

Act of 1 July 1864

An Act to Establish Salaries for Postmasters, and for other Purposes

This act contains a wide range of provisions. Only three address postage rates or related matter.

Section 8 – Foreign mails

Section 10 – Letters bearing a request for return in case of non-delivery

Section 13 – Dead letters

CHAP. CXCIV. — *An Act to establish Salaries for Postmasters, and for other Purposes.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual compensation of postmasters shall be at a fixed salary, in lieu of commissions, to be divided into five classes, exclusive of the postmaster of the city of New York. Postmasters of the first class shall receive not more than four thousand dollars, nor less than three thousand dollars; postmasters of the second class shall receive less than three thousand dollars and not less than two thousand dollars; postmasters of the third class shall receive less than two thousand dollars and not less than one thousand dollars; postmasters of the fourth class shall receive less than one thousand dollars and not less than one hundred dollars; postmasters of the fifth class shall receive less than one hundred dollars. The compensation of the postmaster of New York shall be six thousand dollars per annum, to take effect on the first day of July, eighteen hundred and sixty-four; and the compensation of postmasters of the several classes aforesaid shall be established by the Postmaster-General under the rules hereinafter provided. Whenever the compensation of postmasters of the several offices, (except the office of New York,) for the two consecutive years next preceding the first day of July, eighteen hundred and sixty-four, shall have amounted to an average annual sum not less than three thousand dollars, such offices

Postmasters to be paid salaries. Five classes, &c.

Salary of those of 1st class; of 2d class; of 3d class; of 4th class; of 5th class.

Postmaster of New York.

What offices to be rated as 1st class.

What offices to be rated as 2d class;
3d class;
4th class;
5th class.
Salaries of several classes.

Estimates of certain offices.

shall be assigned to the first class; whenever it shall have amounted to less than three thousand dollars, but not less than two thousand dollars, such offices shall be assigned to the second class; whenever it shall have amounted to less than two thousand dollars, but not less than one thousand dollars, such offices shall be assigned to the third class; whenever it shall have amounted to less than one thousand dollars, but not less than one hundred dollars, such offices shall be assigned to the fourth class; and whenever it shall have amounted to less than one hundred dollars, such offices shall be assigned to the fifth class. To offices of the first, second, and third classes shall be severally assigned salaries, in even hundreds of dollars, as nearly as practicable in amount the same as, but not exceeding, the average compensation of the postmasters thereof for the two years next preceding; and to offices of the fourth class shall be assigned severally salaries, in even tens of dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding; and to offices of the fifth class shall be severally assigned salaries, in even dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding. Wherever returns showing the average of annual compensation of postmasters for the two years next preceding the first day of July, eighteen hundred and sixty-four, shall not have been received at the Post-Office Department at the time of adjustment, the same may be estimated by the Postmaster-General for the purpose of adjusting the salaries of postmasters herein provided for. And it shall be the duty of the auditor of the treasury for the Post-Office Department, to obtain from postmasters their quarterly accounts with the vouchers necessary to a correct adjustment thereof, and to report to the Postmaster-General all failures of postmasters to render such returns within a proper period after the close of each quarter.

Salaries to be readjusted every two years.

SEC. 2. *And be it further enacted*, That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the auditor for the Post-Office Department.

Salaries, when to take effect.

SEC. 3. *And be it further enacted*, That salaries of the first, second, and third classes shall be adjusted to take effect on the first day of July, eighteen hundred and sixty-four, and of the fourth and fifth classes at the same time, or at the commencement of a quarter as early as practicable thereafter.

Salaries at offices not established for two years.

Proviso.

SEC. 4. *And be it further enacted*, That, at offices which have not been established for two years prior to the first day of July, eighteen hundred and sixty-four, the salary may be adjusted upon a satisfactory return by the postmaster of the receipts, expenditures, and business of his office: *Provided*, That fifty per centum of the gross revenue of such office shall be, in all cases, the largest amount allowed to such postmasters for their salaries, respectively, except in cases where it shall be a separating or distributing office, as provided for in the sixth section of this act.

Allowance for office-rent, clerks, &c.

1865, ch. 89, § 3. Post, p. 505.

SEC. 5. *And be it further enacted*, That at the post-office of New York and offices of the first and second classes, the Postmaster-General shall allow to the postmaster a just and reasonable sum for the necessary cost, in whole or in part, of rent, fuel, lights, and clerks, to be adjusted upon a satisfactory exhibit of the facts. And at offices of the third, fourth, and fifth classes, such expenses shall be paid by the postmaster, except as in the sixth section provided; it being intended that such allowances shall be made in accordance with existing usages.

SEC. 6. *And be it further enacted*, That the Postmaster-General may

designate certain convenient offices, at the intersection of mail routes, as distributing offices, and certain others as separating offices; and where any such office is of the third, fourth, or fifth class of post-offices, he may make a reasonable allowance to such postmaster for the necessary cost, in whole or in part, of clerical services arising from such duties.

Distributing offices.

SEC. 7. *And be it further enacted*, That all postages and box-rents at post-offices, and all other receipts and emoluments at a post-office, shall be received and accounted for as a part of the postal revenues; and any part thereof which the postmaster ought to have collected, but has neglected to collect, shall be charged against him in his account, and he shall be liable therefor in the same manner as if the same had been collected; and he shall receive no fees or perquisites beyond his salary.

Postages and box-rents to be part of postal revenues.

SEC. 8. *And be it further enacted*, That the uniform rate of United States postage, without reference to distance, upon letters and other mailable matter addressed to, or received from, foreign countries, when forwarded from, or received in, the United States by steamships or other vessels regularly employed in the transportation of the mails, shall be as follows, viz: ten cents per single rate of half an ounce or under, on letters; two cents each on newspapers; and the established domestic rates on pamphlets, periodicals, and other articles of printed matter; which postage shall be prepaid on matter sent, and collected on matter received: *Provided, always*, That these rates shall not apply to letters or other mailable matter, addressed to, or received from, any foreign place or country, to and from which different rates of postage have been, or shall be, established by international postal convention or arrangement already concluded or hereafter to be made.

Rates of foreign postage.

Proviso.

SEC. 9. *And be it further enacted*, That the Postmaster-General is authorized to sell, or cause to be sold, to individuals, corporations, and business firms, postage-stamps, in quantities of not less than one hundred dollars in value, at a discount not exceeding five per centum from the face value of such stamps, and to sell, or cause to be sold, stamped envelopes, in packages containing not less than five hundred envelopes, at a discount not exceeding five per centum from the current prices thereof when sold in less quantities.

Postage-stamps may be sold at discount.

Stamped envelopes.

SEC. 10. *And be it further enacted*, That the twenty-eighth section of the act entitled "An act to amend the laws relating to the Post-Office Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by the addition of the following clause, namely: And when any letter bearing a request for its return to the writer, in case of its non-delivery, shall have been so returned to the office at which it was originally mailed, then, and in that case, it shall be obligatory upon the person to whom such letter has been returned, to receive the same, and to pay therefor the postage specified by this section; and in default of said writer to receive and pay for the letter so returned, he shall be subject to a penalty of ten dollars, to be recovered in any court of competent jurisdiction.

Amendment of act 1863, ch. 71, § 28, Vol. xii. p. 706.

Letters requested to be returned to be received, and postage paid.

Penalty.

SEC. 11. *And be it further enacted*, That if any person, not authorized by the Postmaster-General, shall set up or profess to keep any office, or any place of business bearing the sign, name, or title of post-office, every such person shall forfeit and pay the sum of five hundred dollars for every such offence.

Penalty for setting up or keeping post-office;

SEC. 12. *And be it further enacted*, That if any person employed in any of the departments of the post-office establishment shall unlawfully detain, delay, or open, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered

for unlawfully detaining or opening letters, &c.

Penalty for
secreting or
destroying letters
not containing
valuables;

containing
valuables;

for taking
valuables out of
letters, &c.;

upon mail-
carrier for desert-
ing mails.

through or from any post-office or branch-post office established by authority of the Postmaster-General of the United States; [or] if any such person shall secrete, embezzle, or destroy, any letter or packet intrusted to such person as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not less than three hundred dollars, or imprisoned not less than 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 or she shall be intrusted, or which shall have come to his or her possession, and are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered through or from any post-office or branch post-office established by authority of the Postmaster-General of the United States, such letter, packet, bag, or mail of letters, containing any note, bond, draft, check, revenue stamp, postage-stamp, money order, certificate of stock, or other pecuniary obligation, or government security of any description whatever, issued, or that may hereafter be issued, by the United States, or by any officer or fiscal agent thereof, 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, payment of moneys, or any bond, or warrant, draft, bill, or promissory note, covenant, contract, or agreement, whatsoever, for, or relating to, the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance, or discharge of, or from, any debt, covenant, or demand, or any part thereof, or any copy of any record of any judgment, or decree, in any court of law, or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; 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 or her possession, whether such letter or packet, bag, or mail of letters, shall have come or been placed in his or her possession to be forwarded or delivered in the regular course of his or her official duties, or shall have come or been placed in his or her possession in any other manner, and provided that such letter or packet, bag or mail of letters, shall not have been delivered to the person or persons to whom it is directed, such person shall, on conviction for any such offence, be imprisoned not less than ten years, nor exceeding twenty-one years; and the fact that any such letter or packet, bag or mail of letters, shall have been deposited in any post-office or branch post-office established by authority of the Postmaster-General of the United States, or in any other authorized depository of mail letters, or in charge of any postmaster, assistant postmaster, clerk, carrier, agent, or messenger employed in the post-office establishment of the United States, shall be taken and held as evidence that the same was "intended to be conveyed by post" within the meaning of this statute; and if any person who shall have taken charge of the mails of the United States shall voluntarily quit or desert the same before such person delivers it into the post-office kept at the termination of the route, or some known mail-carrier, or agent of the general post-office, authorized to receive the same, 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. — Section twenty-one, Act of March three, eighteen hundred and twenty-five.

SEC. 13. *And be it further enacted*, That dead letters containing valuable enclosures shall be registered in the department; and when it appears that they can neither be delivered to their address nor to the writers, the contents thereof, so far as available, shall be used to promote the efficiency of the dead-letter office, according to the provisions of the seventh section of act approved February twenty-seventh, eighteen hundred and sixty-one, entitled "An act to establish certain post routes;" and the amount thereof shall be shown in the annual report, and shall be subject to reclamation by either the party addressed or by the sender for four years from registry thereof, careful account being kept of the same. All other letters deemed of value or of importance to the party addressed, or to the writer, and which it appears cannot be returned to either destination, shall be disposed of as the Postmaster-General shall direct.

1825, ch. 64, § 21,
Vol. iv. p. 107.

Dead letters
with valuable
enclosures, &c.

1861, ch. 57, § 7.
Vol. xii. p. 168.

SEC. 14. *And be it further enacted*, That letter-carriers shall be employed at such post-offices as the Postmaster-General shall direct for the delivery of letters in the places respectively where such post-offices are established; and for their services they shall severally receive a salary to be prescribed by the Postmaster-General, not exceeding eight hundred dollars per year: *Provided*, That, on satisfactory evidence of their diligence, fidelity, and experience as carriers, the Postmaster-General may increase their respective salaries from time to time, to any sum not exceeding one thousand dollars; and each of the said carriers shall give bond, with sureties, to be approved by the Postmaster-General, for the safe custody and delivery of all letters, packets, and moneys received by him.

Letter-carriers.

Salaries.

SEC. 15. *And be it further enacted*, That all expenses for the letter carriers, branch-offices, and receiving-boxes, or incident thereto, shall be entered and reported in a separate account from the ordinary postal expenses of such post-office, and shall be shown in comparison with the proceeds of the postages on local mail matter at each office, in order that the Postmaster-General may be guided in the expenditures for that branch of the postal service by income derived therefrom.

Expenses of
letter-carriers,
branch-offices,
&c., to be entered
in separate ac-
count.

SEC. 16. *And be it further enacted*, That the eighth, eleventh, fourteenth, seventeenth, and eighteenth sections of the act entitled "An act to amend the laws relating to the Post Office-Department," approved March three, eighteen hundred and sixty-three, the provisions of which have been modified and incorporated in this act, be, and the same are hereby, repealed.

Repeal of act of
1863, ch. 71, §§ 8,
11, 14, 17, 18.
Vol. xii. p. 701.

See ch. 241.
Post, p. 382.

SEC. 17. *And be it further enacted*, That the special agent of the Post-Office Department in the Pacific states and territories shall receive as compensation five dollars per diem.

Pay of special
agent in Pacific
States, &c.

Post, p. 505.

APPROVED, July 1, 1864.