

pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law, for his share or shares of fish, or the proceeds thereof as aforesaid.

Drawback on salted fish, &c. repealed, and

monies arising therefrom appropriated to pay allowances granted by this act.

1789, ch. 2.

Penalty on swearing falsely.

1790, ch. 35, sec. 66.

Limitation.

1800, ch. 22.

SEC. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the monies which shall remain in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby appropriated to the payment of the allowances granted by this act, and in case the monies so appropriated shall be inadequate, the deficiency shall be supplied out of any monies which from time to time shall be in the treasury of the United States, and not otherwise appropriated.

SEC. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States, having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing, or affirming, by the act before mentioned, and to be in like manner sued for, recovered and appropriated.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, February 16, 1792.

STATUTE I

Feb. 20, 1792.

[Obsolete.]

* Establishing post roads after 1st June next.

1794, ch. 23.

CHAP. VII.—An Act to establish the Post-Office and Post Roads within the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the first day of June next, the following roads be established as post roads, namely: From Wiscasset in the district of Maine, to Savannah in Georgia, by the following route, to wit: Portland, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre de Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, Newbridge over Drowning creek, Cheraw Court House, Camden, Statesburg, Columbia, Cambridge and Augusta; and from thence to Savannah, and from Augusta by Washington in Wilkes county to Greenborough, and from thence by the great falls of Ogechee and Georgetown, to Augusta, and from Statesburg to Charleston, and from Charleston to Georgetown, from Charleston to Savannah, and from Savannah, by Newport bridge to Sunbury; and also from Portsmouth by Exeter and Concord, to Hanover in New Hampshire; and from Salem to Marblehead, and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven, and from Boston, through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport, and from Boston, by Plymouth, to Barnstable; and from Springfield in the state of Massachusetts, to Kinderhook in the

state of New York, and from Springfield, by Northampton, Brattleborough, and Charlestown, by Windsor in Vermont, to Hanover, and from Hartford, by Middletown, to New London; also from Hartford to Norwich, and Providence; and from Providence to Worcester, and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg; and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle, and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; and from Vienna, by Salisbury, to Snow Hill; also from Wilmington, by Newcastle, Cantwell's Bridge and Duck Creek, to Dover; and from thence by Milford, Dagsborough, Snow Hill, and Northampton Court House, to Norfolk in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahannock, to Urbana; and from thence, crossing Rappahanock, and proceeding by Northumberland Court House, to Kinsale on the river Yeocomico, thence by Westmoreland Court House, through Leddstown, to Fredericksburg; and from Petersburg, by Cabin Point, Smithfield, and Suffolk, to Portsmouth, and from Suffolk, to Edenton, and by Plymouth to Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Wilmington; and from Halifax, by Warrington, Hillsborough, Salem, to Salisbury; from Halifax, by Bluntsville, Williamston, Daileys to Plymouth; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indiantown, in Currituck county; and from New York, by Albany, Bennington, Manchester and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Connajoharie; from New York to Hartford, through Whiteplains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington and Farmington; from Newark or Elizabethtown, by Morristown, to Sussex Court House; from Woodbridge to Amboy; from Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, and Hawkins Court House, in the territory South of the river Ohio, to Danville in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagarstown; and from thence to Chambersburg: *Provided*, That the route, by which the mails are at present conveyed, shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the person or persons, so contracting, to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the continuance of such contract, be deemed and considered as post roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made, to the diminution of the revenue of the general post-office, and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the comptroller of the treasury of the United States.

Establishment
of post roads
after 1st June
next.

P. M. Gen.
may enter into
contracts for
carrying mail
not to exceed
eight years.

General post-office at seat of government.

SEC. 3. *And be it further enacted*, That there shall be established, at the seat of the government of the United States, a general post-office. And there shall be one Postmaster General, who shall have authority to appoint an assistant, and deputy postmasters, at all places where such shall be found necessary. And he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post-office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties that are, or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the post road.

P. M. Gen. to settle accounts quarterly,

SEC. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balances due thereon, and render to the secretary of the treasury, a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts, and shall pay, quarterly, into the treasury of the United States, the balance in his hands. And the Postmaster General, and his assistant, the deputy postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, to whom the mail shall be entrusted, before they commence the execution of said trust, shall, respectively, take and subscribe before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General; "I do swear (or affirm as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the law in relation to the establishment of post-offices and post-roads within the United States."

and, with persons employed by him,

to take oath.

Penalty on obstructing the mail and negligence of ferry-men.

SEC. 5. *And be it further enacted*, That if any person shall obstruct or retard the passage of the mail, 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 half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Postmaster General to give notice previous to making contract for conveying the mail, and

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail that such contract is intended to be made, and the day on which it shall be concluded; describing the places, from and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour, at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals which he shall have received respecting the same, in the office of the comptroller of the treasury of the United States.

lodge the contract in the comptroller's office.

Dep. P. M. to keep an office.

SEC. 7. *And be it further enacted*, That every deputy postmaster shall keep an office in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of forming the

duties thereof. And all letters brought to any post-office, half an hour before the time of making up the mail at such office, shall be forwarded therein.

SEC. 8. *And be it further enacted*, That from and after the passing of this act, the Postmaster General shall be allowed, for his services, at the rate of two thousand dollars per annum, his assistant, at the rate of one thousand dollars per annum, to be paid, quarterly, out of the revenues of the post-office: and no fees or perquisites shall be received by either of them, on account of the duties to be performed in virtue of their appointments.

Allowance to
P. M. G. and
assistant.

SEC. 9. *And be it further enacted*, That from and after the first day of June next, the deputy postmaster and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are herein after excepted, according to the several rates and sums following: For the postage of every single letter, to or from any place by land not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty miles, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and to or from any place by land, more than four hundred and fifty miles, twenty-five cents; and every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay, at the rate of four single letters for each ounce, and in that proportion, for any greater weight.

Rates of post-
age from 1st
June 1792.

SEC. 10. *And be it further enacted*, That all letters and packets, passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, shall be rated and charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter or packet, twenty-four cents; for every letter or packet brought into the United States, or carried from one port therein to another by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of the like postage, as other letters are made subject to the payment of by this act.

Rates of let-
ters and packets
passing by sea.

SEC. 11. *And be it further enacted*, That if any deputy postmaster, or other person authorized by the Postmaster General, to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets on conviction thereof, he shall forfeit for every such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

Penalty on de-
manding or re-
ceiving beyond
stipulated post-
age.

SEC. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry or break bulk, till the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the United States, which, under his care or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee: but when a vessel shall be bound to another port, than that, at which she may enter, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the postmaster at the port of entry. And it shall be the duty of the collector or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander

Duty of mas-
ters of vessels
previous to
making report,
&c.

of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Duty of P. M. on receipt of letters from foreign packets, &c.

SEC. 13. *And be it further enacted*, That the postmasters to whom such letters may be delivered, shall pay to the master, commander, or other person delivering the same, except the commanders of foreign packets, two cents for every such letter or packet; and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be with his half-yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the postmaster forwarding the same.

Penalty on persons offending against this act.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, dispatch, convey, carry or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon or other carriage, by or in which any letter or packet shall be carried for hire, on any established post-road, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the general post-office may be injured, every person, so offending, shall forfeit, for every such offence, the sum of two hundred dollars. *Provided*, That it shall and may be lawful for every person to send letters or packets by special messenger.

Deputies to account with P. M. G. for bye letters.

SEC. 15. *And be it further enacted*, That the deputy postmasters or agents of the Postmaster General, shall duly account and answer to him, for all bye or way-letters, and shall specify the number and rates in the post bill. And if any deputy postmaster or agent shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Penalty on neglecting,

detaining, delaying, or secreting letters, &c.

SEC. 16. *And be it further enacted*, That if any person, employed in any of the departments of the general post-office, shall unlawfully detain, delay, or open, any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post: Or if any such person shall secrete, embezzle or destroy any letter or packet, entrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle or destroy, any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person, so offending, shall forfeit and pay a sum, not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect,

receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Sec. 17. *And be it further enacted*, That if any person or persons shall rob any carrier of the mail of the United States, of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by post, of any letter or packet, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any post-office, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.^(a)

Penalty on persons robbing the mail.

Sec. 18. *And be it further enacted*, That the deputy postmasters shall, respectively, publish at the expiration of every three months, in one of the newspapers published at, or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General, to cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to where the owner may be supposed to reside, if within the United States, and such letter and the contents shall be preserved, to be delivered to the person, to whom the same shall be addressed, upon payment of the postage, and the expense of publication.

Deputies to publish every three months a list of letters then on hand, &c.

Sec. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions, as are hereinafter provided; that is to say: All letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session. All letters to and from the Secretary of the Treasury, and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary at War, the Commissioners for settling the accounts between the United States and individual states, the Postmaster General and his

Certain letters to be conveyed free of postage.

(a) Robbing the mail of the United States. The defendant was indicted on the 24th section of the act of Congress, of March 3, 1825, entitled "An act to reduce into one the several acts establishing and regulating the Post-office department," for advising, procuring, and assisting one Joseph J. Straughan, a mail carrier, to rob the mail of the United States, and was found guilty. Upon this finding the judges of the Circuit Court of South Carolina were divided in opinion upon the question, whether an indictment founded on the statute for advising, &c., a mail carrier to rob the mail, ought to set forth and aver that the said carrier did commit the offence of robbing the mail. By the Supreme Court: the answer to this as an abstract proposition, must be in the affirmative, but if the question intended to be put, is, whether there must be a distinct substantive averment of the fact, it is not necessary. *United States v. Mills*, 7 Peters, 133.

Upon an indictment for robbing the mail, and putting the person in custody of it in jeopardy, under the 19th section of the act of April 30, 1810, a sword, &c., in the hand of the robber, by terror of which the robbery is effected, is a dangerous weapon within the act, putting the life in jeopardy, though it be not drawn, or pointed at the carrier. So a pistol in his hands, by means of which the robbery is effected, is a dangerous weapon; and it is not necessary to prove that it was charged: it is presumed to be so until the contrary is proved. *United States v. Wood*, 3 Wash. C. C. R. 440.

It is not necessary to a conviction under the 22d section, that the carrier of the mail should have taken the oath prescribed by the 2d section of the act of 1825, or that the whole mail be taken. *The United States v. Wilson*, 1 Baldwin's C. C. R. 102.

The word "rob," in the act of Congress of 1825, section 22, is used in the common law sense. *Ibid.*

"Jeopardy" as used in the section, means a well grounded apprehension of danger to life, in case of refusal to yield to threats, or resistance. *Ibid.*

A mail carrier is within the 18th section of the act regulating the post-office establishment, "subjecting to a penalty in certain cases, persons employed in any of the departments of the general post-office." *United States v. Delew*, 2 Brockenb. C. C. R. 250.

Certain letters
free of postage.

assistant: *Provided*, That no person shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the department of the Treasury may be franked by the Secretary of the Treasury, or the assistant Secretary, or by the Comptroller, Register, Auditor or Treasurer; and that each person before named shall deliver to the post-office every letter or packet enclosed to him, which may be directed to any other person, noting the place, from whence it came by post, and the usual postage shall be charged thereon.

Penalty on
counterfeiting-
the franking to
evade postage.

SEC. 20. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage; such person or persons, so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Privilege of
news printers.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations, as the Postmaster General shall provide.

Newspapers
how to be put
up for the mail.

SEC. 22. *And be it further enacted*, That all newspapers, conveyed in the mail, shall be under a cover open at one end, carried in separate bags from the letters, and charged with the payment of one cent, for any distance not more than one hundred miles, and one cent and a half for any greater distance: And it shall be the duty of the Postmaster General and his deputy, to keep a separate account for the newspapers, and the deputy postmasters shall receive fifty per cent. on the postage of all newspapers: And if any other matter or thing be enclosed in such papers, the whole packet shall be charged, agreeably to the rates established by this act, for letters or packets. And if any of the persons employed in any department of the post-office, shall unlawfully detain, delay, embezzle or destroy any newspaper, with which he shall be entrusted, such offenders, for every such offence, shall forfeit a sum, not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract, he may enter into, for the conveyance of the mail, may authorize the person, with whom such contract is made, to carry newspapers, other than those conveyed in the mail.

P. M. Gen.
may permit con-
tractor to carry
newspapers;
and

allow such com-
mission to depu-
ties as he may
deem adequate,
not to exceed,
&c.

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to allow to the deputy postmasters respectively, such commission on the monies arising from the postage of letters and packets, as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed forty per cent. to any deputy, whose compensation thereby shall not exceed fifty dollars, nor thirty per cent. to any deputy, whose compensation thereby shall not exceed one hundred dollars, nor twenty per cent. to any other deputy, except the postmaster at the port, where the European packets do, or shall steadily arrive: to whom such farther allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and dispatch of letters, originally received into his office, from on board such packets, and by him forwarded to other offices: *And provided also*, That the compensations aforesaid shall not exceed eighteen hundred dollars per annum to any one postmaster for all services by him rendered

to any one
\$1,800 per an-
num.

P. M. Gen. to
prosecute depu-
ties neglecting
to settle quar-
terly—and pen-
alty on his ne-
glect thereof.

SEC. 24. *And be it further enacted*, That if any deputy postmaster or other person, authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General, the balance by him due, at the end of every three months, it shall be the duty of the Postmaster General, to cause a suit to be commenced against the person or persons so neglecting or refusing: And if the Postmaster General shall not cause such suit to be commenced within three months, from the end of every such three months,

the balances due from every such delinquent shall be charged to, and recoverable from the Postmaster General.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures, incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General, to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of one cent. And the Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets, through the post-offices.

SEC. 27. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

SEC. 28. *And be it further enacted*, That all the surplus revenue of the general post-office, which shall have accrued, previous to the first day of June next, not heretofore appropriated, be and the same is hereby appropriated towards defraying any deficiency which may arise in the revenue of the said department for the year next ensuing.

SEC. 29. *And be it further enacted*, That the act passed the last session of Congress, intituled "An act to continue in force, for a limited time, an act, intituled 'An act for the temporary establishment of the post-office,'" be, and the same is hereby continued in full force, until the first day of June next, and no longer.

SEC. 30. *And be it further enacted*, That this act shall be in force for the term of two years, from the said first day of June next, and no longer.

APPROVED, February 20, 1792.

CHAP. VIII.—*An Act relative to the Election of a President and Vice President of the United States, and declaring the Officer who shall act as President in case of Vacancies in the offices both of President and Vice President.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That except in case of an election of a President and Vice President of the United States, prior to the ordinary period as herein after specified, electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

SEC. 2. *And be it further enacted*, That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each state as shall be directed, by the legislature thereof; and the electors in each state shall make and sign three certificates of all the

Appropriation of penalties under this act.

P. M. Gen. to make provision for receipt of letters sent or received by sea.

Postmasters &c. exempt from militia duty.

Appropriations of surplus revenue of general post-office.

Former acts continued till 1st June. 1791, ch. 23.

Limitation of this act.

STATUTE I.

March 1, 1792.

[Obsolete.]
March 26, 1804,
ch. 50.

States how to appoint electors for election of president and vice president; when to meet and vote;