

The Massachusetts legislature, after authorizing Hamilton to settle a post office in Boston, fixing the postal charges, and conferring a monopoly on him, accordingly added a clause binding Hamilton to maintain constant posts for the carriage of letters to the several places mentioned in the act; to deliver the letters faithfully and seasonably; and it imposed a fine of £5 for each omission.

In order that the public might be in a position to detect any delays in the delivery of letters after they reached a post office, the postmaster was required to mark on each letter the date on which it was received at his office. New Hampshire followed Massachusetts in adding this clause to its post office acts.

The four acts were sent to London, and laid before the king in council, as all colonial acts were. The acts of New York, Pennsylvania and New Hampshire passed council and became law. On the advice of the governors of the post office, the Massachusetts act was disallowed.¹

The grounds for the discrimination against Massachusetts are difficult to understand. The Massachusetts act undoubtedly contained departures from the terms of the patent. But they were such departures as might be expected when an act is drawn up, by a person unlearned in the law, who, having the patent before him, aims at substantial rather than at literal conformity therewith. There can be no question that the drafts presented to the several assemblies were prepared by one person. Their practical identity establishes the fact.

There can be equally little doubt that the draftsman was Hamilton himself. The governors of the post office, who framed the objections,² noted first that the patent provided that the appointment of Neale's deputy should, at his request, be made by the postmaster general; whereas the Massachusetts act appeared to appoint Andrew Hamilton postmaster general of the colonies, independently of the postmaster general of England, and not subject to the patent.

The patent required Neale to furnish accounts at stated intervals to enable the treasury to establish the profits from the enterprize. It also stipulated for the cancellation of the patent in certain eventualities. Both these terms are omitted from the act. Insufficient care was taken in safeguarding the post office revenue,

¹ Note to this effect attached to the act (ch. 3, 1 sess. 1693, *Province Laws*, I. 117).

² *Cal. S. P. Col. Am. and W. I.*, 1693-1696, no. 2234.