

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Gilman,	ay	} *	Mr. Hanson,	ay	} ay
<i>Massachusetts,</i>			Carroll,	ay	
Mr. Osgood,	ay	} ay	Hemsley,	ay	
Jackson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	ay	} ay
Mr. Arnold,	no	} no	Madison,	ay	
Howell,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Williamson,	ay	} ay
Mr. Huntington,	no	} no	Blount,	ay	
Dyer,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	ay	} ay
Mr. Duane,	ay	} ay	Ramsay,	ay	
L'Hommedieu,	ay		Izard,	ay	
<i>New Jersey,</i>			Gervais,	ay	
Mr. Boudinot,	ay	} ay			
Condict,	ay		<i>Pennsylvania,</i>		
<i>Pennsylvania,</i>			Mr. Smith,	ay	} ay
Mr. Smith,	ay	} ay	Clymer,	ay	
Clymer,	ay				

So it was

*Resolved,* That it be impressed on the several states as absolutely necessary to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to such persons as have or shall be appointed by the Superintendent of finance to receive the same within the State, and to authorise such receiver to recover the monies of the collectors for the use of the United States, in the same manner, and under the same penalties as state taxes are recovered by the treasurers of the respective states; to be subject only to the orders of Congress or the Superintendent of finance.

The ordinance for regulating the Post Office was read a third time, and passed as follows:<sup>1</sup>

<sup>1</sup> The ordinance was entered in the Journal by George Bond.

## AN ORDINANCE FOR REGULATING THE POST OFFICE OF THE UNITED STATES OF AMERICA.

Whereas the communication of intelligence with regularity and despatch, from one part to another of these United States, is essentially requisite to the safety as well as the commercial interest thereof; and the United States in Congress assembled, being, by the Articles of Confederation, vested with the sole and exclusive right and power of establishing and regulating post offices throughout all these United States: and whereas it is become necessary to revise the several regulations heretofore made relating to the Post Office, and reduce them to one act:

Be it therefore ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, that a continued communication of posts throughout these United States, shall be established and maintained by and under the direction of the Postmaster General of these United States, to extend to and from the State of New Hampshire and the State of Georgia inclusive,<sup>1</sup> and to and from such other parts of these United States, as from time to time, he shall judge necessary, or Congress shall direct.

And be it further ordained by the authority aforesaid, that the Postmaster General for the time being, shall, from time to time, superintend and direct the Post Office in all its various departments and services throughout the extent aforesaid, agreeably to the rules and regulations contained in this ordinance; and shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy postmasters as he shall think proper, for whose fidelity he shall be accountable; each of whom shall reside at such place as the Postmaster General shall judge best suited to maintain a due and regular transportation and exchange of mails. And the said Postmaster General shall be, and hereby is authorised to allow, from time to time, to his said deputies respectively, such commissions on the monies to arise from postage in their respective departments, as he shall think their respective services may merit, so as that the said commissions shall not in the whole exceed twenty per cent. And shall, by himself or his said deputies respectively thereunto regularly authorised by him, from time to time, appoint the necessary post-riders, messengers and expresses, with such salaries and allowances as he or his said deputies respectively shall think meet.

<sup>1</sup> A draft of the ordinance up to this point, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress* No. 59, III, folio 411.

And be it further ordained by the authority aforesaid, that the Postmaster General, his clerk or assistant, his deputies, and post and express-riders, and messengers, or either of them, shall<sup>1</sup> not knowingly or willingly open, detain, delay, secrete, embezzle or destroy, or cause, procure, permit or suffer to be opened, detained, delayed, secreted, embezzled or destroyed any letter or letters, packet or packets, or other despatch or despatches, which shall come into his power, hands or custody by reason of his employment in or relating to the Post Office, except by the consent of the person or persons by or to whom the same shall be delivered or directed, or by an express warrant under the hand of the President of the Congress of these United States, or in time of war, of the Commander in Chief of the armies of these United States, or of the commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states, for that purpose, or except in such other cases wherein he shall be authorised so to do by this ordinance: (provided always, that no letter, franked by any person authorised by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states.) And that the Postmaster General, his assistant, deputies, post and express-riders, and messengers, and each and every of them, shall, without delay, take and subscribe the following oath, to wit:

“I, A. B., do solemnly and sincerely swear, declare or affirm, (as the case may require) that I will well and faithfully do, execute, perform and fulfil every duty required of me, and abstain from every act and thing forbidden by a certain ordinance passed by the United States of America in Congress assembled, on the 18th day of October, 1782, entitled ‘An ordinance for regulating the Post Office of the United States of America.’”

And be it further ordained<sup>2</sup> by the authority aforesaid, that if the Postmaster General shall be guilty of a breach of the said oath or

<sup>1</sup> The following in the draft was struck out: without delay severally and respectively take and subscribe the following oath or affirmation, to wit: I, A. B. do solemnly sincerely swear declare or affirm, (as the case may require) and call God to witness that I will

<sup>2</sup> The following was struck out in the draft: by the authority aforesaid that if any person shall in any act, matter or thing whatsoever be guilty of a breach of the said oath or affirmation or any part thereof and be thereof convict, he shall be deemed forfeit and pay not exceeding one thousand dollars and adjudged guilty of wilful and corrupt perjury and incur and suffer such pains and penalties as by law are to be inflicted in cases of wilful and corrupt perjury, and be thereafter incapable of holding any office or place of trust or profit under these United States,

affirmation or any part thereof, and be thereof convict, he shall forfeit and pay one thousand dollars, to be sued for and recovered in an action of debt, in the State where the offence shall be committed, by the treasurer of the United States for the time being: and if any postmaster, post-rider, or other person employed in the Post Office Department, shall be guilty of a breach of the said oath or affirmation or any part thereof, and be thereof convict, each one so offending shall forfeit and pay three hundred dollars, to be sued for and recovered in an action of debt, in the State where the offence shall be committed, by the Postmaster General for the time being: all which forfeitures, when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expences of the Post Office: and every person employed in the Post Office Department, who shall be guilty of a breach of the said oath or affirmation shall, besides paying the above-mentioned forfeitures, be rendered incapable ever hereafter of holding any office or place of trust or profit under these United States: provided always, that the foregoing oath shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner herein after directed, unless the same shall be thought necessary by the Postmaster ||General|| or his deputy who shall have appointed him; which oath shall, without delay, be made by the Postmaster General before the President of the Congress of these United States;<sup>1</sup> and by each of the said clerk or assistant, deputies and post-riders (except as is above provided with respect to special expresses and messengers) before the Postmaster General, or before any civil magistrate nominated by him for that purpose; all which persons are hereby respectively authorised to administer the said oath; and shall respectively make and sign certificates thereof: the certificate to be signed by the President, to be lodged in the office of the secretary of the Congress of these United States, and the other certificates respectively to be returned into the office of the Postmaster General; there to be kept as evidence of the several qualifications therein respectively certified.

And be it further ordained by the authority aforesaid, that the Postmaster General of these United States for the time being, and his deputy and deputies, thereunto by him sufficiently authorised, and his and their agents, post-riders, expresses and messengers

<sup>1</sup> The following words were struck out in the draft: who is hereby authorised to administer the same, and his certificate thereof signed by him be filed with their secretary.

respectively, and no other person whatsoever, shall have the receiving, taking up, ordering, despatching, sending post or with speed, carrying and delivering of any letters, packets or other despatches from any place within these United States<sup>1</sup> for hire, reward, or other profit or advantage for receiving, carrying or delivering such letters or packets respectively; and any other person or persons presuming so to do shall forfeit and pay for every such offence, twenty dollars, to be sued for and recovered in an action of debt with costs of suit, by the Postmaster General or his deputy, in the State in which the offence shall be committed; and such sums as shall be thus recovered and received, shall be accounted for by the Postmaster General, and applied towards defraying the necessary expences of the Post Office. Provided nevertheless, that nothing herein contained shall be construed to extend to any messenger purposely sent on any private affair, and carrying letters or packets relating to such affair only; or to persons sent officially on public service ~~from places where no Post Office is established~~. And provided also, that nothing herein contained shall in any manner affect any private cross post-rider that may be employed by any of the citizens of these United States with the consent of the Postmaster General or his deputy, until a public rider can be established on such cross road.<sup>2</sup>

And be it further ordained by the authority aforesaid, that if any person, not being a post or express rider, in the service of the general Post Office, shall carry any letters, packets, or other despatches, from one place to another, within these United States, on any of the post roads, to any place within these United States, for hire or reward, except in cases as is herein before excepted, or shall not, when bringing letters from beyond sea, for hire or reward, deliver the same at the

<sup>1</sup> The following in the draft was struck out: or any foreign kingdom or country to any place within these United States where he shall have settled, post offices and posts or running messengers, except such letters and packets as shall respect goods sent by common known carriers or drivers of stage coaches or waggons, and which shall respectively be delivered with the goods such letters do concern without hire, reward or other profit or advantage for receiving or delivering such letters or packets respectively, and except also letters of merchants, masters or owners of any ships, barques or vessels of merchandise respecting any cargo or loading therein sent to be delivered by any such master or other person employed by him for the purpose according to their respective directions, so as the same shall be thus delivered without any pay or other reward, advantage or profit for the carriage and delivery of the same, and except also any letter or packet to be sent and conveyed by any private person in his or her way of travel, journey or passage without any pay or other reward, advantage or profit for the carriage and delivery of the same, or by any messenger purposely sent for any private affair, or officially on public service.

<sup>2</sup> This sentence is not in the draft.

Post Office, if any there be at the place of his or her arrival, he or she shall, in each of the before mentioned cases, forfeit and pay for every such offence twenty dollars, to be recovered by the Postmaster General or any of his deputies, in an action of debt, in the State wherein the offence shall have been committed, with costs of suit, and applied towards the expences of the post office, and be accounted for accordingly; and if such offence shall have been committed by any person holding a civil or military commission under these United States, he shall, on conviction thereof, forfeit his commission. And for every letter, packet or other despatch from beyond sea, which any person shall so deliver at the Post Office, he shall receive of the Postmaster, at the Post Office, for the delivery of the same, 1-90th of a dollar.<sup>1</sup>

And be it further ordained by the authority aforesaid, that the Postmaster General shall cause the mail to be carried with all care and despatch, at least once in every week, to and from each of the stated post offices, and his deputies shall keep and transmit to him regular, particular, just and quarterly accounts of the incomes and expenditures of their respective offices; and from those and such other materials as shall be necessary for the purpose, the Postmaster General shall form and keep regular and just accounts of the incomes and expenditures of the general Post Office, which he shall annually deliver to the comptroller of accounts of these United States, attended with the quarterly accounts of each office, and vouchers for his examination and passing.<sup>2</sup>

<sup>1</sup> The draft has it 2/90ths of a dollar.

<sup>2</sup>The following was struck out from the draft:

And whereas it may be necessary for the Postmaster General, or his clerk or assistant occasionally to visit the several post offices in these United States or otherwise to travel for the performance of their respective duties of office, Be it therefore ordained by the authority aforesaid that they shall in such case be severally and respectively allowed for the time of necessary absence from home on such business over and above their respective salaries           dollars per day, in full for horse hire, travelling expences and all other charges and disbursements whatsoever during such visitation and travel as aforesaid and no more.

And be it further ordained by the authority aforesaid, That the Postmaster General and his deputies shall respectively regularly publish in some public newspaper of the State wherein their respective offices shall be a list of all letters which shall severally have remained in their respective offices by the space of three weeks and at the expiration of six months thereafter shall open and inspect such letters and shall carefully preserve the same with the papers therein respectively contained, insert in a book, to be kept for the purpose the date of every such letter and the name and place of direction on the same and publish such direction (purporting thereon if such is the case that the letter contains valuable inclosures or other matters of importance to the parties) in one of the public newspapers aforesaid and deliver such letter.

And be it further ordained by the authority aforesaid, that the Postmaster General's deputies respectively, shall regularly publish, at the expiration of each quarter, (if it can conveniently be done) in ~~some newspaper of the State in which the respective offices shall be~~ one of the most convenient public newspapers, for three successive weeks, a list of all letters at that time remaining in their offices; and at the expiration of the subsequent quarter, shall send such of the letters so published as then remain, as dead letters to the general Post Office, where they shall be opened and inspected by the Postmaster General, who shall ~~destroy such as contain no valuable enclosures, but~~ carefully preserve them, with the papers therein respectively contained, and shall insert in a book, to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the enclosures contained therein; and at the expiration of each quarter the Postmaster General shall cause to be published, in one of the newspapers of the State in which the owners of such valuable papers are supposed to reside, (if a newspaper is printed in such State) else in the most convenient paper, an advertisement, informing that such papers are in his possession, and shall deliver such letter and enclosures to the person or persons to whom the same shall be directed, or his, her, or their order at the Post Office, he, she, or they first paying the postage for the same, at the rates from time to time established by these United States in Congress assembled, and the necessary expence of such publications as aforesaid; and in case of neglect to take up such letters, the necessary expence shall be charged to the United States.<sup>1</sup>

<sup>1</sup> The following was struck out from the draft:

And be it further ordained by the authority aforesaid that if any person or persons being an enemy or enemies or a subject or subjects of any of these United States shall rob any post-rider, express or messenger belonging to the post office of any mail letter or other dispatch every such offender if an enemy shall on conviction thereof by a court martial suffer as a spy and if a subject of either of these United States shall if convicted by a due course of law in the State where the offense shall be committed suffer as a felon according to the law of such State.

And be it further ordained by the authority aforesaid that the stated post-riders shall not go out of their usual courses in order to pass at head quarters of the main Army or of any separate army or at any principal military post unless so directed by the Postmaster General. But when it shall become necessary or the same shall be required by the Commander in Chief or Commander of a separate army the postmaster nearest thereto shall hire a rider on the best terms he shall be able to carry the letters and other dispatches to and from thence and such post office and shall from time to time report to the Postmaster General his proceedings herein. And also that in every case of a robbery of the mail the Postmaster General, his clerk or assistant or any deputy postmaster shall and may advertise in any of the public newspapers of these United States and accordingly pay such reward as he shall judge proper, not exceeding for detecting, securing and bringing to punishment the offender or offenders.

And be it further ordained by the authority aforesaid, that the Postmaster General, and his deputies respectively shall, and they are hereby authorised, whenever the danger of robberies of the mail shall, in their respective judgments, render the same necessary, to hire occasional expresses for carrying the public despatches, and such private letters as, from time to time, shall be in the post-offices; who shall not be confined to fixed days, nor to travel the usual post roads, but shall, in those respects, be subject to the order and direction of the Postmaster General and his deputies respectively. And to the end that the expence of several expresses destined to the same place, at the same time, may be avoided, be it further ordained by the authority aforesaid, that all extraordinary expresses in the public service shall, if a Post Office be established at the place from which they shall severally take their departure, be hired by the Postmaster General or his deputy, and set out from and return to such Post Office, with the letters, packets and despatches to be carried by them respectively.

And be it further ordained by the authority aforesaid, that the postage of all letters, packets and despatches, to and from the different post offices within these United States, shall be ~~the same as they were at the commencement of the present war with the addition of a sum not exceeding 4/90ths of a dollar upon every Letter, Packet or Dispatch which shall come into the Post Office from beyond seas~~ [at the following rates, in pennyweights and grains of silver, estimating each pennyweight as at present, at 5/90ths of a dollar, to wit:

For any distance not exceeding sixty miles, one pennyweight eight grains; upwards of sixty, and not exceeding one hundred, two pennyweight; upwards of one hundred, and not exceeding two hundred, two pennyweight sixteen grains, and so on, 16 grains advance for every hundred miles; and for all single letters to or from Europe, by packet or despatch vessels, four pennyweight: the above rates to be doubled for double letters, trebled for treble letters, and a packet weighing an ounce, to be charged equal to four single letters, and in that proportion if of a greater weight: and to the foregoing rates shall be added a sum not exceeding 4/90ths of a dollar upon every letter, packet or despatch which shall come into the Post Office from beyond sea, by any other conveyance than packets or despatch vessels;]<sup>1</sup> and every letter, packet and despatch, except dead letters, may and shall be retained in the office where the same shall have arrived, which shall

<sup>1</sup> The part in brackets was not in the draft.



be nearest to the place of direction, until the postage thereon shall be paid.<sup>1</sup>

And be it ordained by the authority aforesaid, that it shall and may be lawful for the Postmaster General, or any of his deputies, to license every post-rider to carry any newspapers to and from any place or places within these United States, at such moderate rates as the Postmaster General shall establish, he rendering the post-riders accountable to the Postmaster General, or the respective deputy postmasters by whom they shall severally be employed, for such proportion of the moneys arising therefrom as the Postmaster General shall think proper, to be by him credited to these United States in his general account.<sup>2</sup>

And be it further ordained by the authority aforesaid, that in case the income of the Post Office shall, in any year, exceed the expences thereof, the Postmaster General shall<sup>3</sup> pay to the treasurer of the United States the surplus, until the sums of money heretofore advanced, or which shall be hereafter advanced, by the United States for the support of the general Post Office, with interest thereon at six per cent. per annum, shall be repaid, after which such surplus shall be appropriated and applied to the establishment of new post offices<sup>4</sup> and the support of packets, to render the Post Office Department as extensively useful as may be;<sup>5</sup> and if the necessary expences of that establishment shall exceed the profits arising from the Post Office, such excess, when properly ascertained, shall be paid on warrants of the Superintendant of finance, by the treasurer of the

<sup>1</sup> The following in the draft was struck out:

And whereas it will greatly tend to the communication of due information to the inhabitants of these United States to enable the transportation of public newspapers by the post-riders at a cheaper rate than the postage of letters, packets or other despatches.

<sup>2</sup> The following was struck out from the draft: And be it further ordained by the authority aforesaid that no letter, packet or other despatch shall be opened or detained in any of the post offices of these United States, otherwise than is herein and hereby provided for.

<sup>3</sup> The following was struck out from the draft: shall carry the same to the credit of the United States in the next year's account, to serve as a ground for the abatement of the prices of postage in such manner as these United States shall direct.

<sup>4</sup> The draft said: "and roads."

<sup>5</sup> The following was struck out from the draft:

Nevertheless, should it appear to the Postmaster General that the interest of the United States requires the establishment of any particular offices or packets before the money heretofore advanced or which may be advanced shall be repaid as aforesaid, he is hereby authorised in such case to apply so much of the surplus as shall be necessary to that use.

United States, to the Postmaster General, in quarterly payments, to enable him effectually to support the Post Office.

And be it further ordained by the authority aforesaid, that the salary of the Postmaster General shall be fifteen hundred dollars, and that of his clerk or assistant one thousand dollars, per annum.

And be it further ordained by the authority aforesaid, that letters, packets, and despatches to and from the members and secretary of Congress, while actually attending Congress, to and from the Commander in Chief of the armies of these United States, or commander of a separate army,<sup>1</sup> to and from the heads of the departments of finance, of war, and of foreign affairs, of these United States, on public service,<sup>2</sup> and single letters directed to all officers of the line of the army in actual service shall pass and be carried free of postage.

And be it further ordained, that the postage of all letters to officers of the army, either in the line or staff departments in actual service (except letters on public service from those whose letters and packets pass free of postage) shall on delivery thereof be charged to the officers respectively to whom directed, an account of which shall be collected and transmitted by the Postmaster General every six months to the Secretary at War for settlement. that single letters, directed to any officers of the line, in actual service, shall be free of postage.

And be it further ordained by the authority aforesaid, that all former and other acts, ordinances and resolutions of these United States in Congress assembled, heretofore made relating to the Post Office, be, and the same, and each and every of them is and are hereby repealed and made void. Done, &c.<sup>3</sup>

The Committee of the Week [Mr. David Ramsay, Mr. Ralph Izard, Mr. John Taylor Gilman] on the memorial of Monsieur Lavaney complaining of injustice done him by the depreciation of the paper currency, report that it be referred to the Superintendent of Finance to report thereon.

On the memorial of Captain Schreiber praying for pay and an exchange they report that no relief can be given him without breaking

<sup>1</sup> The following was struck out from the draft: and from members of Congress to the governors or chief magistrates of the states which they represent, to and from the President of Congress, the Commander in Chief, all the officers of the armies of these United States while on duty.

<sup>2</sup> The following was struck out from the draft: and to and from any foreign minister residing at or near Congress.

<sup>3</sup> A copy of this ordinance, in the writing of George Bond and Benjamin Bankson, of the Secretary's office, is in the *Papers of the Continental Congress*, No. 59, III, folio 331 The draft, in the writing of John Morin Scott, is on folio 381. See *ante* July 19.

in on established regulations, and injuring the public service as Congress (tho' extremely desirous of a general exchange) have resolved to make no more partial exchanges.<sup>1</sup>

TUESDAY, OCTOBER 22, 1782

On the report of a committee, consisting of Mr. [David] Ramsay, Mr. [Samuel] Osgood, and Mr. [John Taylor] Gilman, to whom was referred a letter of the 9, from the Superintendent of finance, touching a proposal of his Excellency the Governor of Virginia, that sundry articles of cloathing now in France, belonging to that State, should be taken for the use of the United States:

The Committee consisting of M<sup>r</sup> [David] Ramsay, M<sup>r</sup> [Samuel] Osgood, and M<sup>r</sup> [John Taylor] Gilman, to whom was referred a letter of the Superintendent of Finance of the 9<sup>th</sup> of Oct<sup>r</sup> 1782, have conferred with the Secretary at War on the subject referred to them, and are informed that the goods which are the subject of the Superintendent's letter are wanted; they therefore recommend that Congress resolve—

*Resolved*, That the Superintendent of finance take order on the subject of his letter of the 9 of October, 1782 ~~relative to some goods proposed to be transferred by the State of Virginia to Continental account.~~<sup>2</sup>

On a report from the Secretary at War, to whom was referred a memorial of Major D. S. Franks:

WAR OFFICE *Sept. 13, 1782.*

SIR,

When I reported to Congress the officers necessary to be retained in service not annexed to the line of any State, the particular situation of Major Franks was unknown to me, otherwise I must in justice have named him as one necessary to be retained, for it appears by M<sup>r</sup>

<sup>1</sup> This report, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 32, folio 409. The indorsement shows that it was passed on this day.

Also, was read on this day a letter of the same date from Ebenezer Hazard, Postmaster General. It is in No. 61, folio 117.

<sup>2</sup> This report, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 20, II, folio 287.