

US Postal Laws & Regulations

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Crimes, postal

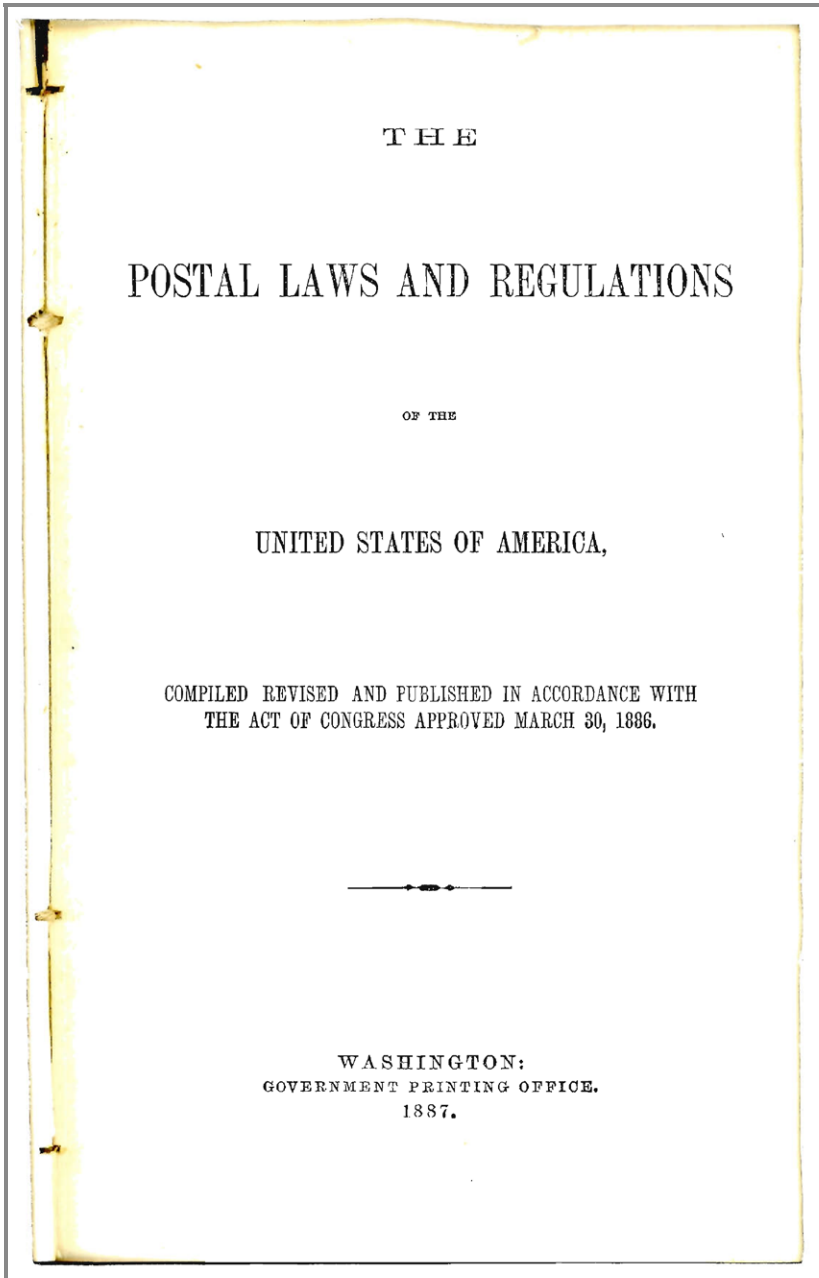


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TITLE IX.
POSTAL CRIMES.

CHAPTER FORTY-FIVE.

VIOLATIONS OF THE POSTAL LAWS AND PROSECUTIONS THEREFOR.

JURISDICTION.

Sec. 1433. Of the United States Courts.—The district courts shall have jurisdiction of all crimes and offenses cognizable under the authority of the United States, committed within their respective districts or upon the high seas, the punishment of which is not capital. * * (R. S., § 563.)

The circuit court shall have original jurisdiction as follows: * * * Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein. (R. S., § 629.)

Sec. 1434. Of State Courts.—All causes of action arising under the postal laws may be sued, and all offenders against the same may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. (R. S., § 3833.)

ARRESTS AND PRELIMINARY PROCEEDINGS.

Sec. 1435. Duty of Postmasters Causing Arrests for Violations of the Postal Laws.—When an arrest has been made, at the instance of a postmaster, the prisoner should be put in custody of the United States marshal for the proper district, or his deputy, at the earliest possible moment. If examination of the accused cannot conveniently be had before a judge or commissioner of the United States, he should be taken

before a justice of the peace, or some other State officer, authorized by the next section to examine and hold to bail, whose attention may be called to the statute of the United States (R. S., § 1014, quoted as the next section) to remove any doubt as to his jurisdiction.

Sec. 1436. Preliminary Proceedings before Whom.—For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. (R. S., § 1014.)

CRIMES AND MISDEMEANORS.

Sec. 1437. Forgery or Counterfeiting of Postal Money Orders.—Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of, or purporting to be, a money order or postal note issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon; or any material signature upon any receipt or certificate of identification thereon; any person who shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any such money order or postal note; any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money order or postal note, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited or altered, shall be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not less than two years and not

more than five years. (R. S., § 5463, as amended by act of January 3, 1887, 24 Stat., 355.)

An indictment which charges a defendant with having forged a material indorsement on a money order, with intent to defraud another person, charges an offense under this section. (*United States v. Morris*, 16 Blatchford, C. Ct., 133.)

Sec. 1438. Forgery or Counterfeiting Postage Stamps, Dies, &c.—Any person who shall forge or counterfeit any postage stamp, or any stamp printed upon any stamped envelope, postal card, or any die, plate, or engraving therefor; any person who shall make, or print, or knowingly use or sell, or have in possession, with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; any person who shall make, or knowingly use or sell, or have in possession, with intent to use or sell, any paper bearing the water mark of any stamped envelope, postal card, or any fraudulent imitation thereof; any person who shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of the Department; any person who shall, after such postage stamp, stamped envelope, or postal card, have been printed, and with intent to defraud the postal revenue, deliver the same to any person not authorized by an instrument of writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive them, shall be punished by a fine of not more than five hundred dollars, or by imprisonment at hard labor not more than five years, or by both such fine and imprisonment. (R. S., § 5464.)

Sec. 1439. Forging or Counterfeiting Foreign Postage Stamps.—Any person who shall forge or counterfeit or knowingly utter or use any forged or counterfeited postage stamp of any foreign Government, shall be punished by imprisonment at hard labor of not less than two nor more than ten years. (R. S., § 5465.)

Sec. 1440. Penalty for Injuring Street Mailing Boxes.—Every person who willfully and maliciously injures, tears down, or destroys any letter box, pillar box, or other receptacle established by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who willfully and maliciously assaults any letter carrier, when in uniform, while engaged on his route in the discharge of his duty as a letter carrier, and every person who willfully aids or assists therein, shall for every such offense be punishable by a fine of not less than one hundred dollars, and not more than one thousand, or by imprisonment for not less than one year and not more than three. (R. S., § 3869.)

Sec. 1441. Injuring Mail Matter in Street Mailing Box, etc.—Any person

who shall willfully or maliciously injure, deface, or destroy any mail matter deposited in any letter box, pillar box, or other receptacle established by authority of the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who shall willfully aid or assist in injuring such mail matter, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than three years. (R. S., § 5466.)

Sec. 1442. Embezzlement of Letters Containing Inclosures.—Any person employed in any department of the postal service who shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters intrusted to him, or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail carrier, mail-messenger, route agent, letter carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General, and which shall contain any note, bond, draft, check, warrant, revenue stamp, postage stamp, stamped envelope, postal card, money order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank note, blank post bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, 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; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery or any execution which may have issued thereon; any copy of any other record, or any other article of value, or writing representing the same; any such person who shall steal or take any of the things aforesaid out of any letter, packet, bag, or mail of letters which shall have come into his possession, either in the regular course of his official duties or in any other manner whatever, and provided the same shall not have been delivered to the party to whom it is directed, shall be punishable by imprisonment at hard labor for not less than one year nor more than five years. (R. S., § 5467.)

An indictment which charges the defendant with unlawfully abstracting a letter containing bank notes from the mail is good, if it alleges that the letter containing bank notes was put into the post-office to be conveyed by post, and came into possession of defendant as a driver of the mail stage. (*The United States v. Martin*, 2 McLean, 256.)

In an indictment for embezzlement, under this section, it is sufficient to charge "that defendant was a person employed in one of the departments of the Post-Office establishment of the United States". (*The United States v. Patterson*, 6 McLean, 466.)

It is not necessary to aver in an indictment, under this section, that the letter embezzled was intended to be conveyed to any particular place; an averment that it was intended to be conveyed by post being sufficient. (*U. S. v. Okie*, 5 Blatch., 576. See also *U. S. v. Randall*, 1 Deady, 524; *U. S. v. Hardyman*, 13 Pet., 176; *U. S. v. Golding*, 2 Curtis's C. C., 212; *U. S. v. Winter*; *U. S. v. Jenther*, 13 Blatch., 333, 335.)

The purpose of the above-quoted statute (R. S., § 5467) is to prevent and punish any interference with the contents of a letter in the custody of the mail; and a postmaster who takes money out of a registered letter, and borrows it, with the hope and expectation of returning it, and does return it, is guilty of embezzlement. (*United States v. Thompson*, 29 Fed. Rep., 706.)

When the indictment alleges ownership in the person to whom a registered letter was directed, and it appears in proof that when it was stolen the sender had deposited it with the postmaster, taking his receipt therefor, and it had in due course of mail left the mailing office, held, that its custody by the Post Office Department was for the benefit of the person to whom it was addressed; that it was his property, and the sender had no control over it; and that the proofs sustained the allegation that the addressee is the owner. (*United States v. Jackson*, 29 Fed. Rep., 503.)

A local mail agent employed and paid by a railroad company to carry mail bags to and from post-offices, and who has taken the oath required of persons employed in the handling of the mails, is an employé of the postal service within the meaning of this section, and may be indicted thereunder for stealing the contents of a letter handed to him to put upon the train outside of the mail bag. (*United States v. Hamilton*, 11 Biss. C. Ct., 85.)

A letter carrier who embezzles a letter intended to be conveyed by mail, and intrusted to him as such carrier, is indictable under this section. (*United States v. Pelletreau*, 14 Blatchf., 126.)

Sec. 1443. Meaning of Words "Intended to be Conveyed by Mail."—The fact that any letter, packet, bag, or mail of letters has been deposited in any post-office or branch post-office established by authority of the Postmaster-General, or in any other authorized depository for mail matter, or in charge of any postmaster, assistant clerk, carrier, agent, or messenger employed in any department of the postal service, shall be evidence that the same was "intended to be conveyed by mail" within the meaning of the two preceding sections. (R. S., § 5468.)

Sec. 1444. Embezzlement or Larceny of Government Property.—That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceed-

ing five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted. (Act of March 3, 1875, § 1, 18 Stats., 479.)

Sec. 1445. Receiving Stolen Property of Government.—That if any person shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property, be punished by a fine not exceeding five thousand dollars, or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted.

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined. (Act of March 3, 1875, § 2, 18 Stats., 479.)

Sec. 1446. Loaning, Using, or Unauthorized Deposit of Public Moneys.—Every officer or other person charged by any act of Congress with the safe-keeping of the public moneys, who fails to safely keep the same, without loaning, using, converting to his own use, depositing in banks, or exchanging for other funds than as specially allowed by law, shall be guilty of embezzlement of the moneys so loaned, used, converted, deposited, or exchanged; and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. (R. S., § 5490.)

Sec. 1447. Penalty for Detaining, Opening, or Destroying Letters.—Any person employed in any department of the postal service who shall unlawfully detain, delay, or open any letter, packet, bag, or mail of letters intrusted to him, or which has come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail messenger, route agent, letter carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General; or who shall secrete, embezzle, or destroy any such letter, packet, bag, or mail of letters, although it does not contain any security for or assurance relating to money or other

thing of value, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both. (R. S., § 3891.)

NOTE.—It is a criminal offense, under this section, for any one in the employ of any department of the postal service to unlawfully detain, delay, or open any mailable packet of merchandise which has come into his possession and which is intended to be conveyed by mail. (*United States v. Blackman*, 17 Fed. Rep., 837.)

Sec. 1448. Penalty for Intercepting or Secreting Letters.—Any person who shall take any letter, postal card, or packet, although it does not contain any article of value or evidence thereof, out of a post-office or branch post-office, or from a letter or mail carrier, or which has been in any post-office or branch post-office, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall secrete, embezzle, or destroy the same, shall, for every such offense, be punishable by a fine of not more than five hundred dollars, or by imprisonment at hard labor for not more than one year, or by both. (R. S., § 3892.)

See *U. S. v. Bond*, 2 Curtis, 265; *U. S. v. Lancaster*, 2 McLean, 431.

Sec. 1449. Stealing or Fraudulently Obtaining Mail; Opening Valuable Letters.—Any person who shall steal the mail, or steal or take from or out of any mail or post-office, branch post-office, or other authorized depository for mail matter, any letter or packet; any person who shall take the mail, or any letter or packet therefrom, or from any post-office, branch post-office, or other authorized depository for mail matter with or without the consent of the person having custody thereof, and open, embezzle, or destroy any such mail, letter, or package which shall contain any note, bond, draft, check, warrant, revenue stamp, postage stamp, stamped envelope, money order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank note, bank post bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon; any copy of any other record, or any other article of value, or any writing representing the same; any person who shall,

by fraud or deception, obtain, from any person having custody thereof, any such mail, letter, or packet containing any such article of value shall, although not employed in the postal service, be punishable by imprisonment at hard labor for not less than one year and not more than five years. (R. S., § 5469. See also R. S., § 5535.)

This section does not look beyond a possession of letters obtained *wrongfully* from the post-office or from a mail carrier. After the voluntary termination of the custody of a letter by the post-office or its agents the rights of the real proprietor of the letter are under the guardianship of the local law, and not of that of the United States. (*U. S. v. Parsons*, 2 Blatch., 104.)

To constitute a post-office under this section, the place where the business of keeping, forwarding, and distributing mailable matter is conducted need not be a building set apart for that use, or any apartment or room in a building; but, according to the extent of the business done, may be a desk, or a trunk, or box, carried about a house or from one building to another. (*The United States v. Marselis*, 2 Blatch., 108.)

A decoy letter, containing money, mailed for the purpose of entrapping a clerk in a post-office, &c., is within this section. (*U. S. v. Collingham*, 2 Blatch., 470. *Vide* also *U. S. v. Pond*, 2 Curtis's C. C., 265; *U. S. v. Lander*, 6 McLean, 598; *U. S. v. Fisher*, 2 McLean, 23.)

The penalty of imprisonment may be imposed upon an employé for stealing a letter from a railway postal car. (*United States v. Falkenheimer*, 21 Fed. Rep., 624.)

Sec. 1450. Receiving Articles Stolen from the Mails.—Any person who shall buy, receive, or conceal, or aid in buying, receiving, or concealing, any note, bond, draft, check, warrant, revenue stamp, postage stamp stamped envelope, postal card, money order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank note, bank post bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, 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; any receipt, release, acquittal, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon; any copy of any other record, or any other article of value or writing representing the same, knowing any such article or thing to have been stolen or embezzled from the mail, or out of any post-office, branch post-office, or other authorized depository for mail matter, or from any person having custody thereof, shall be punishable by a fine of not more than two thousand dollars, and by imprisonment at hard labor for not more than five years. (R. S., § 5470.)

See *U. S. v. Hardyman*, 13 Pet., 176.

Sec. 1451. Stealing, Detaining, or Destroying Newspapers.—Any person employed in any Department of the postal service who shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed, shall be punishable by a fine of not more than fifty dollars. And if any other person shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, he shall be punishable by a fine of not more than twenty dollars. And any person who shall take or steal any mail or package of newspapers from any post-office, or from any person having custody thereof, shall be imprisoned at hard labor for not more than three months. (R. S., § 5471.)

For Embezzlement of Money-Order Funds, see section 1372.

Sec. 1452. Robbery of the Mail.—Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life. (R. S., § 5472.)

Sec. 1453. Attempting to Rob the Mail.—Any person who shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be punishable by imprisonment at hard labor for not less than two years and not more than ten years. (R. S., § 5473.)

Sec. 1454. Deserting the Mail.—Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail carrier, messenger, agent, or other employé of the Post-Office Department authorized to receive the same, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not less than three months nor more than one year. (R. S., § 5474.)

Sec. 1455. Stealing Post-Office Property.—Any person who shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post-Office Department, or who shall, for any lucre, gain, or convenience, appropriate any such property to his own or any other than its proper use, or who shall, for any lucre or gain, convey away

any such property to the hindrance or detriment of the public service; if the value of the property be twenty-five dollars or more, the offender shall be punishable by imprisonment at hard labor for not more than three years, and if the value of the property be less than twenty-five dollars, the offender shall be punishable by imprisonment for not more than one year, or by a fine of not less than ten dollars and not more than two hundred dollars. (R. S., § 5475.)

Sec. 1456. Injuring Mail Bags, &c.—Any person who shall tear, cut, or otherwise injure any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or who shall draw or break any staple, or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be punishable by a fine of not less than one hundred dollars and not more than five hundred, or by imprisonment at hard labor for not less than one year and not more than three years. (R. S., § 5476.)

Sec. 1457. Stealing or Forging Mail Locks or Keys.—Any person who shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post-Office Department and in use on any of the mails or bags thereof; any person who shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, or knowingly aid or assist in making, forging, or counterfeiting, any such key; any person who shall have in his possession any such mail lock or key, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or any person engaged as contractor or otherwise in the manufacture of any such mail locks or keys who shall deliver, or cause to be delivered, any finished or unfinished lock or key used or designed for use by the Department, or the interior part of any such lock, to any person not duly authorized, under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving is the contractor for furnishing the same, or engaged in the manufacture thereof in the manner authorized by the contract, or the agent for such manufacturer, shall be punishable by imprisonment at hard labor for not more than ten years. (R. S., § 5477.)

Sec. 1458. Breaking and Entering Post-Office.—Any person who shall forcibly break into or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit therein larceny or other depredation, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment at hard labor for not more than five years. (R. S., § 5478.)

Sec. 1459. Counterfeiting Bid, Bond, &c.—If any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to or present at, or cause [to] [or] procure to be transmitted to or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such punishments. (R. S., § 5479; see, also, R. S., § 5418.)

Sec. 1460. Sending Letters Through the Mails with Intent to Defraud.—If any person having devised or intending to devise any scheme or artifice to defraud, or be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside of the United States, by means of the Post-Office Establishment of the United States, or by inciting such other person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice, or attempting so to do, place any letter or packet in any post-office of the United States, or take or receive any therefrom, such person so misusing the Post-Office Establishment shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than eighteen months, or by both such punishments. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the Post-Office Establishment enters as an instrument into such fraudulent scheme and device. (R. S., § 5480.)

To constitute the offense it is not necessary that the defendant should be the originator of the fraudulent scheme in which he participates. He may be guilty of "placing a letter in the post-office" if it be deposited there under his direction, though by the hand of another. (*United States v. Fleming*, 18 Fed. Rep., 907.) (R. S., § 5480.)

Evidence that the accused devised a scheme to put counterfeit money in circulation by sending through the mail, to one B, a letter calculated to induce B to purchase at a low price, for the purpose of passing it as good, and that, in order to carry such scheme into effect he placed a letter in the post-office addressed to B, is sufficient to establish an offense under this section without proof of intent on the part of accused to defraud B or any other particular person. (*United States v. Jones*, 20 Blatchf., C. Ct. 235.)

The provisions of the above section, that the indictment may "severally charge offenses to the number of three when committed within the same six calendar months," does not confine the Government to the prosecution of three several acts alone. (*United States v. Martin*, 28 Fed. Rep., 812.)

Under this section one may be convicted, who, in carrying out a fraudulent device, consisting of advertising that certain property will be sent to those sending postage stamps or money by mail, deposits letters in the mail or takes letters or packets therefrom, intending to render no equivalent for the money and stamps received. (*United States v. Stickle*, 15 Fed. Rep., 798.)

The elements of the offense of using the mail for the purpose of defrauding created by R. S., Sec. 5480, are (1) the devising, or intending to devise, a scheme or artifice to defraud; (2) the opening, or intending to open, correspondence, by means of the Post-Office Department, with the one devising the scheme; and (3) in pursuance of the scheme putting a letter or packet in the mail, or taking one out. In order to constitute the offense where goods are ordered by mail, the intent not to pay for the goods must exist before credit sought—must preclude an order for the goods—and it is not fraudulent, within the meaning of the statute, if one, not in solvent circumstances, should seek credit or order goods without the present means of paying for them; nor would it come within the meaning of the statute if one had ordered goods, and afterwards devised a purpose of escaping from paying for them. (*United States v. Wooten*, 29 Fed. Rep., 702.)

Sec. 1461. Accessory to Robbery of the Mail.—Every accessory after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than two thousand dollars, and be imprisoned at hard labor not more than ten years. (R. S., § 5534.)

Sec. 1462. Accessory to Stealing Mail Matter.—Every accessory after the fact to the offense of stealing or taking any letter, or other mail matter, or any inclosure therein, shall be fined not more than one thousand dollars, and be imprisoned not more than five years. (R. S., § 5535.) (See §§ 1442, 1449, 1451.)

Sec. 1463. Willfully Neglecting to Deposit Postal Revenues.—Any officer, agent, postmaster, clerk, or other person employed in any branch of the postal service having temporary custody of any money taken from dead letters; any money derived from the sale of waste paper or other public property of the Post-Office Department; or any money derived from any other source which by law is part of the postal revenues, who shall willfully neglect to deposit the same in the Treasury of the United States, or in some other depository authorized to receive the same, shall

be deemed guilty of embezzlement, and be punishable to a fine of not more than double the sum so retained, or by imprisonment for not more than three years, or both. And any person intrusted by law with the sale of postage stamps or stamped envelopes, who shall refuse or neglect to account for the same, or who shall pledge or hypothecate or unlawfully dispose of them, for any purpose whatever, shall be deemed guilty of embezzlement, and shall be punishable by the like fine and imprisonment as are provided in this section for the embezzlement of money. (R. S., § 4053.)

Sec. 1464. Failure to Deposit with Proper Depository.—Every person who, having moneys of the United States in his hands or possession, fails to make deposit of the same with the treasurer, or some assistant treasurer, or some public depository of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper Department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money embezzled. (R. S., § 5492.)

Sec. 1465. Fraudulent Receipts of Postage.—If any postmaster, or other person authorized by the Postmaster-General to receive the postage of letters, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by this section for the postage of letters or packets, he shall be punishable by a fine of one hundred dollars. (R. S., § 3899.)

Sec. 1466. Painting upon Vessels, &c., the Words "United States Mail."—Any person who shall paint, print, or in any manner place upon or attach to any steamboat or other vessel, or any stage coach or other vehicle, not actually used in carrying the mail, the words "United States mail," or any words, letters, or characters of like import; or any person who shall give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage coach or other vehicle, is used in carrying the mail, when the same is not actually so used; or any person willfully aiding or abetting therein, shall, for every such offense, be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars. (R. S., § 3979.)

Sec. 1467. Unlawfully Removing Stamps, &c.—Any person employed in any branch of the postal service who shall willfully and unlawfully remove from any mail matter any postage stamp affixed thereto in payment of the postage shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months. (R. S., § 3922.)

Sec. 1468. Removing Cancellation from Stamps, &c.—If any person em-

ployed in any department of the Post-Office establishment of the United States shall willfully and knowingly use, or cause to be used, in prepayment of postage, any postage stamps, postal cards, or stamped envelope issued, or which may hereafter be issued, by authority of an act of Congress, or of the Postmaster-General, which has already been once used for a like purpose, or shall remove or attempt to remove the canceling or defacing marks from any such postage stamp, or stamped envelope, or postal card, with intent to use or cause the use of the same a second time, or to sell, or offer to sell, the same, or shall remove from letters or other mail matter deposited in or received at a post-office the stamps attached to the same in payment of postage with intent to use the same a second time for a like purpose, or to sell, or offer to sell, the same, every such offender shall be deemed guilty of felony, and shall be imprisoned for not less than one year nor more than three years. (R. S., § 3924.)

Sec. 1469. Removal of Cancellation from Stamps, &c., or Selling or Using Same.—If any person not employed in any department of the Post-Office establishment of the United States shall commit any of the offenses described in the preceding section [R. S., § 3924, section 1468] every such person shall be deemed guilty of a misdemeanor, and be punishable by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, for each offense, or by both. (R. S., § 3925.)

That any person who shall use, or attempt to use, in payment of postage, any canceled postage stamp or postage stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage stamp or postage stamps, with intent to use the same in payment of postage, or who knowingly shall have in his possession any postage stamp or postage stamps canceled, with intent to use the same, or from which such cancellation marks have been removed, or who shall sell or offer to sell any such stamp or stamps, or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, or by both such fine and imprisonment, in the discretion of the court. (Act of March 3, 1879, § 28, 20 Stats., 362.)

OTHER CRIMES AND MISDEMEANORS.

Sec. 1470. Reference to Other Offenses.—In addition to the foregoing statutes, others elsewhere given prescribe punishments for offenses affecting the postal service. References are given thereto as follows:

For selling stamps, &c., for more or less than the lawful price chargeable therefor, section 174.

For submitting false evidence as to character of a publication, section 347.

For depositing in, or receiving by, the mails, obscene, lewd, or lascivious books, pamphlets, pictures, papers, writings, prints, or indecent publications, section 380.

For depositing in, or receiving by mail, any article or thing designed or intended to prevent conception or procure abortion, or adapted for any indecent or immoral use, or any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means, such books, &c., articles, or things may be obtained, see section 380.

For depositing in, or receiving by mail, any letter upon the envelope of which, or postal card upon which indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language is written or printed, see section 380.

For conveying, or depositing letters or circulars concerning lotteries to be sent in the mails, section 379.

For officer aiding in sending or receiving obscene or indecent publications or representations or articles to prevent conception or procure abortion or for immoral use by mail, &c., section 382.

For conveying by or depositing in the mail letters or circulars concerning lotteries, gift concerts, etc., or schemes devised to defraud the public, section 379.

For making false return of business for purpose of fraudulently increasing compensation, section 259.

For making false return of special-delivery business for purpose of increasing compensation, section 666.

For using penalty envelope to avoid payment of postage on private matter, section 415.

For failure to account for postage due collected, or to affix postage-due stamps, section 557.

For unlawfully wearing the uniform of a letter carrier, section 643.

For unlawfully detaining mail matter to prevent its arrival or delivery, section 508.

For obstructing the mail or retarding its passage, section 725.

For swearing falsely as to responsibility of a surety on a bidder's bond, etc., section 780.

For illegal approval of a bidder's bond by a postmaster, see section 781.

For contractor's wrongful refusal to enter into contract or failure to perform service in transportation of the mails, after award of contract to him, section 803.

For issuing money orders without having previously received the money therefor, section 1257.

For failure to make reports, section 103.

For soliciting or receiving assessment or subscription for political purposes, section 78.

For such solicitation or receiving of money or other valuable thing in any public office, &c., section 79.

For official compulsion to make political contribution, discharging, promoting, degrading clerk or employé, or threatening so to do, for making or refusing to make a political contribution, section 80.

For making or receiving a political contribution while an official or employé, section 81.

For receiving gifts from official subordinates, or giving the same, section 82.

For member of Congress, &c., being interested in contract with the United States, section 91.

For officer making contract on behalf of the United States in which a member of Congress is interested, section 91.

For postal employé being interested in public contract, section 92.

For person interested in contract to act in respect thereto on behalf of the United States, section 93.

For procuring contract or office for consideration while an official, section 135.

For receiving compensation for aiding a claim before any Department or officer while Senator or member of Congress, section 136.

For private banker, receiving deposits or loans of public moneys, section 185.

For offenses for which penalty is recoverable, see section 302 and note.

Sec. 1471. False Personation of United States Officers.—That every person who, with intent to defraud either the United States or any person, falsely assumes or pretends to be an officer or employé acting under the authority of the United States, or any Department, or any officer of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or imprisonment not longer than three years, or both said punishments, in the discretion of the court. (Act of April 18, 1884, 23 Stats., 11.)

Sec. 1472. Conspiracy to Defraud the United States.—If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy all the parties to such conspiracy shall be liable to a penalty of not more than ten thousand dollars, or to imprisonment not more than two years or to both fine and imprisonment in the discretion of the court. (R. S., § 5440, as amended by act of May 17, 1879, 21 Stats., 4.)