as you may deem proper, in the premises. I ought, perhaps, to add, that proceedings have been commenced in the District Court against the gate-keeper, and two bills of indictment have been found against him for stopping the mail, but have not yet been tried.

There is another subject to which I beg leave to call your attention; that is the irregularity in the transportation of the great mail through this place from the east to the west.

Great complaints have been made throughout the west, and I have been frequently written to by postmasters and others on the subject. The contractors, I understand, claim the right under their contract to carry three passengers on the mail stage, to the exclusion of a portion of the mail. By this means, we receive considerable portions of the *paper mail* by passenger coaches. This happens frequently, as will appear by reference to our mail register reports, as also my special reports to the department. The consequence is, that this extra matter is delayed here sometimes for several days before it can be forwarded by the western mail, as they also claim the right to carry passengers. It has twice occurred, since I have had charge of this office, that the eastern mail has failed to arrive until the western mail had left; the whole mail, therefore, had necessarily to remain here until next day, and then only a portion of it could be sent, and so on daily until the whole was sent, which required nearly a week. I am satisfied that, to meet public expectation, some change is necessary; and would respectfully suggest what I suppose would be a remedy. Let the contracts be so changed as to exclude passengers whenever the mails require the whole coach. I think this would enable the contractors to carry the *whole mail in one coach* regularly, without resorting to the passenger coaches at all; or, if at all, very seldom. This would, in my opinion, convey the mails with such regularity at least as to obviate any just complaints on the part of the community. Accidents will sometimes happen, by which the mails will occasionally be delayed, such as breaking down, deep snows on the mountains, &c. To remedy such as far as possible, it would be desirable that some arrangement should be made with the western contractors to take on without delay, in an *extra*, what cannot be taken in the regular mail, and not suffered to remain here until it can be got off a little at a time by the regular mail, as is now the case.

Hoping the information I have given in relation to the toll matter, and the suggestions I have taken the liberty to offer in relation to the mails, may be of service to you in correcting those evils,

I remain, very respectfully, your obedient servant,

DAVID AGNEW.

Hon. C. A. WICKLIFFE,
Postmaster General.

(No. 1.)

[Extract.]

An act concerning the Cumberland Road, passed February 7, 1832.

SEC. 3. After fixing a tariff of tolls to be charged, and declaring what shall be subject to toll, has the following provisos: "*Provided, however, That nothing in this act shall be so construed as to authorize any tolls to be received or collected from any person passing to or from public worship; or to or from a visit to a friend, or other place within the county in which he resides; or to or from any muster, election, or courts; or to or from his common business on his farm or woodland; or to or from a funeral; or to or from a mill, school; or to or from his common place of trading or marketing within the county in which he resides, including the wagons, carriages, and horses or oxen drawing the same: Provided, also, That no toll shall be received or collected for the passage of any stage*

er coach conveying the United States mail; or horses bearing the same; or any wagon or carriage laden with the property of the United States; or any cavalry or other troops, army, or military stores belonging to the same, or to any of the States comprising the Union; or any person or persons on duty in military service of the United States, or of the militia of any of the States."

"SEC. 5. *Be it further enacted*, That the General Assembly reserves to itself at any future session thereof, without the consent of Congress, to change, alter, or amend, this act: *Provided*, That the same shall not be so changed, altered, or amended, as to reduce or increase the rates of toll hereby established below or above a sum necessary to defray the expenses incident to the repair and preservation of said road; to the erection of gates and toll-houses thereon, and for the payment of the fees or salaries of the superintendent, the collector of tolls, and of such other agents as may be necessarily employed in the preservation and repair of the said road, according to the true intent and meaning of this act."

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(No. 2.)

[Extract.]

*An act to amend an act entitled an act concerning the Cumberland road.
Passed March 22, 1836.*

"*Be it enacted by the General Assembly*, That so much of the third section of the act concerning the Cumberland road, passed the seventh of February, eighteen hundred and thirty-two, as exempts from the payment of toll, any person passing to or from a visit to a friend, or other place within the county in which he resides, or to or from his common place of trading or marketing within the county in which he resides, including the wagoners, carriages, and horses or oxen drawing the same; or any stage or coach conveying the United States mail, or horses bearing the same; the same shall be, and the same is hereby repealed."

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(No. 3.)

Extract of a letter from W. H. Brown, Assistant Secretary of the Board of Public Works of Virginia, to John McLure, Superintendent Cumberland road, dated January 31, 1838.

"Your communication to the Governor, postmarked December 18, 1837, was duly received by him, and laid before the board of public works.

"Deeming the questions contained in it, in relation to mail coaches, to be of a character which ought to be judged of by the Attorney General, the board referred your letter to him.

"By their direction, I herewith send you a copy of Mr. Baxter's opinion, which, it is hoped, will enable you hereafter to get along smoothly."

Attorney General's opinion.

RICHMOND, January 22, 1838.

I have carefully examined Mr. McLure's letter referred to me by the board of public works.

The act of 1831 and '32, page 90, exempts from toll any stage or coach carrying the mail of the United States. The same act reserves to the General Assembly the power, without the consent of Congress, to change, alter, or amend, this act, provided the tolls are not increased above or diminished below the sum necessary to keep up the road. The act of 1835 and '36, page 81, repeals so much of this act as exempts mail coaches from toll. This may be done under the power reserved to the State, and without any violation of a compact with Congress. It then raises the question, can a mail-carrier pass over a turnpike road, the property of the State, or of a State corporation, without complying with the law requiring the payment of tolls? I reply, no.

The act of Congress of April, 1810, section 6th, has these words: "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 or 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." Section 7th provides—"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." I think the inference from these sections clearly is, that Congress does not assume jurisdiction over the roads of any of the States, and that wilful obstruction spoken of is not an obstruction arising from bar placed by a turnpike company over their roads to insure the collection of tolls. To suppose the contrary would be to infer that Congress intended to seize on roads made by the States, and by companies incorporated by the States, for the use of transportation of the mail. Such intention is expressly waived as to roads not turnpiked, by the direction to the Postmaster General to report cases of obstructed roads, that other roads may be established. The exception as to turnpikes obviously arises from the design to make the contractors, over these roads, conform to the regulations of the companies for the collection of tolls. When a contract is made for the transportation of the mail over a turnpike, the contractor is cognizant of the tolls he will have to pay, and is allowed for them in his contract. The Government cannot intend that the tolls are to be given by the company as a gratuity, either to the contractor or Government. It must contemplate a payment by the contractor. If he refuses to pay, and the mail is thereby delayed, it is an obstruction arising from the default of the contractor, not an improper act of the company. The effort of the contractor to force his way through, is a fraud on the company, and the company may lawfully use the means given them to prevent this fraud, without incurring the penalties of the 7th section.

I would advise that the gate be closed by the superintendent on all stages not paying toll, a fair notice being first given the owners, of the intention to do so.

S. S. BAXTER.

"Accompanying this opinion is the following resolution, passed by the board of public works at a meeting on the 25th January, 1838:

"*Resolved*, That a copy of said opinion be transmitted by the Second Auditor to Mr. McLure, with instructions to be governed thereby.

"At a meeting of the board of public works, on the 25th day of January, 1841, the following resolution was adopted:

"*Resolved*, That the superintendent of that portion of the Cumberland or National road lying within the State of Virginia, be instructed to close the gates on said road against all stages or other vehicles conveying the mail of the United States, the owners or drivers of which refuse to pay the tolls established thereon in conformity to law, first giving reasonable notice of his intention to do so.

"A true copy from the minutes.

"W. H. BROWN,
Assistant Secretary."

II.

POST OFFICE DEPARTMENT, *December 1, 1841.*

SIR: I respectfully submit, by your direction, the following statement showing the disposition made of the funds appropriated by Congress at its extra session "to enable the Post Office Department to meet its engagements and pay its debts."

The sums due and unpaid to creditors of the Department on the 30th of June, for services rendered prior to the 1st of April, 1841, were stated in my communication to the Postmaster General, dated the 14th August last, as follows:

Arrears of the 1st quarter of 1841, as settled and reported upon by the Auditor, after deducting \$20,000, for available funds on hand	\$267,657 25
Undisputed claims outstanding and in process of settlement, estimated at	80,000 00
Total of arrears ascertained and estimated	<u>347,657 25</u>
To pay the arrears above stated, and to place the Department in a condition to meet its engagements, Congress appropriated, by act approved 9th September, 1841, the sum of	\$482,657 00
Of the amount thus appropriated, there has been drawn from the Treasury	407,657 00
Leaving undrawn	<u>75,000 00</u>

All the balances, making up the sum of \$267,657 25, have been paid; and of the outstanding claims, estimated at \$80,000, there have been settled

and paid the sum of \$73,060,34 ; making together \$340,717 59 of arrears paid out of the appropriation, and leaving a balance of \$141,939 41 applicable to the payment of claims yet unsettled.

I am, very respectfully, your obedient servant,

JOHN MARRON,

Chief Clerk Post Office Department.

Hon. C. A. WICKLIFFE,

Postmaster General.