

## STATUTE I.

July 2, 1836.

Act of March 3, 1845, ch. 43.

Revenues to be paid into the Treasury.

Postmaster General to submit estimates, &amp;c.

Appropriation made from revenues of the Post Office Department.

To be paid by the Treasurer.

Proviso.

Proviso.

Proviso.

Treasurer to give receipts.

Payments to be made on warrants.

CHAP. CCLXX.—*An Act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the revenues arising in the Post Office Department, and all debts due to the same, shall, when collected, be paid, under the direction of the Postmaster General, into the Treasury of the United States.

SEC. 2. *And be it further enacted,* That the Postmaster General shall submit to Congress at the next, and each succeeding annual session, specific estimates of the sums of money expected to be required for the service of the Department in the subsequent year, commencing on the first day of July, under the following heads, viz: "Compensation of postmasters," "Transportation of the mails," "Ship, steam-boat, and way letters," "Wrapping paper," "Office furniture," "Advertising," "Mail bags," "Blanks," "Mail locks, keys, and stamps," "Mail depre-dations, and special agents," "Clerks, for offices," and "Miscellaneous." And the Postmaster General shall render an account to Congress, at each succeeding annual session, of the amounts actually expended for each of the purposes above specified.

SEC. 3. *And be it further enacted,* That the aggregate sum required "for the service of the Post Office Department," in each year, shall be appropriated by law out of the revenue of the Department, and that all payments of the receipts of the Post Office Department into the Treasury, shall be to the credit of the said appropriation.

SEC. 4. *And be it further enacted,* That the sums appropriated for the service aforesaid shall be paid by the Treasurer in the manner herein directed: *Provided,* That the compensation of postmasters, the expenses of post offices, and such other expenses of the Department for which appropriations have been made, as may be incurred by post-masters, may be deducted out of the proceeds of their offices, under the direction of the Postmaster General: *And provided, also,* That all charges against the Department by postmasters, on account of such expenses, shall be submitted for examination and settlement, to the auditor herein provided for; and that no such deduction shall be valid, unless the expenditure so deducted, be found to have been made in conformity to law: *And provided, also,* That the Postmaster General shall have power to transfer debts due on account of the Department, by postmasters and others, in satisfaction of the legal demands for which appropriations have been made, of such contractors who may be creditors of the Department, as shall have given bonds, with security, to refund any moneys that may come into their hands over and above the amount which may be found due to them on the settlement of their accounts.

SEC. 5. *And be it further enacted,* That the Treasurer of the United States shall give receipts for all moneys received by him to the credit of the appropriation for the service of the Post Office Department; which receipts shall be endorsed upon warrants drawn by the Postmaster General, and without such warrant, no acknowledgment for money received as aforesaid shall be valid.

SEC. 6. *And be it further enacted,* That the appropriations for the service of the Post Office Department shall be disbursed by the Treasurer out of the moneys paid into the Treasury for the service of the Post Office Department, upon the warrants of the Postmaster General, registered and countersigned as herein provided, and expressing on their faces the appropriation to which they should be granted.

(a) For notes of the decisions of the courts of the United States on the duties and obligations of the Postmaster General, "Postmasters," and "Post Office," see vol. 1, 363.

SEC. 7. *And be it further enacted*, That the Treasurer shall render his accounts of the moneys received and paid by him on account of the Post Office Department, quarterly to the Auditor for the Post Office Department, hereinafter provided for, and shall transmit copies of the same, when adjusted by him, to the two Houses of Congress.

Accounts rendered quarterly to the Auditor.

SEC. 8. *And be it further enacted*, That there shall be appointed by the President, with the consent of the Senate, an Auditor of the Treasury for the Post Office Department, whose duty it shall be to receive all accounts arising in the said Departments, or relative thereto, to audit and settle the same, and certify their balances to the Postmaster General: *Provided*, That if either the Postmaster General, or any person whose account shall be settled, be dissatisfied therewith, he may, within twelve months, appeal to the First Comptroller of the Treasury, whose decision shall be final and conclusive. The said auditor shall report to the Postmaster General, when required, the official forms of papers to be used by postmasters, and other officers or agents of the Department concerned in its receipts and payments, and the manner and form of keeping and stating its accounts. He shall keep and preserve all accounts, with the vouchers, after settlement. He shall promptly report to the Postmaster General all delinquencies of postmasters in paying over the proceeds of their offices. He shall close the accounts of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall register, charge and countersign, all warrants upon the Treasury for receipts and payments issued by the Postmaster General, when warranted by law. He shall perform such other duties, in relation to the financial concerns of the Department, as shall be assigned to him by the Secretary of the Treasury, and shall make to them respectively, such reports as either of them may require respecting the same. The said auditor may frank, and receive, free of postage, letters and packets under the regulations provided by law for other officers of the Government. And all letters and packets to and from the Chief Engineer which may relate to the business of his office shall be free of postage.

Auditor to be appointed; and his duties.

Proviso.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Postmaster General to decide on the official forms of all papers to be used by postmasters, and other officers or agents of the Post Office Department, concerned in its receipts and payments, and the manner and form of keeping and stating its accounts; to enforce the prompt rendition of the returns of postmasters, and of all certificates, acknowledgments, receipts, and other papers, by postmasters and contractors, relative to the accounts of the Department; to control, according to law, and subject to the settlement of the auditor, the allowances to postmasters, the expenses of post offices, and all other expenses incident to the service of the Department; to regulate and direct the payment of the said allowances and expenses for which appropriations have been made; to superintend the disposition of the proceeds of post offices and other moneys of the Department; to prescribe the manner in which postmasters shall pay over their balances; to grant warrants for money to be paid into the Treasury, and out of the same, in pursuance of appropriations by law, to persons to whom the same shall be certified to be due by the said auditor: *Provided*, That advances of necessary sums to defray expenses may be made by the Postmaster General to agents of the Department employed to investigate mail depredations, examine post routes, and post offices, and perform other like services, to be charged by the auditor for the Post Office Department, and be accounted for in the settlement of their accounts.

Duties of Postmaster General.

Proviso.

SEC. 10. *And be it further enacted*, That the auditor for the Post Office Department shall state and certify, quarterly, to the Postmaster General, accounts of the moneys paid pursuant to appropriations, in

Other duties of the Auditor.

each year, by postmasters, out of the proceeds of their offices; towards the expenses of the Department, under each of the heads of the said expenses specified in the second section of this act; upon which the Postmaster General shall issue warrants to the Treasurer of the United States, as in case of the receipt and payment of the said moneys into and out of the Treasury, in order that the same may be carried to the credit and debit of the appropriation for the service of the Post Office Department, on the books of the auditor for said Department.

Duplicates of contracts, &c.

SEC. 11. *And be it further enacted*, That the Postmaster General shall, within sixty days after the making of any contract, cause a duplicate thereof to be lodged in the office of the auditor of the Post Office Department. Upon the death, resignation, or removal of any postmaster, he shall cause his bond of office to be delivered to the said auditor; and shall also cause to be promptly certified to him all establishments and discontinuances of post offices, and all appointments, deaths, resignations, and removals of postmasters, together with all orders and regulations which may originate a claim, or in any manner affect the accounts of the Department.

Accounts, how to be kept.

SEC. 12. *And be it further enacted*, That the accounts of the Post Office Department shall be kept in such manner as to exhibit the amounts of its revenues, derived respectively from "letter postages," "newspapers and pamphlets," and "fines;" and the amount of its expenditures for each of the following objects, namely: "compensation of postmasters," "transportation of the mails," "ship, steamboat, and way letters," "wrapping paper," "office furniture," "advertising," "mail bags," "blanks, mail locks, keys, and stamps," "mail depredations and special agents," "clerks for offices," and "miscellaneous."

Bonds and contracts with the United States, and all suits in its name.

SEC. 13. *And be it further enacted*, That the bonds and contracts of postmasters mail contractors, and other agents of the Post Office Department, shall hereafter be made to and with the United States of America; and all suits to be commenced for the recovery of debts or balances due by postmasters and others, or upon bonds or contracts made to or with the present or any former Postmaster General, or for any fines, penalties, or forfeitures, imposed by the laws respecting the Post Office Department, or by the Postmaster General, pursuant thereto, shall be instituted in the name of the United States of America; and the demands in such suits shall have all the privileges and priorities in adjudication and payment secured to other claims of the United States, by the existing laws: *Provided*, That actions and suits which may have been instituted in the name of the Postmaster General, previous to the passage of this act, shall not be affected by the provisions of this section.

Proviso.

Auditor to superintend collection of debts.

SEC. 14. *And be it further enacted*, That the auditor for the Post Office Department shall superintend the collection of all debts due to the Department, and all penalties and forfeitures imposed on postmasters, for failing to make returns, or pay over the proceeds of their offices; he shall direct suits and legal proceedings, and take all such measures as may be authorized by law, to enforce the prompt payment of moneys due to the Department.

Certified copies of quarterly returns, &c. to be evidence, &c.

SEC. 15. *And be it further enacted*, That copies of the quarterly returns of postmasters, and of any papers pertaining to the accounts in the office of the auditor for the Post Office Department, certified by him under his seal of office, shall be admitted as evidence in the courts of the United States; and in every case of delinquency of any postmaster or contractor, in which suit may be brought, the said auditor shall forward to the attorney of the United States certified copies of all papers in his office, tending to sustain the claim; and in every such case, a statement of the account, certified as aforesaid, shall be admitted as evidence; and the court trying the cause shall be thereupon au-

thorized to give judgment and award execution, subject to the provisions of the thirty-eighth section of the act to reduce into one the several acts establishing and regulating the Post Office Department, approved March third, eighteen hundred and twenty-five. No claim for a credit shall be allowed upon the trial but such as shall have been presented to the said auditor, and by him disallowed in whole or in part, unless it shall be proved to the satisfaction of the court that the defendant is at the time of the trial in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said auditor a claim for such credit, by some unavoidable accident. In suits for balances due from postmasters, interest, at the rate of six per cent. per annum, shall be recovered from the time of the default until payment.

1825, ch. 64.

SEC. 16. *And be it further enacted*, That the attorneys of the United States, in the prosecution of suits for moneys due on account of the Post Office Department, shall obey the directions which may, from time to time, be given to them by the auditor for the Post Office Department; and it shall be the duty of each of the said attorneys, immediately after the end of every term of any court in which any of the suits aforesaid shall have been pending, to forward to the said auditor a statement of all the judgments, orders, and steps which have been made or taken in the same, during the said term, accompanied by a certificate of the clerk, showing the parties to, and amount of, each judgment, with such other information as may be required by the said auditor. The said attorneys shall direct speedy and effectual process of execution upon the said judgments; and it shall be the duty of the marshals of the United States to whom the same shall be directed, to make to the said auditor, at such times as he may direct, returns of the proceedings which have taken place upon the said process of execution.

Duties of U. S. Attorneys.

SEC. 17. *And be it further enacted*, That in all cases where any sum or sums of money have been paid out of the funds of the Post Office Department to any individual or individuals, under pretence that service has been performed therefor when in fact such service has not been performed, or by way of additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, by the provisions of law, might rightfully have been allowed therefor, and in all other cases where the moneys of the Department have been paid over to any person in consequence of fraudulent representations, or by the mistake, collusion or misconduct of any officer or clerk of the Department, it shall be the duty of the Postmaster General to cause suit to be brought in the name of the United States of America, to recover back the same, or the excess, as the case may be, with interest thereon.

Sums wrongfully paid to be recovered by suit.

SEC. 18. *And be it further enacted*, That the auditor for the Post Office Department shall adjust and settle all balances due from postmasters on account of transactions prior to the first day of July eighteen hundred and thirty-six. He shall, when necessary, institute suits for the same, and cause them to be effectually prosecuted to judgment and execution; and in cases in which proceedings at law for these or any other balances that are or may become due on account of the Post Office Department, have been or shall be fruitless, may direct the institution of suits in chancery, to set aside fraudulent conveyances or trusts, or attach debts due to the defendants, or obtain any other proper exercise of the powers of equity, to have satisfaction of the said judgments; and the courts of the United States, sitting in chancery, shall have jurisdiction to entertain such bills, and make such decrees and orders thereupon as may be consonant to the principles and usages of equity. The said auditor shall report to the Postmaster General, to be by him submitted to Congress, at its next annual session, a statement

Auditor to adjust balances due from postmasters, &c.

of all the balances and debts due to the Post Office Department as aforesaid, by late postmasters, showing, in each case, the name and office of the principal debtor, the names of the sureties, if any, the amount of the debt, the time at which it accrued, the steps taken to collect the same, and whether they have been successful or not. The said statement shall also classify such of the said balances as may then remain due, into such as are considered collectible, and such as are not, with the whole amount of each class.

Auditor, may-  
ors, &c. may  
administer  
oaths, &c.

SEC. 19. *And be it further enacted*, That the auditor for the Post Office Department, or any mayor of a city, justice of the peace, or judge of any court of record in the United States, by him especially designated, shall be authorized to administer oaths and affirmations, in relation to the examination and settlement of the accounts committed to his charge; and if any person shall knowingly swear or affirm falsely, touching the expenditures of the Post Office Department, or in relation to any account of, or claim against, or in favor of, the said Department, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Third Assist-  
ant Postmaster  
General.

SEC. 20. *And be it further enacted*, That there shall be employed by the Postmaster General, a third Assistant Postmaster General, who may receive and send letters and packets free of postage, and in lieu of the clerks now employed in the Department, one chief clerk, three principal clerks, and thirty-three other clerks, one messenger, and three assistant messengers, and two watchmen.

Clerks, &c.

Clerks to be  
employed in the  
office of the  
Auditor.

SEC. 21. *And be it further enacted*, That there shall be employed by the Secretary of the Treasury, in the office of the auditor for the Post Office Department, one chief clerk, four principal clerks, and thirty-eight other clerks, one messenger, and one assistant messenger, also three clerks one at a salary of fourteen hundred dollars per annum, one at a salary of twelve hundred dollars, and one at a salary of one thousand dollars, in the office of the Treasurer of the United States, in lieu of the same number of clerks now employed in the office of the Fifth Auditor of the Treasury, in adjusting the accounts of the Post Office Department.

And in that of  
the Treasurer  
of the United  
States.

Reports to be  
made to Con-  
gress by the  
Postmaster Ge-  
neral.

SEC. 22. *And be it further enacted*, That it shall be the duty of the Postmaster General to make to Congress, at each annual session thereof, the following several reports:

*First*, A report of all contracts made for the transportation of the mail within the preceding year, stating in each case of contract its date and duration, the name of the contractor, the route or routes embraced in the contract, with the length of each, with the times of arrival and departure at the ends of each route, the mode of transportation contracted for, and the price stipulated to be paid by the Department; also a statement of all such land and water mails as may have been established or ordered by the Department within the year preceding, other than those let to contract at the annual lettings of mail contracts, specifying, in each case the route or water course on which the mail is established, the name of the person employed to transport it, the mode of transportation, the amount paid or to be paid, and the proposed duration of the order or contract.

*Second*, A report of all allowances made to contractors within the year preceding, beyond the sums originally stipulated in their respective contracts, and the reasons for the same; and of all orders made by the Department, whereby additional expense is, or will be incurred, beyond the original contract price on any land or water route, specifying, in each case, the route to which the order relates, the name of the contractor, the original service provided by the contract, the original price, the date of the order for additional service, the additional service required, and the additional allowance therefor; also, a report of all

curtailments of expenses effected by the Department within the preceding year, specifying, in each case, the same particulars as required in cases of additional allowances.

*Third,* A report of all incidental expenses of the Department for the year ending on the thirtieth day of June preceding, arranged according to their several objects as for "wrapping paper," "office furniture," "advertising," "mail bags," "blanks," "mail locks, keys, and stamps," "mail depredations, and special agents," "clerks for offices," "miscellaneous," showing the sum paid under each head of expenditures, and the names of the persons to whom paid, except only that the names of persons employed in detecting depredations on the mail, and other confidential agents, need not be disclosed in said report.

*Fourth,* A report of the finances of the Post Office Department for the year ending on the thirtieth day of June preceding, showing the whole amount of balances due to the Department at the beginning of the year, from postmasters and all others, the whole amount of postage that accrued within the year, the whole amount of the engagements and liabilities of the Department for mail transportation during the year, the amount actually paid during the year, for and on account of mail transportation, and otherwise, stating separately so much of the said amount as may have been paid on account of the transportation of the mail, and for other debts for the same object, in preceding years.

*Fifth,* A report of all fines imposed, and deductions from the pay of contractors made during the preceding year, for failures to deliver the mail, or for any other cause, stating the names of the delinquent contractors, the nature of the delinquency, the route on which it occurred, the time when it occurred, the time when the fine was imposed, and whether the fine has been remitted, or order for deduction rescinded, and for what reason.

SEC. 23. *And be it further enacted,* That it shall be the duty of the Postmaster General, before advertising for proposals for the transportation of the mail, to form the best judgment practicable as to the mode, time, and frequency of transportation on each route, and to advertise accordingly. No consolidated or combination bid shall be received, and no additional compensation shall be made to any mail contractor; so as that the compensation for additional regular service shall exceed the exact proportion which the original compensation bears to the original services stipulated to be performed: and no extra allowance shall be made to any contractor, by the Postmaster General, for an increase of expedition in the transportation of the mail, unless thereby the employment of additional stock or carriers, by the contractor, shall be rendered necessary; and in such case, the additional compensation shall never bear a greater proportion to the additional stock or carriers rendered necessary, than the sum stipulated in the original contract bears to the stock and carriers necessarily employed in its execution, and when any extra service shall be ordered, the amount of the allowance therefor, in dollars and cents, shall be signified in the order for such service, and be forthwith entered upon the books of the Post Office Department, and no additional compensation shall be paid for any extra regular service rendered before the issuing of such order, and the making of such entry, and every order, entry, or memorandum whatever, on which any action of the Department is to be had, allowance made, or money paid, and every contract, paper or obligation drawn up in said office, by any officer thereof, shall have affixed to it its true date: and every paper relating to contracts or allowances filed in said office shall have the date of its filing endorsed thereon. And whenever it shall become necessary to change the terms of any existing contract in any other manner than that designated in this act, or to enter into a contract for the transportation of the mail at any other time

Advertisements for contracts, and regulations respecting them.

Act of March 3, 1845, ch. 43, sec. 18.

than at the annual letting, the Postmaster General shall give notice in one newspaper published at Washington City, and in one newspaper published as near as may be to the route on which the services are to be performed for at least four weeks before changing or making such contract, inviting proposals therefor; which proposals shall be received and opened, and such proceedings thereon had, in all things, as at the annual lettings. *Provided however*, That the Postmaster General may make temporary contracts until a regular letting can take place.

Proviso.

Proposals for contracts.

SEC. 24. *And be it further enacted*, That proposals for mail contracts shall be delivered to the Department sealed, and shall be kept sealed until the biddings are closed, and shall then be opened and marked in the presence of the Postmaster General and of one of the Assistant Postmasters General, or in the presence of two of the Assistant Postmasters General. And the contracts in all cases shall be awarded to the lowest bidder, except when his bid is not more than five per centum below that of the last contractor, on the route bid for, who shall have faithfully performed his contract. *Provided however*, That the Postmaster General shall not be bound to consider the bid of any person who shall have wilfully or negligently failed to execute or perform a prior contract.

Proviso.

Offers for carrying the mail to be recorded.

SEC. 25. *And be it further enacted*, That it shall be the duty of the Postmaster General to have recorded in a well-bound book, a true and faithful abstract of offers made to him for carrying the mail, embracing as well those which are rejected, as those which are accepted. The said abstract shall contain the names of the party or parties offering; the terms on which he or they propose to carry the mail, the sum for which it is offered to contract; and the length of time the agreement is to continue. And it shall also be the duty of the Postmaster General to put on file and preserve the originals of the propositions of which abstracts are here directed to be made, and to report at each session of Congress a true copy from the said record of all offers made for carrying the mail as aforesaid.

Persons employed in the Post Office not to be interested in contracts.

SEC. 26. *And be it further enacted*, That if any person employed in the Post Office Department or postmaster shall become interested in any mail contract or act as agent, with or without compensation, in any matter or thing relating to business in said Department, for any contractor, or person offering to become a contractor, he shall be forthwith dismissed from office and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt in any court having jurisdiction thereof, in the name of the United States, for the use of the Post Office Department; and it shall be the duty of the Postmaster General to cause prosecution to be instituted.

Proposals for transporting the mail to be accompanied by a guaranty, &c.

SEC. 27. *And be it further enacted*, That every proposal for the transportation of the mail shall be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation in such time as may be prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed. No proposal shall be considered, unless accompanied by such guaranty. If, after the acceptance of a proposal, and notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, then the Postmaster General shall proceed to contract with some other person or persons, for the performance of the said service, and shall forthwith cause the difference between the amount contained in the proposal so guaranteed, and the amount for which he may have contracted for the performance of said service, for the whole period of the proposal, to be charged up against the said bidder or bidders, and his or their guarantor

or guarantors, and the same may be immediately recovered by the United States, for the use of the Post Office Department, in an action of debt against either or all of the said persons.

Contracts not to be made with persons who have entered into combination.

SEC. 28. *And be it further enacted*, That no contract for the transportation of the mail shall knowingly be made by the Postmaster General, with any person who shall have entered into any combination, or proposed to enter into any combination, to prevent the making of any bid for a mail contract by any other person or persons; or who shall have made any agreement, or shall have given or performed, or promised to give or perform, any consideration whatever, or to do or not to do any thing whatever, in order to induce any other person or persons not to bid for a mail contract. And if any person so offending be a mail contractor, he may be forthwith dismissed from the service of the Department: *Provided*, That whenever the Postmaster General shall exercise the power conferred on him by this section, he shall transmit a copy or statement of the evidence on which he acts to Congress, at its next session.

Proviso.

No payment to be made until after the execution of contract.

SEC. 29. *And be it further enacted*, That no person whose bid for the transportation of the mail may be accepted, shall receive any pay, until he shall have executed his contract according to law and the regulations of the Department; nor shall any payment be made for any additional regular service in the transportation of the mail, unless the same shall have been rendered in obedience to a prior legal order of the Postmaster General.

Part of act of March 3, 1825, ch. 65, repealed.

SEC. 30. *And be it further enacted*, That so much of the act concerning the Post Office Department; approved March third, eighteen hundred and twenty-five, as directs that duplicates or copies of contracts or orders made by the Postmaster General shall be lodged in the office of the Comptroller of the Treasury, be repealed.

Postmasters to be furnished with schedule of times of arrival and departure.

SEC. 31. *And be it further enacted*, That it shall be the duty of the Postmaster General to furnish to the postmasters at the termination of each route, a schedule, specifying the times of arrival and departure at their offices, respectively, of each mail, a copy of which the postmaster shall post up in some conspicuous place in his office; and the Postmaster General shall also furnish a notice in like manner, of any change or alteration in the arrivals and departures which may be ordered by him. And it shall be the duty of every postmaster promptly to report to the Department every delinquency, neglect, or malpractice of the contractors, their agents or carriers, that may come to his knowledge. And the Postmaster General shall cause to be kept, and returned to the Department, at short and regular intervals, by postmasters at the ends of routes, and such others as he may think proper, registers, showing the exact times of the arrivals and departures of the mails.

Penalty for detaining letters, &c. in a post office.

SEC. 32. *And be it further enacted*, That if any postmaster shall unlawfully detain in his office any letter, package, pamphlet, or newspaper, with intent to prevent the arrival and delivery of the same to the person or persons to whom such letter, package, pamphlet or newspaper may be addressed or directed in the usual course of the transportation of the mail along the route; or if any postmaster shall, with intent as aforesaid, give a preference to any letter, package, pamphlet, or newspaper, over another, which may pass through his office, by forwarding the one and retaining the other, he shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars, and imprisoned for a term not exceeding six months, and shall, moreover, be for ever thereafter incapable of holding the office of postmaster in the United States.

SEC. 33. *And be it further enacted*, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a Deputy Postmaster for each post office at which the

Certain postmasters to be appointed by and with the



consent of the Senate.

commissions allowed to the postmaster amounted to one thousand dollars or upwards in the year ending the thirtieth day of June, one thousand eight hundred and thirty-five, or which may, in any subsequent year, terminating on the thirtieth day of June, amount to or exceed that sum, who shall hold his office for the term of four years, unless sooner removed by the President.

Postmasters and clerks to be exempt from military duty.

SEC. 34. *And be it further enacted*, That assistant postmasters and clerks regularly employed and engaged in post offices, shall be exempt from militia duty, and serving on juries, and from any fine or penalty for neglect thereof.

Advertisements of letters may be made in more than one paper.

SEC. 35. *And be it further enacted*, That advertisements of letters remaining in the post offices may, under the direction of the Postmaster General, be made in more than one newspaper: *Provided*, That the whole cost of advertising shall not exceed four cents for each letter.

Proviso.  
Postmasters not to receive or frank any package other than such as contain paper or money.  
Act of March 3, 1845, ch. 43.

SEC. 36. *And be it further enacted*, That no postmaster shall receive free of postage, or frank, any letter or packet composed of, or containing any thing other than paper or money; and for a violation of this provision, the offender shall be dismissed from office, and upon conviction in any court of competent jurisdiction, pay a fine of twenty dollars. And no person shall hold the office of postmaster who shall not be an actual resident of the city or town wherein the office is situated, or the district of country usually supplied by said office.

Release of sureties of a postmaster.

SEC. 37. *And be it further enacted*, That when any one or more of the sureties of a postmaster shall notify to the Postmaster General their desire to be released from their suretyship, or when the Postmaster General shall deem it necessary, he shall require the said postmaster to execute a new bond, with security, which, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of said postmaster, and the sureties in the prior bond shall be released from responsibility for all acts or defaults of said postmaster, which may be done or committed subsequent to the acceptance of the new bond, the date of which shall be endorsed thereon. *Provided*, That payments made subsequent to the execution of the new bond by said postmaster shall be applied first to discharge any balance which may be due on the old bond, unless he shall, at the time of payment, expressly direct them to be applied to the credit of his new account.

Proviso.

Penalty for stealing or taking letters, &c. from the mail.

SEC. 38. *And be it further enacted*, That if any person shall be accessory after the fact, to the offence of stealing or taking the mail of the United States, or of stealing or taking any letter or packet, or enclosure in any letter or packet sent or to be sent in the mail of the United States, from any post office in the United States, or from the mail of the United States, by any person or persons whatever, every person so offending as accessory, shall, on conviction thereof, pay a fine not exceeding one thousand dollars, and be imprisoned for a term not exceeding five years; and such accessory after the fact may be tried, convicted, and punished in the district in which his offence was committed, though the principal offence may have been committed in another district, and before the trial of the principal offender: *Provided*, such principal offender has fled from justice, or cannot be arrested to be put upon his trial.

Proviso.

Express mail.

SEC. 39. *And be it further enacted*, That in case the Postmaster General shall deem it expedient to establish an express mail, in addition to the ordinary mail, on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters, other than such as contain money, not exceeding half an ounce in weight, marked "express mail," and public despatches, he shall be authorized to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject, when carried by the ordinary mails.

SEC. 40. *And be it further enacted*, That in case of the death, resignation, or absence of the Postmaster General, all his powers and duties shall devolve, for the time being, on the First Assistant Postmaster General.

Duties of P. M. General to devolve on Assistant P. M. G.

SEC. 41. *And be it further enacted*, That the Postmaster General shall be authorized, whenever the same may be proper for the accommodation of the public in any city, to employ letter carriers for the delivery of letters received at the post office in said city; except such as the persons to whom they are addressed may have requested, in writing, addressed to the postmaster, to be retained in the post office; and for the receipt of letters at such places in the said city as the Postmaster General may direct, and for the deposit of the same in the post office; and for the delivery by a carrier of each letter received from the post office, the person to whom the same may be delivered shall pay not exceeding two cents; and for the delivery of each newspaper and pamphlet, one half cent; and for every letter received by a carrier to be deposited in the post office, there shall be paid to him, at the time of the receipt, not exceeding two cents; all of which receipts, by the carriers in any city, shall, if the Postmaster General so direct, be accounted for to the postmaster of said city, to constitute a fund for the compensation of the said carriers, and be paid to them in such proportions and manner as the Postmaster General may direct. Each of the said carriers shall give bond with sureties, to be approved by the Postmaster General, for the safe custody and delivery of letters, and for the due account and payment of all moneys received by him.

Letter carriers.

SEC. 42. *And be it further enacted*, That the Postmaster General shall be authorized, in his discretion, to contract for carrying the mail on the navigable canals of the several States, in all cases where, in his opinion, the public interests and convenience shall require it, and for the time during which mails may be carried on such canals, or any parts thereof, the same are hereby declared to be post roads.

Carrying the mail on canals.

SEC. 43. *And be it further enacted*, That the following annual salaries shall be allowed to the Assistant Postmasters General, and to the clerks, messengers, and watchmen provided for the service of the Post Office Department, viz :

Salaries of Assistant Postmasters General and others.

To the three Assistant Postmasters General, each twenty-five hundred dollars.

To the chief clerk, two thousand dollars.

To the three principal clerks, each one thousand six hundred dollars.

To ten clerks, each one thousand four hundred dollars.

To fifteen clerks, each one thousand two hundred dollars.

To eight clerks, each one thousand dollars.

To the messenger, seven hundred and fifty dollars.

To the three assistant messengers, each three hundred and fifty dollars.

To the two watchmen, each three hundred dollars.

SEC. 44. *And be it further enacted*, That the following annual salaries shall be allowed to the Auditor of the Post Office Department, and to the clerks and messengers herein provided for the service of his office, viz :

Salaries of Auditors and others.

To the auditor, three thousand dollars.

To the chief clerk, two thousand dollars.

To the four principal clerks, each one thousand six hundred dollars.

To ten clerks, each one thousand four hundred dollars.

To twenty clerks, each one thousand two hundred dollars.

To eight clerks, each one thousand dollars.

To the messenger, seven hundred and fifty dollars, and to the assistant messenger, three hundred and fifty dollars.

Appropriation  
for 1836.

SEC. 45. *And be it further enacted*, That the sum of three millions one hundred and fifty thousand dollars be, and the same is hereby appropriated for the service of the Post Office Department for the year commencing on the first day of July one thousand eight hundred and thirty-six, out of any moneys in the Treasury, arising from the revenues of the said Department, to be accounted for in the manner pointed out in the second section of this act.

Act to go into  
immediate  
effect.

SEC. 46. *And be it further enacted*, That this act shall be in force and take effect from the passage thereof.

APPROVED, July 2, 1836.

STATUTE I.

July 2, 1836.

CHAP. CCLXXI.—*An Act to establish certain post roads, and to alter and discontinue others, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following be established as post roads;

In Maine.

*In Maine.*—From Lincolnville to Islesborough. From Wilton, through Weld and Byron, to Andover. From Topsham, through Lisbon, by Little River village and Mayalls Factory village, to Lewistown falls. From Dennysville, through Charlotte, Cooper, and Baring, to Calais. From Saco, by Salmon falls, Bar mills, Moderation falls, Bonny Eagle falls, to East Baldwin. From Wayne village, by Norris ferry, Isaac Strickland's, and William H. Britton's, in Livermore, to Hayford's mills, in Canton, and Peru, to East Rumford. From Brunswick to Harpswell. From Portland, by Falmouth Centre, Cumberland, Upper Yarmouth, New Gloucester, East Poland, Minot, West Minot, East Hebron, to Buckfield village. From Calais, through Baleyville and Princeton, to Houlton. From Gardiner, through Pittston, Hallowell, Whitefield, Windsor, Patrickstown, Washington, Liberty, Appleton, Searsmont, and Belmont, to Belfast. From Portland, through Cumberland Centre, Pownal, Durham, Lisbon, Wales, and Winthrop, to Augusta. From Waterville, by China, to Palermo. From North New Portland, through Lexington, to Dead river. From Vinalhaven to Isle of Haute. From Portland, through Stroudwater village, and Buxton, to Salem falls. From Thomaston, via Cushing, to Friendship. From East Thomaston to Owl's Head. From Thomaston to Vinalhaven. From Doughty's falls (or Berwick), to Great Falls, New Hampshire. From Brunswick, by South Durham, Southwest Bend, Goff's corner, East Minot, and East Turner, to Turner. From Warren, by Jefferson, and North Whitfield, to Augusta. From Madison, by Madison Centre and South Anson, to West New Vineyard.

In New Hamp-  
shire.

*In New Hampshire.*—From Guilford, through Meredith, to New Hampton. From Hebron, through Alexandria, to Bristol. From Hillsboro bridge, through the south part of Antrim, and Hancock, to Peterboro. From South Deerfield to Pittsfield. From Ossipee to Tuftonboro. From Groton, Massachusetts, to Dunstable, New Hampshire. From Dunstable, by Hudson, Londonderry, Derry, Hampstead, Hawke, and Kingston, to Exeter, in New Hampshire. From Exeter, by Hampton falls, to Hampton beach. From Dover, by Durham, Lee, Epping, and Chester, to Derry. From Lebanon, by Springfield, New London, and Sutton, to Warner. From Hillsborough bridge, by Antrim, North Branch, Stoddard, and Sullivan, to Keene. From Hillsborough bridge, by South Antrim and Hancock, to Peterborough. From Tuftonborough and Ossipee, in New Hampshire, Newfield, Limerick, Waterborough and Buxton, to Portland, in Maine. From Hillsborough bridge, by Hillsborough centre, Bradford centre, and Sutton, to Sutton village. From Amherst, by Milford, Wilton and Mason, to New Ipswich. From Windham, via Londonderry, to Hooksett. From Claremont to Cornish flat.