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of the U.S. Classic Postal Issues

August 1994

Volume 46, No. 3

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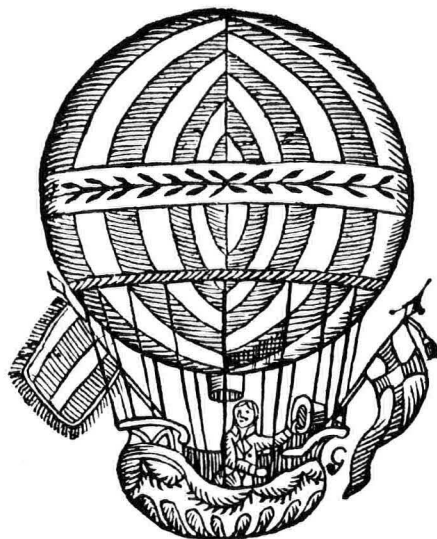
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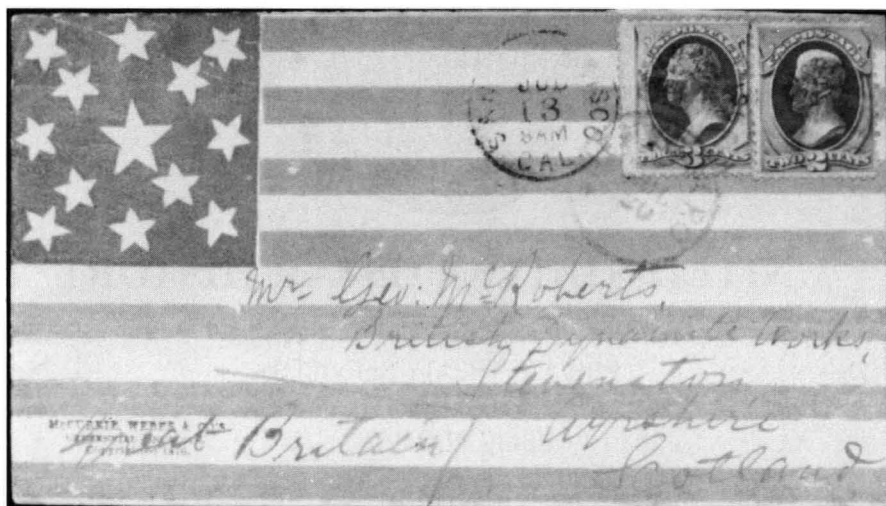
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**THE WAR AGAINST THE PRIVATE EXPRESSES:
AN EXAMINATION OF THE POST OFFICE'S MONOPOLY POWER**

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(Continued from *Chronicle* 162:88)

III. Congress Implements the Monopoly Power Against the Private Expresses

After a decade of relative inactivity with respect to the postal system, Congress in 1792 passed a new, comprehensive postal Act that provided, among other things, that

if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, despatch, 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 whatsoever, whereby the revenue of the general post-office may be injured, every person so offending, shall forfeit, for every such offense, the sum of two hundred dollars. *Provided*, That it shall and may be lawful for every person to send letters and packets by special messenger.⁶⁴

This section affecting private carriers was similar in scope to the section in the Act of 1782. The only significant difference between the two statutes in this regard was the addition in the 1792 Act of the *special messenger* exception to the general prohibition against private letter carriage. This exception had the effect of permitting the private carriage of letters outside the mails when the service was provided by special messengers *on an irregular basis*.

An amendment to the law passed in 1794 added two other categories to the "special messenger" exception in the 1792 Act: letters directed to the owner of the conveyance, relating to the conveyance; and, letters directed to any person in the conveyance to whom any package, also on board the conveyance, was to be delivered.⁶⁵ This Act also added magazines and pamphlets to the "newspapers" exemption that had been set forth in the 1792 Act.⁶⁶

The postal statute passed in 1810⁶⁷ adopted the earlier private express provisions without much change, except that this Act extended the prohibition against the private carriage of letters to include not only carriage over post roads, but also on or over "any road adjacent or parallel to an established post road." The statute also created additional classes of prohibited means of conveyance: stage wagon or other stage carriage or sleigh. Curiously, Congress *reduced* the penalty for each violation from \$200 to \$50.

We see from Congress' approach in limiting some forms of competition in the Act of 1792, and again in those of 1794 and 1810, that Congress dealt with its perceived monopoly power (and the exemptions to it) in a patchwork manner. Because the Post Office initially was not large enough to carry all the mail, and the original proscription was only

⁶⁴Act of Feb. 20, 1792, Ch. 7, 1 *State*. 232 (1792). The *plain meaning* if the statute was that all letters and packets, other than newspapers, were embraced by the monopoly. In fact, the definition of "letter" became very controversial, and was the subject of litigation and Congressional amendment of statutes in future years. This is still controversial in this age of the transmission of electronic information. The discussion of this interesting subject is beyond the scope of this article.

⁶⁵Act of May 8, 1794, Ch. 23, 1 *Stat.* 360 (1794).

⁶⁶*Ibid.*, §14.

⁶⁷Act of Apr. 30, 1810, Ch. 37, 2 *Stat.* 592 (1810).

against carriage by regular stages traveling on established post roads, it was only as the government grew and violators became more innovative that it became practical and necessary for Congress to broaden the reach of the monopoly power.⁶⁸

There was no significant postal legislation between 1794 and 1824, but this could not continue. Postal rates during the early 1800's were high. Postage from Boston to Washington, for example, for a single sheet folded over, sealed and addressed, would have bought five dozen eggs, or four pounds of butter, or two bushels of potatoes. The postage for two or three sheets would have doubled and tripled, respectively.⁶⁹ Nonetheless, despite high postage rates, poor service, and erratic enforcement of the restrictions on private posts, the government service maintained enough demand to finance a dramatic expansion of the general system. And yet, because people had the right to expect better service for their money than they were getting, this brief period of operating success could not be sustained.

From 1820 through 1824, postal revenues increased only 3%, while the costs of transportation to the Post Office Department increased 28%.⁷⁰ Mounting deficits, criticism from the press, and the appointment of a new Postmaster General, all led Congress to enact the first substantive revision to its monopoly power as part of a new and comprehensive postal statute — the Act of 1825.⁷¹ This Act retained the special messenger and, in modified form, the cargo exemptions from the Act of 1810. But now the monopoly provision of the statute was *directed toward the vehicle* which carried the letters illegally rather than toward the persons who established the private post. It also enumerated as violators not only the owner of an offending vehicle, but also those persons who “had charge” of the vehicle.⁷² The statute provided that no stage or other vehicle that regularly performed trips on a post road or on a road that was parallel to a post road could carry letters. Probably through inadvertence, the 1825 statute did not prevent the establishment of a private post *carried by horse or on foot*, although these were the major means of transportation then. Congress closed this loophole in 1827.⁷³

It soon became apparent that there were many opportunities to avoid the 1825 and 1827 statutes. Ambitious expressmen were quick to seize upon them. In the 1830's and 1840's, encouraged by high postage rates and slow service, several private expresses flourished, particularly along the eastern seaboard, catering to businesses. To do this, the private carriers took advantage of two weaknesses in the laws, neither of which Congress could have foreseen: the unwillingness of the courts to hold the owner of a vehicle responsible for letters carried by a passenger; and, the fact that the corrective Act of 1827 applied to foot and horse posts, but not to railroads.

*United States v. Adams*⁷⁴ was a case brought under the section of the Act of 1825 that prohibited, in clear terms, the conveyance of letters by stage or packet boat on any route (on land or water) that had been declared a post road. In reviewing the criminal penalties

⁶⁸The early method of eliminating competition by private posts was to designate certain roads as post roads, and to prohibit persons and businesses from carrying mail on them. This was a cumbersome procedure since it required frequent statutory amendments by Congress to name each new post road. Eventually, railroads, canals, and even city foot routes were designated as posts roads. Finally, all means of conveyance used by the Post Office were closed to competitors, eliminating the need to separately identify each.

⁶⁹*Report of House Post Office Comm.*, p. 58.

⁷⁰*Ibid.*

⁷¹*Ibid.*, p. 58. Act of Mar. 3, 1825, Ch. 57, 4 Stat. 102 (1825). With one exception (not relevant here) this statute expressly repealed all prior postal laws. *Ibid.*, §46.

⁷²*Ibid.*, §19.

⁷³Act of Mar. 2, 1827, Ch. 61, 4 Stat. 238 (1827).

⁷⁴24 F. Cas. 761 (No.14421) (SDNY 1843). See also, *United States v. Pomeroy*, 27 F. Cas. 588 (No.15531) (SDNY 1844).

under the statute, the court properly read into the express language of the Act the requirement that the accused must have *intended to violate the law*.⁷⁵ This rule of law was created by the court even though the Act by its terms was silent concerning intent. The statute merely held the owner of the vessel, the driver (or ship's captain) and the messenger liable for any such violation, without further elaboration. The court found that neither a messenger nor a vessel's owner could be convicted unless the government proved an *intent to violate* the Act by both persons. The case was dismissed.⁷⁶ In *United States v. Kimball*,⁷⁷ the court held that the 1827 statute applied only to foot and horse posts, and not to the transportation of letters by railroad car, even though, the court observed, the injury to the Post Office's revenue would be just as great.

This is not to say that the Post Office Department therefore sat back and accepted the loss of revenue. On the contrary, the government was tenacious in pursuing the enforcement of its monopoly power in the courts. In spite of its setbacks in *Adams*, *Pomeroy* and *Kimball*, the Department continued to arrest messengers who traveled on railroads or on steamboats, and *threatened* to cease doing business with the transportation companies. The government even went so far as to arrest (or it considered arresting) private persons who carried letters *without charge* (as an accommodation for third parties) on trains and steamboats plying post roads. To this end, the Department requested an Opinion from the United States Attorney General. It asked if the Post Office Department had the authority under the existing postal laws to make such arrests. The Attorney General responded that

letters carried over mail routes by private carriers could not be charged with postage, nor could the letters be detained; the only available course of action was to enforce the penalties to which all unauthorized carriers of letters on the mail routes are by law subjected.⁷⁸

Indeed, arrest and the threatened or actual prosecution of the private mail carriers' messengers was frequent. For example, the *North American and Daily Advertiser* reported in its January 27, 1844 issue that the Camden & Amboy Railroad had refused to allow the American Letter Mail Company's Philadelphia based messenger to carry letters to New York City. The railroad did not want to be subject to possible prosecution.⁷⁹ On February 15, this newspaper reported that the Baltimore & Philadelphia Railroad had refused permission to the American Letter Mail Company messenger to carry mail between its named terminal cities. In this instance, however, the reason stated was that the railroad company *wanted the private express company to sue it to create a legal test case* in response to the government's threat to take the mails away if the railroad continued to carry private expressmen. Unfortunately, there was neither a follow-up account in the newspaper to describe what thereafter happened nor a reported case in the federal casebook reporters.

Despite the courts' decisions, the Department persisted in following its vision of the law. Again, on March 9, the *North American* reported that agents of the Post Office had arrested Lysander Spooner in New York City. It also reported on March 13 that a jury in Baltimore had found John C. Gilmore, an agent of American Letter Mail Company, guilty of carrying letters on a train between Philadelphia and Baltimore.

⁷⁵Most criminal statutes require this finding as a matter of substantive due process. Due process in this federal court action was mandated by the Fifth Amendment to the Constitution. The Fourteenth Amendment did not exist in 1843.

⁷⁶For correspondence between the Postmaster General and the United States Attorney General concerning the *Adams* case, see *Report of the Postmaster General for 1843*, pp. 593, 617-624 (Theron Wierenga reprint ed., 1977).

⁷⁷26 F. Cas. 782 (No.15531) (D Mass. 1844).

⁷⁸*Opinions of the Attorney General*, 349 (1844).

⁷⁹The February 1 edition of the same newspaper reported that the prior story was incorrect, that private messengers were carrying the mail on the trains four times each day in two directions.

The Post Office's campaign to arrest private mail messengers and to deter the carriers from giving them passage began to make occasional inroads on the ability of the private expresses to function on an inter-state basis. But not always. For example, the *North American* reported in its March 23 issue that Calvin Case, an American Letter Mail Company clerk operating from Philadelphia, had been arrested and held on \$100 bail by order of the Post Office Department for sending letters to New York by railroad. This represented a formidable and aggressive step by the Post Office Department in its attempt to enforce its monopoly. Not only did the Post Office *itself arrest and fine Case* (rather than the United States marshal and the court), *but Case had not himself carried the letters on the railroad. He merely had given them to the American Letter Mail Company's messenger for carriage.* Three weeks later, on April 16, the *North American* reported that the court had dismissed the action against Case. This court also ruled that American Letter Mail Company would be permitted to carry on its business as it had been doing.

This pattern of aggressive enforcement—arresting the letter carriers and threatening the railroad companies with economic retribution—continued until the passage of remedial legislation in 1845. Meanwhile, the private expressmen were not deterred. We learn from the *North American* that the marshal had arrested an agent of Hale & Company on August 12, 1844,⁸⁰ and that the marshal's deputy had arrested an agent of Livingston, Wells and Pomeroy on August 17. Both agents were convicted and fined.⁸¹

Having failed to restrain the carriers from giving passage to private messengers,⁸² the government tried a new approach. On February 18, 1844, the *North American* carried a Notice published by the Philadelphia, Wilmington & Boston RR saying that *its new mail contract* with the Department *expressly prohibited it* from allowing the private carriage of letters on its trains. The Notice further stated that the Railroad intended to enforce the contract prohibition. This, it turned out, became the government's most successful weapon against the private expresses until the passage of the Act of 1845.⁸³

The Post Office Department, from its point of view, was not merely upholding its monopoly power according to law, but was also attempting to provide a practical solution (the elimination of unlawful competition) to a very serious problem—the continuing and dramatic loss of revenue to the private carriers.⁸⁴ In his report to the President of the United States for the year 1843,⁸⁵ Postmaster General Wickliffe attributed the recent decline in revenues

to the operations of the numerous private posts, under the names of expresses, which have sprung into existence within the past few years, extending themselves over the mail routes between the principal cities and towns . . . That these private posts are

⁸⁰*North American and Daily Advertiser*, October 9, 1844. Prior to this, Hale, in an interesting twist of federalism, had placed a Notice in the newspaper that said he would continue to carry the mail between New York and Philadelphia, and that any person who interfered with him would be arrested pursuant to the Order of the Attorney General of Pennsylvania. *Ibid.*, August 12, 1844.

⁸¹*Ibid.*

⁸²The *North American* also reported on February 18, 1844, that the Philadelphia, Wilmington & Boston RR submitted a petition to the Post Office Department asking it either to reduce postage or to leave alone the private carriers and the trains that they rode on.

⁸³Act of March 3, 1845, Ch. 43, 5 *Stat.* 732 (1845). The statute by its terms became effective July 1, 1845.

⁸⁴One prominent postal historian has convincingly argued that the Department's loss of revenue by reason of the competition from the private express was miniscule when compared to the revenue loss that resulted from the depressed state of the country's economy at this time. See, C. Hahn, "Adams' Express and Independent Mail," *The Collectors Club Philatelist*, Vol. 69, No. 3 (May-June 1990), p. 199.

⁸⁵*Report of the Postmaster General for 1843.*

engaged in the business of transporting letters and mail matter for pay . . . is a fact which will not be seriously controverted.

The Postmaster General then referred to the *Adams* case, and urged the President to press Congress to pass new legislation to correct the defects in the existing statutes. This theme and request were not new. He had made an almost identical request in his Report to the President for the year 1841.⁸⁶

In 1845, Congress attempted to remedy the defects in prior laws that had led to the situation described by the Postmaster General in his two cited Reports to the President. The law of March 3, 1845 represented a substantial toughening of the restrictions against private expresses. In place of the 1827 Act's prohibition against horse or foot posts, or railroad or steamboat carriage, the new law forbade the operation of *any private express* for the conveyance of letters, packets or other mail, except newspapers, magazines, periodicals and pamphlets, by regular trips, or at stated periods or intervals, from one city or town to another city or town between which the United States mail was regularly transported. *Thus, the method of transportation or conveyance became irrelevant.*

Another section of the statute provided penalties for owners of vehicles *who knowingly* transported persons who were carrying mail. In addition, Congress broadened the statute to reach the *sender* of the letter. Such persons previously had been reachable only through the vague "aiding and abetting" sections of the criminal statutes, all of which had failed to result in any convictions.

The 1845 Act retained the exemption for letters relating to cargo, and it added a provision permitting the conveyance of letters by private hands without compensation. The criminal penalties in all cases under the statute were increased.

On June 30, 1845, the day before the Act was to take effect, Postmaster General Cave Johnson published a Public Notice stating emphatically what the new statute prohibited. [See *Appendix I* for a copy of the reproduced Notice.]

While on its face the new Act seems to have offered an *immediate* remedy to the problem of private inter-state expresses (and this appears to be the accepted wisdom in the philatelic literature), this was only sometimes true. For example, on June 25, 1845, the *North American* published a Notice which stated that Hale & Company, among other Independent Mail Carriers, would not carry letters after June 30. However, the Report to the President from Postmaster General Cave Johnson, issued **seventeen months** after the law had become effective, stated that

Expresses still continue to run between principal cities with as much regularity as the mails, and it is believed, collect and transport letters for pay, out of the mails, in great numbers. The penalty provided by law for the commission of such offenses can rarely be enforced for the want of sufficient proof. The writer, the receiver, and the carrier, refuse to testify against each other, because, by so doing, they may subject themselves to a similar penalty. The agents of the department have no authority to arrest the offenders, and seize upon their bags and trunks, and have them examined before a proper tribunal, though morally certain that they contain letters; and hence convictions seldom take place, and if they do, a recovery of the money after judgment, from the inability of such offenders to pay, is as uncertain as the convictions.⁸⁷

⁸⁶"I have . . . alluded to the establishment of what are called private expresses, for the carrying of letters . . . upon the post roads of the United States, for pay and compensation, as one cause tending greatly to the reduction of the revenue of the Department. I must beg leave again to bring the subject more particularly to your notice, under a hope that you will invite that of Congress to the necessity of some legislation more effective to protect the interests and the rights of the General Government in its Post Office Department." *Report of the Postmaster General For The Year 1841* (Theron Wierenga reprint ed., 1977).

⁸⁷*Report Of The Postmaster General For 1846* (Theron Wierenga reprint ed., 1977).

Because we know that many private expresses continued to operate after July 1, 1845, although generally only as package expresses, the statement of the Postmaster General in his 1846 Report is plausible. Contrary to the understanding expressed by the Postmaster General in his 1846 Report, however, the accepted wisdom continues to be that the 1845 Act proved to be so successful in controlling the private, unlawful carriage of mail that merchants and businessmen complained of its chilling effect on commerce.⁸⁸ As a result, in 1852 Congress modified the Act of 1845, by changing the nature of the postal monopoly from the *prohibition* of private carriage to a form of *taxation* on private express activities.⁸⁹ In effect, the prohibition against the private carriage of *letters* was modified in 1852 so that private express companies could carry *letters* and other *mailable matter* outside the mails, *provided* (i) the postage was fully prepaid, and (ii) the letters, etc., were dated and sealed.⁹⁰

What is odd, however, is that so few expressmen sought to challenge the constitutionality of the monopoly in the courts, either before or after the passage of the Act of 1845. In fact, the postal monopoly was challenged in the courts only twice during the heyday of the private mail expresses.⁹¹ Both decisions—neither by the United States Supreme Court—held that the postal monopoly was constitutional. Unfortunately, neither decision explained convincingly *that the words of the Establishment Clause were intended to create a monopoly*, although the court in *United States v. Hall*,⁹² as described above in Note 54, boot-strapped its way into a basis for upholding the monopoly power. In *Hall*, Judge Randall was anything but convincing:

I do not feel such a clear and strong incompatibility between the Constitution and the act of congress [*sic*] so construed as will authorize me to declare the act void.

In *United States v. Thompson*,⁹³ the judge merely delivered his conclusion (without any explanation) in his instructions to the jury.

Conclusion

That the court's feeble statement in *Hall* and the one jury instruction in *Thompson* represented the contemporary sum of judicial pronouncements concerning the monopoly power suggest that there was little doubt in the 1840's and 1850's that the Framers of the Constitution had intended that power to exist. Consequently, every major postal act since 1845 has assumed the existence of the monopoly.

The 1872 revision and codification of the postal laws, which was part of an effort to codify all of the laws of the United States, changed nothing of substance with respect to the reach of the postal monopoly. The private express provisions of the 1872 revised Postal Code included the following language:

⁸⁸*House Comm. Report*, p. 5.

⁸⁹Act of Aug. 31, 1852, Ch. 113, Sec. 8, *10 Stat. 121* (1852).

⁹⁰Twenty years later Congress narrowed the scope of the postal monopoly by eliminating the reference to *other mailable matter*. Act of June 8, 1872, Ch. 335, Secs. 238-239, *17 Stat. 283* (1872). To this day, only *letters* are embraced by the postal monopoly. *39 U.S.C. §601* (1970). This, of course, has provided its own problems as the means of transmitting information has evolved.

⁹¹After the mail carrying activities of the private expresses and Independent Mail Companies had substantially come to an end, a federal court examining whether Blood's Penny Post could lawfully operate as an intra-city local post said, "No government has ever organized a system of posts without securing to itself, to some extent, a monopoly of the carriage of letters and mailable packages." *United States v. Kochersperger*, 26 F. Cas. 803, 803 (No.15,541) (ED Pa. 1860).

⁹²*Ibid.*

⁹³28 F. Cas. 97 (No.16,489) (D. Mass. 1846).

That no person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post-route which is or may be established by law⁹⁴

Under the rule of how courts interpret statutes (called “statutory construction”), this provision, although it revised the previous language, made no substantive change in the monopoly law. Rather, it merely simplified the wording, leaving the scope of the postal monopoly substantially unchanged.

The scope of the private express statutes has not materially changed since the enactment of the 1872 Act.⁹⁵ It is clear that today, under the language of the 1970 statutes and subsequent implementing regulations, in the absence of a specific exemption applicable to the transmission of particular material, the monopoly statutes still reach mailable *letters* and *packets* (but not packages or parcels which do not contain letters, nor newspapers, periodicals or unaddressed advertising matter) without regard to their size or shape or the nature of the information that they contain. The issue facing the private carriers today is: “*What constitutes a letter?*” This question has become especially critical in this age of electronic information dispatch, but has not yet been resolved.⁹⁶

Until September 16, 1974, the Postal Service accepted a definition of *letter* based on judicial decisions and common usage. To the extent that a sender or carrier of matter had any doubts as to whether such matter was or was not a letter, a specific ruling could be sought from the General Counsel for the Postal Service.⁹⁷ The Postal Service also issued *Publication III* which purported to set forth the provisions of law that restricted the private carriage of letters, and to state interpretations rendered by the courts, the United States Attorney General and the Service’s General Counsel. This document, however, was incomplete and inconsistent. Many of its assertions were at variance with the judicial and other authorities so that it could not be comfortably relied upon.

Since September 16, 1974, contrary to the Board of Governors recommendation that the Private Express Statutes be left alone, the Postal Service has promulgated regulations defining a *letter* by relying on the rule-making authority granted to it by Congress in 1970.⁹⁸ In doing so, the Postal Service has shifted from interpreting prior court cases and Attorneys Generals’ Opinions which defined a *letter*, and has embarked on its own attempt to describe the term.⁹⁹ The result has been a very broad, all-encompassing definition of *letter*, subject only to enumerated exceptions. How this will be played out as electronic communications advance remains to be seen. □

⁹⁴Act of June 8, 1872, Ch. 335, §228, 17 Stat. 283 (1872).

⁹⁵See 18 U.S.C. §§1693-1699, 1724 (1970).

⁹⁶Not surprisingly, the current Private Express Statutes contain exceptions to the prohibition against the private carriage of letters—exceptions that should sound familiar. There are exceptions for letters which relate to cargo or to some article that may be carried outside the mail (relating to the current business of the carrier), for letters carried without compensation, for letters for which the postage has been fully prepaid, and, for letters carried by special messenger employed for the particular occasion only (and limited up to twenty-five letters).

⁹⁷39 C.F.R. §310 (Supp.1976).

⁹⁸39 U.S.C. §401(2) (1970).

⁹⁹§310.1 (Supp.1976).

APPENDIX A

PUBLIC NOTICE.

An act of Congress, passed March 3d, 1845, FORBIDS;

1st. To establish any private express for the conveyance, or in any manner to cause to be conveyed, or to provide for the conveyance, by regular trips or at stated periods, from one place to another within the United States, between which the United States' Mail is transported. "of any letters, packets or packages of letters, or other matter properly transmittable in the United States' Mail, except newspapers, pamphlets, magazines and periodicals:" and subjects EVERY PERSON offending, or *aiding and assisting therein in any manner directly or indirectly*, to a penalty of ONE HUNDRED AND FIFTY DOLLARS, for EACH OFFENCE.

2ly. FORBIDS that any "*Stage-coach, Railroad car, Steam boat, Packet boat, or other vehicle or vessel,*" regularly performing trips on a post-route, or "*any of the owners, managers, servants or crews of either,*" shall transport or convey, "otherwise than in the Mail," any such mailable matter as is above forbidden, except such as relates to the accompanying cargo or freight: And, for each offence, subjects the OWNERS to a *penalty of one hundred dollars*, and the DRIVER, CAPTAIN, CONDUCTOR, or *person having charge* of such vehicle or vessel at the time of the offence, to a *penalty of fifty dollars*.

3ly. Subjects "the OWNER OR OWNERS" of any such vehicle or vessel which, with the knowledge of any owner or with the *knowledge or connivance* of the driver, conductor, captain or *person having charge of it*, conveys or transports any person acting as a private express, and actually in possession of forbidden mailable matter, for each offence, to a *penalty of one hundred and fifty dollars*.

4ly. Subjects "*all persons whatsoever,*" who, after the 30th of June, 1845, shall *transmit by any private express or other means by such act declared unlawful*, any forbidden mailable matter, or who shall *place, or cause to be placed, any such matter at a place for the purpose of being thus illegally transported*, or who shall *deliver any such matter, for transmission, to any agent of any unlawful express*, for each offence, to the *penalty of fifty dollars*.

5ly. Permits the conveyance of letters "by steamboats," as authorized by the 6th section of the act of 3d March, 1825; PROVIDED such letters are strictly delivered, according to the requirements of that section, to a Postmaster or other authorized agent of the Post Office Department; but for a *neglect thus to deliver*, subjects "the owners and persons having charge" of such steamboat, for each offence, to a *penalty of one hundred and fifty dollars*.

6ly. Declares "matter properly transmittable by Mail" to be, all letters and newspapers, and all magazines and pamphlets published periodically, or in successive numbers or in a regular series, and all other written or printed matter, whereof each copy shall not exceed eight ounces in weight, except bound books, or bank notes in bundles unaccompanied by letters: and only permits newspapers, magazines and pamphlets, to be transported out of the Mail, over a Mail Route, where they are sent *not marked or directed, not intended for distribution among Subscribers or others, but for sale as merchandise, and transported as merchandise, and to a bona fide dealer or agent for the sale of them*.

C. JOHNSON,
Postmaster General.

Post Office Department,
June 30, 1845.

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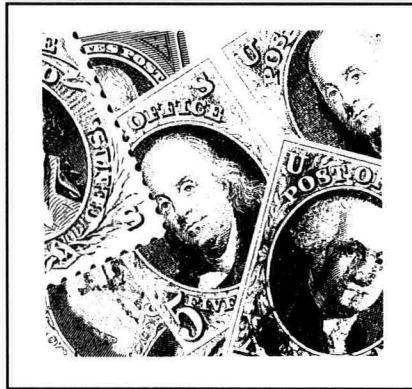
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**PLATING THE 5 CENT STAMP OF 1847:
AN INTERVIEW FOLLOWED BY AN EDITORIAL COMMENTARY**
JEROME S. WAGSHAL

Editor's Preface

For those like myself who live in the Washington, D.C., area the identity of "Deep Throat" remains a twenty year old mystery, still unsolved. In the philatelic community, the identity of "Lone Star" ("L.S.")¹ is perhaps better known, but still only by a relative few. L.S. wants it that way, and wishes to pursue his studies in this area alone. However, with the promise of anonymity, L.S. consented to discuss the plating of the 5¢ 1847 stamp, a project in which he has been engaged for some decades and in which his expertise is widely acknowledged. L.S. would agree that not all of his opinions should be accepted as gospel. Nevertheless, since they have been carefully formed over a considerable period of time, and are based on the study of an enormous amount of 1847 material, multiples of the stamps as well as photographs, they are decidedly of interest. For the uninitiated, it is generally accepted that the 5¢ 1847 plate was composed of two panes of 100 positions each (10x10), with the two panes being side by side.

What follows is a condensation of a lengthy telephone interview, interspersed with occasional questions from the Section Editor for transition.

I. An Interview with "Lone Star" Regarding the Plating of the 5¢ 1847

Sec.Editor: How far along are you in plating the 5¢ 1847?

L.S.: On the left pane, I know what all but about six positions look like. On the right pane, I know what about half the positions look like.

Sec.Editor: Why do you phrase it that way?

L.S.: "Knowing what a position looks like" means that I have seen one or more copies from a particular position which can be positively identified as being *that* position. That does not necessarily mean that I can take a particular stamp and plate it to that position. The position may not have plate characteristics which permit an unknown stamp to be plated to it, or which differentiate it from other positions. My research in this area has been very detailed, including the use of enlarged transparencies to identify plating marks. Based on my research, including the tying-in of multiples, the best I can say in some cases is, "Here is what this position looks like."

Sec.Editor: But some positions are plateable, are they not?

L.S.: Yes, but with a major qualification. There are marks on the plate which can be used for plating, but many of these marks disappeared as the plate was used. When the plate was refurbished in 1849 or 1850, many more of these marks disappeared. As a result, early printings are more likely to be useful in plating than the later ones. Incidentally, for some reason, plating marks are more likely to be found on the outside positions of the plate rather than the interior positions. For example, I have examined many copies of position 10L, and this position has multiple, and fairly persistent, plating marks.

Sec.Editor: Do you subscribe to the theory that the plate was reentered in 1850 and that this is indicated by the scarcity of the C, D, and F ("Wagshal shift") double transfers?

L.S.: No. The reason I don't is that I have not found any instance in which it appears that an identifiable position has two states, as has been found, for example, in the case of the 1¢ 1851, plates 1 early and late. Moreover, I have not been able to identify more than

¹AKA "Large Sphenisciform."

eight corner positions. Finally, the scarcity of the C and D double transfers are not indications of a late state of the plate since I have seen each of these in colors characteristic of early printings.

Sec.Editor: Elliott Perry used the recut frame lines of the 10¢ 1847 as part of the indicia of his plating of that stamp. Have you found any recutting of the 5¢ 1847 frame lines?

L.S.: No. However, some of the frame lines appear heavier than others. And in one left pane position, there is a lay-out line which falls very near a right frame line so that the frame line looks double. However, this too disappeared with wear. It is possible that if such lay-out lines fell on a frame line, it might make it appear to be recut.

Sec.Editor: Were you familiar with the "T" crack reported in the last issue of the *Chronicle*,² and are there any more unreported plate varieties of similar significance known to you, and will you tell us about them?

L.S.: Yes, I had seen the "T" crack, and also saw it identified some years ago in some Ashbrook research material. Of course, there are other interesting plate markings on 5¢ 1847's. For instance, there is a plate variety which occurs below several positions, mostly on the left pane, about 3/4 mm. below the frame line and closest to the "W" of "RWH&E." This is a dot, with a horizontal line extending out to the right for about a couple of millimeters. It may be slightly broken on some positions. As it appears with some frequency, this marking may have been on the transfer roll itself.

Sec.Editor: Thank you very much.

II. An Editorial Commentary on the Interview with L.S.

Two thoughts expressed by L.S. in the preceding interview merit additional discussion.

A. Knowing What a Position Looks Like

The observation by L.S. regarding "knowing what a position looks like" without necessarily being able to "plate" specific stamps as coming from that position is a concept which has not previously been stated with such skillful clarity in philatelic literature, though it has long been implied in the scholarship of philately.

If "plating" is defined as being able to identify an unknown example of a stamp as coming from a particular plate position, then the application of that definition to the real world must be done cautiously. When Dr. Chase completely "plated" (using the term as defined in the preceding sentence) the 2,600 positions of the 1851 3¢ stamp, including the five orange brown plates and the eight later plates, some students translated his *tour de force* into an all-or-nothing standard of plating research which may not always be possible to achieve, namely, that an entire plate must be "plated" to consider such an endeavor to be successful.

That all-or-nothing standard was achievable in the case of the 3¢ 1851 stamp because the palpable incompetence of the Toppan Carpenter platemarkers made all plates of the 3¢ denomination plateable.³ Similarly, Dr. Chase was able to reconstruct Plate 1, late state, of the 1¢ 1851 stamp completely because the Toppan Carpenter siderographer(s?) again exhibited his (their?) incompetence by leaving each of the 200 positions on that plate with distinguishing characteristics.⁴

²Wade E. Saadi, "The Discovery of a Plate Crack on the 5¢ Stamp of 1847," *Chronicle* No. 162 (Vol. 46, No. 2)(May 1994), pp. 94-102.

³To be precise, however, some of the positions on the later plates (Nos. 6, 7 and 8) are almost impossible to distinguish from one another.

⁴Many collectors are unaware of the fact that it was Chase, not Ashbrook, who completed the plating of Plate 1, late state, of the 1¢ denomination. Ashbrook states, "Dr. Carroll Chase, the pioneer in the plating of U.S. stamps, was the first to make a serious study of the One Cent of 1851,

However, not all of the early stamp plates were manufactured with such sloppy technique as the 3¢ plates or the 1¢ Plate 1 Late. It should be kept in mind that the basic idea underlying the manufacture of stamp plates by the use of the die and transfer roll process was to create an arrangement of identical designs. That objective was sometimes achieved by the Toppan Carpenter platemakers, at least partially if not entirely, on some of the later plates of the 1857 issue. For example, some Toppan Carpenter artisan managed to create a 24¢ plate on which, though the transfer roll reliefs have been identified,⁵ no plating has been accomplished and no identifiable plate varieties have been found.⁶

There is a broad middle area between the completely-plateable 1¢ 1851 Plate 1, late state, and the unplateable 24¢ 1857 plate, *i.e.*, plates on which some, but not all, positions have sufficiently distinguishing characteristics to permit “plating.” If the all-or-nothing standard is applied to this middle area, the inability to identify distinguishing characteristics for each position of a particular stamp plate becomes a source of discouragement, and creates a sense of failure. That negative attitude is reflected in Ashbrook’s statement that: “In my opinion, no student will ever be able to make a reconstruction of the 5c 1847 plate from singles, strips and pairs.”⁷

L.S. has contributed a more positive perspective to this issue by recognizing the broad middle area. Although there may not be sufficient plating marks on the 5¢ plate to permit the kind of complete reconstruction which Ashbrook spoke of, there may be enough large multiples, including both stamps and plate proofs, and sufficient plating landmarks, to identify all of the plateable positions which may exist on the 5¢ plate, and also to chart the location of the unplateable positions on the plate. In short, L.S. has told us that just because the entire 5¢ plate cannot be “plated” with sufficient detail to permit a secondary “reconstruction” such as Dr. Chase made for Plate 1, late state, of the 1851 1¢ stamp, this should not preclude the appreciation of some degree of success by the identification of some of the positions of the 5¢ plate with sufficient specificity to permit plating and at the same time recognizing that other positions do not allow this to be done.

That is a good message. It encourages the continuation of the study.

B. Only One State of the 5¢ Plate?

The opinion expressed by L.S. that there was only one state of the 5¢ plate is, in my view, open to question.

As indicated in the interview, L.S.’s opinion is based on three factors: (1) that he has not identified any 5¢ position showing characteristics of an early and late state; (2) that he has never been able to identify more than eight corner positions; and (3) that he has found

and the various plates from which the stamps were printed. Before he departed for Europe in 1915 to join the French Army, he had completed the first reconstruction ever made of Plate One Late, and it was Chase, who first discovered the two states of the plate.” Ashbrook, *The United States One Cent Stamp of 1851-1857*, Vol. 1, pp. 148-49. This statement also appears in the Neinken revision.

⁵The six reliefs of the 24¢ stamp were first described by Elliott Perry around 1918 in a series of articles in *Mekeel’s Weekly*, which were reprinted as Mekeel Booklet No. 39, *United States 1857-1860 Issue*, authored by Perry. The reliefs were again described by Perry in an article in the *Seventeenth American Philatelic Congress Book* (November 1951), entitled “Plate Varieties of the United States Twenty Four Cent 1860,” which, despite its title, identified no plate varieties.

⁶Starting with the 1861 issue, the siderographers of the National Bank Note Company demonstrated even greater proficiency than those of Toppan Carpenter. For example, no one has plated any plate of the 3¢ 1861 stamp or even attempted to do so, at least as far as I am aware.

⁷Ashbrook, *Special Service*, p. 259. There is a degree of ambiguity in Ashbrook’s statement. If Ashbrook was referring to an original “reconstruction” of the plate, there may be enough large pieces, including stamp multiples and proof multiples, to permit such a reconstruction, and, indeed, I believe that L.S. is engaged in just such an undertaking. On the other hand, if Ashbrook was referring to a secondary “reconstruction” through the identification of the plate position of particular “singles, strips, and pairs” by the use of plate markings, Ashbrook may have been correct.

early printings of the rare double transfers which are considered by some students as evidence of a second state of the plate.⁸ Carefully considered, I think none of these three factors should be regarded as conclusive.

No known position showing early and late state characteristics: Although the discovery of stamps from a position which shows both early and late characteristics *would* be conclusive evidence of a reworked plate, the fact that no such position has been found does not establish the contrary.

To explain this point, let us consider how such a position would be created and subsequently identified. We must start with a position which shows definite and distinctive plating marks on the original state of the plate, which is then used to produce a quantity of stamps. The plate is then reworked by the position in question being reentered and/or recut in a way which not only leaves some of the distinguishing characteristics of its original state but also adds and/or subtracts markings which evidence the change to the late state. The two states of such a position can be identified by the first position being found on a dated cover, and the altered position being found on a cover used later than the first cover.⁹ Most specialists in either the 1¢ or 3¢ 1851 stamps can produce at least one example of sets of covers which establish the existence of early and late states of the same position in this way.

However, this chain of proof can be broken in several ways, particularly on the 5¢ 1847, so as to make it impossible to identify these two stamps as being the early and late states of the same position:

- The stamp in its original state may not be identifiable, although we may “know what the position looks like.” By L.S.’s own statement, we know that there are a number of 5¢ 1847 positions like this. In that case a single stamp, although it may have markings which make it plateable in its late state, could not be connected to the non-plateable version of this position in its early state.¹⁰

- The position as it existed on the early state of the plate, even if plateable, may have been completely erased before alteration, or sufficiently so as to remove the markings which identify the early state. This of course would make it impossible to link the position in the early state to the same position in the late state regardless of whether the late state itself had a different set of its own distinguishing plating marks.¹¹

In short, it is possible for the 5¢ 1847 plate to have been produced from a plate which had two states, and for the plate to have been altered in such a way that no single position can be found showing evidence of the two states.

⁸See Brown, “Observations on Lot 22 in the Ishikawa Sale,” *Chronicle* No. 161 (February 1994), p. 29; and Wagshal, “The Discovery of a Fifth Major Double Transfer on the 5¢ 1847 Stamp—The Wagshal Shift,” *Opinions V: Philatelic Expertizing—An Inside View* (New York: The Philatelic Foundation, 1988), pp. 20 *et seq.* (hereafter cited as: “The Wagshal Shift,” *Opinions V*).

⁹For the purist, let us assume in this discussion that two or more covers were found showing the markings in question, thereby confirming that the markings are on the plate.

¹⁰Most readers will think about this “early state—late state” discussion in terms of the 1¢ and 3¢ denominations of the 1851 issue, where examples of multiple states of the same plate are most often found. However, it should be kept in mind that the Rawdon Wright firm exhibited better workmanship overall than the Toppan Carpenter firm, and, at least on the 5¢ 1847 stamp, there are obviously far fewer plate positions which are sufficiently distinctive to serve as subjects for the early state portion of an “early state—late state” proof than there are, for example, on Plate 1 Early of the 1¢ 1851 stamp.

¹¹It should be kept in mind that one can only identify reentries where sufficient evidence of a prior entry remains after erasure. Even with the Toppan Carpenter firm, it can be seen that erasures on some positions were done with sufficient thoroughness to remove any evidence of the original entry, and the odds of this go up when we deal with the better work of the Rawdon Wright firm.

Although it might seem easier in theory to establish the existence of two states of a plate by the use of multiples, there are factors which reduce the possibility of this alternative in the case of the 5¢ 1847 stamp. One factor is simply that there is a paucity of multiples of the 1847 5¢ issue.¹² Moreover, if there were two states of the 5¢ 1847 plate, multiples from the second state would be far less likely to have survived. It is believed that a late state, if it existed, was used only to produce the stamps of the fifth and last delivery. I have calculated that less than 6% of the 5¢ 1847 issue came from the fifth delivery.¹³ Accordingly, surviving multiples are likely to be from the early state of the plate with no matching multiple from the late state.

Finally, the fact that no position has yet been found which shows both early and late state characteristics does not preclude the future discovery of such a position. Although the 5¢ 1847 stamp has been around for almost a century and a half, significant discoveries about the 5¢ plate are still continuing in these times, as witness the “T” crack report in the last issue of the *Chronicle*, and the “Wagshal shift” report in 1988.

No more than eight corner positions: The fact that L.S. has been able to identify no more than eight corner positions of the 5¢ stamp puts his research on a par with Ashbrook, who also only identified eight corner copies.¹⁴ However, the lack of an identified ninth corner copy did not prevent Ashbrook from concluding that the 5¢ plate had been reworked in 1850. Ashbrook reconciled the apparent existence of only eight corner positions with his belief in a two-state plate by the suggestion that only “some of the 200 positions were re-entered,”¹⁵ and these “re-entered” positions did not include the eight corner positions.

Here, again, the discovery of a ninth corner position would be conclusive proof of a two-state plate, but the fact that only eight corner positions have been identified, or even that only eight corner positions exist, does not establish a one-state plate. Moreover, as previously noted, a ninth corner copy may yet be discovered.

The rare double transfers: The principal evidence of a possible second state of the 5¢ 1847 plate is the existence of three rare double transfers, the C, D, and F (“Wagshal shift”) doubles. Ashbrook based his belief that the 5¢ stamp had been reworked late in its life, *i.e.*, that it had a late state, on the rarity of the C and D shifts, the only two rare double transfers known at the time. He believed the rarity of these two double transfers resulted from the fact that they were created in late 1850 when the 5¢ plate was reworked before the fifth and final delivery of 5¢ stamps from the Rawdon Wright firm. Ashbrook’s words on this subject are worth quoting:¹⁶

TWO STATES OF THE 5¢ PLATE?

Covers are known showing uses of the ‘A’ and ‘B’ double transfers prior to 1850, hence I attribute these two varieties to the ‘Early State’ of the 5¢ plate. Two covers

¹²A listing of known multiples of the 5¢ 1847 stamp would be a worthwhile project for a future issue of this section.

¹³Only about 200,000 stamps out of an estimated 3,600,000 total sold to the public. See “The Wagshal Shift,” *Opinions V*, p. 22, for the details of this calculation.

¹⁴For many years I photographed every sheet margin or corner copy that I could locate. Way back in the nineteen thirties I had the late Judge Emerson loan me a great many such copies from his fine collection, and I made photographs of each and recorded on diagrams all consistent plating marks. My main object was to learn if I could find and identify more than eight corner copies. If not more than eight, then this would indicate only one plate of 200, if more than eight, then there must have been two plates. From many sources I borrowed sheet and corner copies and in time I identified and plated the eight corner positions of the 5¢ plate. I believe that there was only one 5¢ plate because I have never been able to find a corner stamp that was not from one of my eight plated positions. In other words, I have never been able to find a ninth corner copy.” Ashbrook, *Special Service*, p. 434 (October 1, 1955)(emphasis in original).

¹⁵See expanded quotation below (note 16).

¹⁶Ashbrook, *Special Service*, page 435.

with the 'C' are known with uses in 1851, and the stamps are in the Chase 'Brown Orange' color. These indicate the cleaned or 'Late State' of the plate. In the Newbury collection is a H.S. [horizontal strip] of three of the 5c with half a stamp to right. This 'half' is a 'C' double transfer. Among the four known 'D' double transfers there is a cover showing a use in March 1851 but unfortunately I do not have a record of the color of the stamp. The other three examples are all off cover.

CLEANED AND A FEW RE-ENTRIES

It is my theory that the 5c plate was thoroughly cleaned at some period in 1850, and that at that time some of the 200 positions were re-entered, resulting in two new double transfers we call 'C' and 'D.' . . . The scarcity of examples of the 'C' and 'D' double transfers as compared to the more common 'A' & 'B' seems to indicate that sheets containing these two varieties were in the last shipment made by the Rawdon firm in December 1850.

More recently, I endorsed this same theory based on the rarity of the Wagshal Shift, double transfer "F," which I believe also originated on the late state of the plate.¹⁷

L.S.'s opinion that there was only one state of the 5¢ plate is grounded on his claim to have seen each of the three rare double transfers "in colors characteristic of early printings." I respectfully suggest that it may not be conclusive to say, as L.S. does, that these shifts are known "in colors characteristic of early printings," because such a claim is based on fallible, qualitative judgments.¹⁸

Dated covers would constitute the best evidence of when a stamp was produced.¹⁹ If L.S., or anyone else, can produce copies of the C, D, or F double transfers used on covers dated prior to December 9, 1850, the date of the fifth delivery, this would be strong evidence in favor of L.S.'s position. I know of no such covers. All of the on-cover usages of the three rare double transfers known to me are 1851 usages.²⁰ I think this fact provides very strong support for the belief in a reworked, second-state 5¢ plate.

¹⁷See "The Wagshal Shift," *Opinions V*, pp. 20-23.

¹⁸I do not lightly note a disagreement with a researcher of L.S.'s stature. In this case I do so with the shade of Stanley Ashbrook by my side in agreement. Dr. Chase also can be said to ascribe to the two-state school with respect to the 5¢ 1847 plate, in that Dr. Chase thought there might have been two plates of the 5¢ denomination.

Furthermore, my doubts as to the accuracy of chronological identification of a 5¢ 1847 by color and impression are not directed personally to L.S., but rather are long-standing doubts applicable to the philatelic community generally. Thus, I stated in 1988: "Unfortunately, Dr. Chase's philatelic skills which enabled him to state that #11 016 was an 1851 printing have not been passed on to succeeding generations, at least to my knowledge. Dr. Chase's conclusion was almost certainly based on color together with quality of impression, but the judgment which resulted from these factors was a matter of art rather than objective standard which can be mechanically applied by others today." "The Wagshal Shift," *Opinions V*, p. 25.

¹⁹We know that the stamp could not have been printed *after* that date. Where the cover originated in an area in which stamp usage was likely to have occurred soon after distribution to the Post Office, for example, in a large city, we can also regard the date of the cover as probably being near the time of its production. Indeed, Dr. Chase himself indicated he acquired his identification skills by studying stamps on cover. See his comments in the August 1916 *Philatelic Gazette*, pp. 225 *et seq.*, reprinted in Brookman, *The United States Postage Stamps of the 19th Century*, Vol. I, 1966 ed., pp. 34-35.

²⁰The two covers bearing the C double transfer which were known to Ashbrook were both 1851 usages. See Ashbrook, *supra*, note 16. In addition to these two, lot 366 in the Kelleher 6/20/89 sale bore two 5¢ 1847 stamps, one of which showed part of the adjacent stamp, and this part was enough to identify it as the C double transfer. This cover, also, was an 1851 usage.

The only cover with a "D" double transfer I have recorded was used in March 1851. See Ashbrook, *Special Service*, p. 435.

I know of no on-cover usages of the Wagshal Shift.

Another point: if there was only one state of the 5¢ 1847 plate, how do we explain the fact that the C, D, and F double transfers are so rare in comparison to the A and B double transfers, as Ashbrook noted in his statement quoted above? It has been suggested that the 200-subject 5¢ plate was cut in half at some point during its use, and thereafter the left pane, on which the A and B doubles are known to be located, was used far more than the right pane, and the C, D, and F double transfers were on the less-used right pane. Proponents of this theory find support in the curious wording of the affidavit of destruction of the 1847 plates, which speaks of the destruction of "1- 5c stamp plate, 100 on, 1847 issue."²¹

Of course, even if the two panes of the 5¢ plate were cut apart during its period of use, this is in no way inconsistent with the idea of a reworked right pane, and, indeed, the reworking on the right pane may be related in some way to the fact that the plate was cut in half. (I have never seen this thought previously expressed.) L.S. might also find some relationship between the idea that the right pane of the 5¢ plate was used less than the left pane and the fact that his plating efforts on the right pane have been markedly less successful than on the left pane.

Perhaps the most significant aspect of the discussion with L.S. is the confirmation that there is another serious student who is working on these issues. I have come to realize since undertaking the editorship of this section that there has been a far more widespread philatelic underground concerned with the plating of the 5¢ 1847 than has been commonly believed. As this group becomes more visible and others join in the study, I am confident that exciting discoveries lie in store, and that the answers to the questions now being asked will eventually be found.

Whatever those answers may turn out to be, the search for them is a stirring challenge, and great fun. In the last analysis, isn't that what this is all about? □

²¹See Brookman, *The United States Postage Stamps of the 19th Century*, Vol. I, 1966 ed., p. 91. And see the comments by Malcolm L. Brown, in *Chronicle*, No. 161 (Feb. 1994), p. 30.

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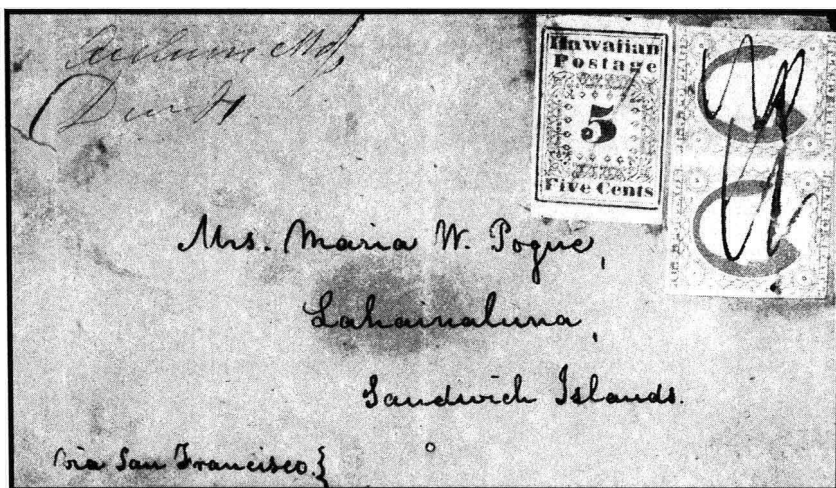
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QUINTESSENTIAL COVERS: PART II
HUBERT C. SKINNER

This is the second part in a series of short articles on what I have termed “Quintessential Covers” (see *Chronicle* 162, p. 103). Such a cover is highly desirable and collectible for a number of compelling reasons—not merely another attractive and presentable example of a certain stamp used on cover. As defined, a quintessential cover commonly is unique in several of its aspects and in its combination of stamp varieties and usages is “matchless” and clearly “one of a kind.”



Figure 1. The second use of the envelope, “MILWAUKEE/Wisc.” to Clinton, Rock County, Wisconsin, on “FEB 1 1858,” with the 3¢ Type II stamp paying the ordinary inter-city domestic rate of postage.

The present cover is from “MILWAUKIE, Wis.” This great city is situated on the west shore of Lake Michigan where the Milwaukee, Menomonee, and Kinnickinnic rivers merge and flow into the lake. Here, the North West Company established a fur-trading post in 1795 and by 1835-36 a territorial settlement had formed (part of Northwest Territory, 1787-1836; Wisconsin Territory, 1836; statehood from May 29, 1848) sufficient to produce postmarked letters. Both variant spellings are known from the territorial period. In fact, the earliest recorded letter (May 15, 1835) from Milwaukie Village bears a manuscript postmark spelled “Milwaukee MT,” but another, one week later, reads “Milwaukie MT.” Other territorial postmarks (before 1840), early postal guides, lists and almanacs retain the “ie” form. From 1839 until as late as 1863, both variant spellings are recorded and persist alternatively (both as manuscript and handstamped postmarks). The first handstamped postmark, a 29 mm circle, dated “NOV 6 [1843]”, reads “MILWAUKEE/Wis.” Other circular date stamps from 1847 until the early 1860s (including this cover) read “MILWAUKIE/Wis.”

Thus, the first element of interest for the quintessential cover here illustrated and described is that it represents the archaic, now obsolete, spelling of the city name. This was the element first noted by its owner when it was acquired. Almost immediately, however, he observed a shadow showing through the paper of the envelope and, on looking inside, discovered that the cover had been turned and reused.

The stamp on the outside of the cover is the ordinary 3¢ Type II stamp of 1857 (Scott No. 26) used to prepay the single inter-city rate between Milwaukee and Clinton in Rock County, Wisconsin (see Figure 1). The adhesive found concealed inside the cover is the 1¢ Type II perforated stamp of 1857 (Scott No. 20)(see Figure 2). Closer examination of this stamp revealed that the design was crossed by a bold plate crack—the very scarce “Big Flaw” from Plate Two, position 2L2. This third element was and is most exciting as covers with this major plate variety are quite rare and highly desirable. The 1¢ stamp was canceled and tied to the cover by the year-dated 33 mm “MILWAUKIE/Wis.” cds of “NOV 7 1857” struck in black ink. On the turned side, the 3¢ stamp is canceled and tied by the common-place 13 mm seven-bar grid killer in black and to the left is the same year-dated cds but struck in red on “FEB 1 1858.”

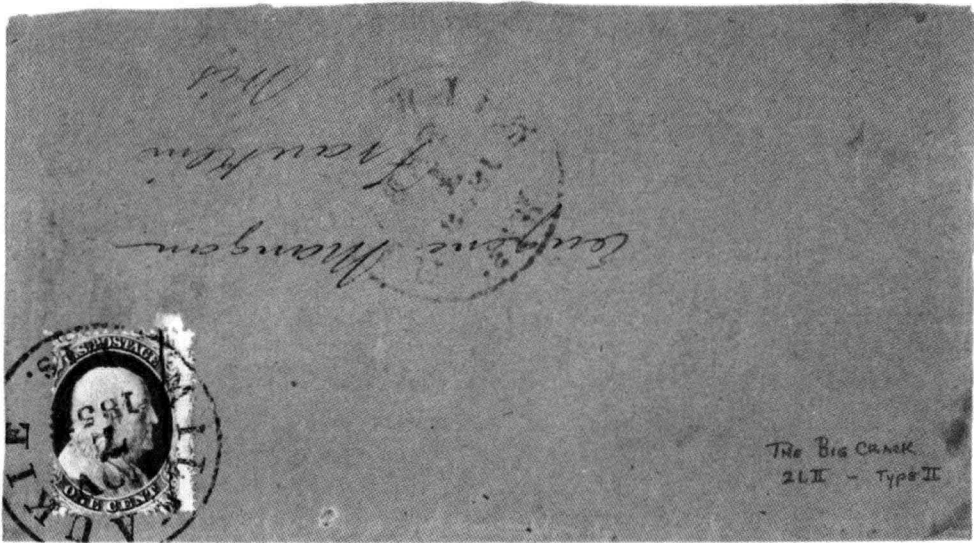


Figure 2. The first use of the envelope, “MILWAUKIE/Wisc” to Franklin, Wisconsin, on “NOV 7 1857,” with the 1¢ Type II stamp paying the single rate for an unsealed circular. The stamp is a remarkable example of the “Big Crack” or the “Big Flaw” on Plate Two, position 2L2.

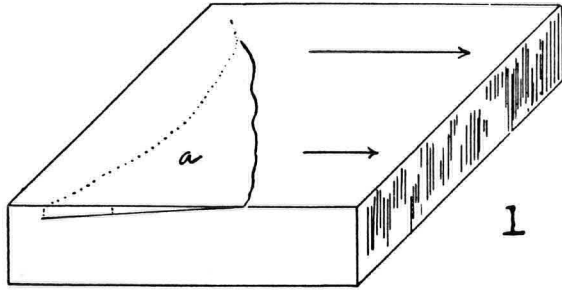
Fourth, the turned cover represents two different rates, the 3¢ inter-city rate and, apparently, the 1¢ rate for unsealed circulars. Opening and re-use of the envelope made it impossible to determine whether it was left unsealed when first used. The cover is addressed to Franklin in the southwest part of Milwaukee County, which even today is eight to ten miles outside the city of Milwaukee. Surely, in 1857, this town was too far away for the cover to be rated as a drop letter. These four factors combine to make this cover remarkable and a privilege to own and enjoy—a quintessential cover.

The "Big Flaw" from Plate Two

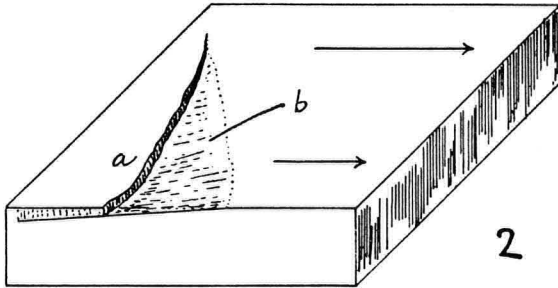
Stanley B. Ashbrook, the preeminent student of early United States classic stamps, described the "Big Flaw" in 1938 in his definitive two-volume work on the 1¢ stamp of 1851-1857 (see Vol. I, pp. 192-96). This description, edited and abbreviated, was republished in 1972 in Mort Neinken's revision of Ashbrook's first volume (pp. 176-79).



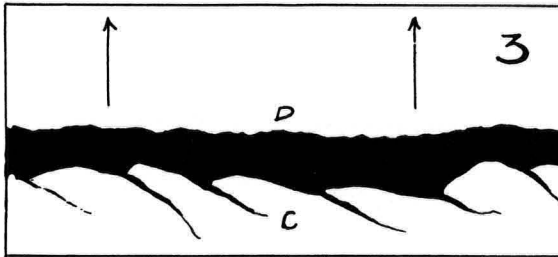
Figure 3. An upper left corner block of nine imperforate stamps from the left pane of Plate Two showing the "Big Flaw" extending from position 2L2 across 12L2, 13L2, and 23L2 (reproduced from Ashbrook (1938), Vol. 1, p. 193).



1



2



3



Figure 4. Ashbrook's drawings illustrating how the "Big Flaw" from Plate Two originated. 1, the steel surface with a low angle hairline crack ("a") before the transfer roll entered the stamp designs; 2, the surface of the plate after the pressure from the transfer roll caused small portions of the plate surface ("b") to "flake away"; 3, enlarged view of the inked depression ("d") with its ripped and torn margin ("c"). At the right is an enlarged image of the actual "flaw" or "crack" on position 23L2. (Reproduced from Ashbrook (1938), Vol. 1, p. 195.)

The finest and most celebrated example of the "Big Flaw" is an unused block of 12 imperforate stamps from the upper left corner of Plate Two which has resided in the renowned collections of Col. E.H.R. Green, W. L. Moody III and Ryohei Ishikawa. The block of nine at the left of this block was illustrated by Ashbrook and is reproduced here (Figure 3). The crack is long and quite prominent. It begins in the top margin, descends vertically through positions 2L and the upper part of 12L, crosses the space between positions 12L and 13L, continues through the lower part of 13L, descends vertically through position 23L, and extends a very short distance into the top of position 33L (which is not present in this block). Clearly, the best two individual positions showing the "Big Flaw" are 2L2 and 23L2, with the boldly defined crack extending entirely across these positions vertically. The cover described here bears a perforated example of 2L2, which is a premium position.

Origin of the "Big Flaw"

In 1938, Ashbrook suggested that a hairline crack in the plate was present before the 1¢ stamp designs were entered, a result of the plate manufacture and "flattening." This crack evidently extended into and below the plate surface at a low angle and portions of the surface metal "flaked off" under the pressure exerted by the transfer roll as it entered the designs, leaving the long, irregular, torn crevice which retained ink when the plate was inked (just as the recessed engraved lines did) and, thus, became part of the printed "designs." Ashbrook's drawings illustrating the progressive stages of this crack as it developed are shown in Figure 4. In stage 1, the hairline crack ("a") is shown before the transfer roll entered the designs; in stage 2, the depression ("b") left by flaking of the surface after the transfer roll was applied is shown; and, in stage 3, an enlarged view of the inked depression ("d") with its ripped and torn margin ("c") is illustrated. To the right of Ashbrook's drawings is an enlarged image of the actual "flaw" or "crack" on position 23L2. For a more detailed discussion of the origin of this flaw, the reader is referred to Ashbrook's description (Vol. I, 1938 ed., pp. 192-96).

In summary, this envelope was franked with the 1¢ perforated Type II stamp of 1857 (Scott No. 20) to carry an unsealed circular from "MILWAUKIE/Wisc." to Franklin, Wisconsin, a short distance away, canceled and postmarked in black with the 33 mm cds on "NOV 7 1857." Fortunately, the 1¢ stamp on the cover is a remarkable example of position 2L2, a key position of the "Big Flaw" from Plate Two. The postmark shows the now obsolete spelling of the city name. Nearly three months later, the envelope was opened, turned and reused to carry a letter from "MILWAUKIE" to Clinton in Rock County, Wisconsin. The 3¢ Type II perforated stamp of 1857 (Scott No.26) was placed on the turned envelope to prepay the inter-city letter rate. It was canceled by the seven-bar grid in black and postmarked in red by the same 33 mm cds on "FEB 1 1858." This combination of rates, the varied franking and the rare plate variety make this a quintessential cover.

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PATENTS AND PHILATELY DURING THE 1860S
HUBERT C. SKINNER

From the time of the first adhesives (Great Britain, 1840), postal officials in both the United States and abroad have been greatly concerned with the dual problems (more anticipated than real) of possible forgery and the fraudulent reuse of postage stamps. Thus, it is only natural that numerous inventive, innovative and ingenious mechanical devices have been advanced for the prevention of these two problems. The grills on the stamps of 1867, 1869 and 1870 are the best known of the efforts to prevent the reuse of adhesive stamps.

Here in the United States, the innovators of many of these ideas sought protection from the United States Patent Office by patenting their schemes or their devices. The embossed grills, die-cut envelopes (some with "patent lines"), pull wires, fastening devices and—yes, indeed—handstamping and canceling devices were among the variety of ideas and mechanisms patented by hopeful inventors.

Our distinguished colleague, Richard B. Graham, has written a number of articles on Marcus P. Norton and Norton's patented duplex handstamps in recent issues of the *Chronicle* (Whole Nos. 151, 152, 154, 156-58, 160)(Aug. 1991-Nov. 1993). The Norton handstamps of 1859 *et seq.* are the subject of considerable interest among postal historians, since on July 23, 1860, Postmaster General Joseph Holt issued a regulation prohibiting the use of townmarks or rate marks to cancel stamps. Fortuitously, Norton's duplex device satisfied this regulation without the need of two instruments to mark letters and cancel stamps.

In 1963, Arthur H. Bond published an article on the origin and early development of duplex handstamps (*Postal History Journal*, Vol. 7, No. 1, pp. 59-63) in which he discussed the Norton handstamps among others. Bond notes that Ezra Miller of Janesville, Wisconsin, was granted a patent [No. 23307] on March 22, 1859, for a "so-called 'hammer' stamp, with handle parallel to the printing faces; the townmark to be inserted in one end of the hammer-head and an obliterator in the other end. This was an early attempt at dealing with the serious problem of the loss of time involved in using separate handstamps for the two functions of dating and canceling." [Bond, p. 60]

In early 1859, Marcus P. Norton of Troy, New York, invented and fashioned a working model of his duplex handstamp, comprising a double-line circular dated town marking with rotatable "type cylinders" to set the year, month and day, and an attached "blotter" to mark and deface postage stamps. Norton's device and his experimental duplex postmarks are well known among postal historians who eagerly seek examples of the Norton postmarks with the "sideways year date" (or, "lazy year date").

Norton filed an application for a patent with the United States Patent Office on May 3, 1859. His working models were designed for use at Troy, and one of his instruments was tested (unofficially) on three thousand letters prior to April 11, 1859, when he wrote to the Assistant Postmaster General requesting an official trial of his marking device [Bond, p. 60]. Experimental use at Troy of Norton's handstamp was authorized on May 4, 1859, for a period of three months. Graham illustrated one of these experimental covers in *Chronicle* 151, p. 177, and another in *Chronicle* 156, p. 261. They were postmarked "MA 24/59" and "JU 2/59," respectively, and bear an attached 8-blade cutter-killer which obliterates the stamp (see Figure 1). The third known example from the Troy trial period was illustrated in 1992 by Frank Mandel, in his definitive work on "The Development of Handstamped Markings in the United States to 1900" (in the Philatelic Foundation's *U.S. Postmarks and Cancellations*, p. 30); it is dated "JU 10/59."

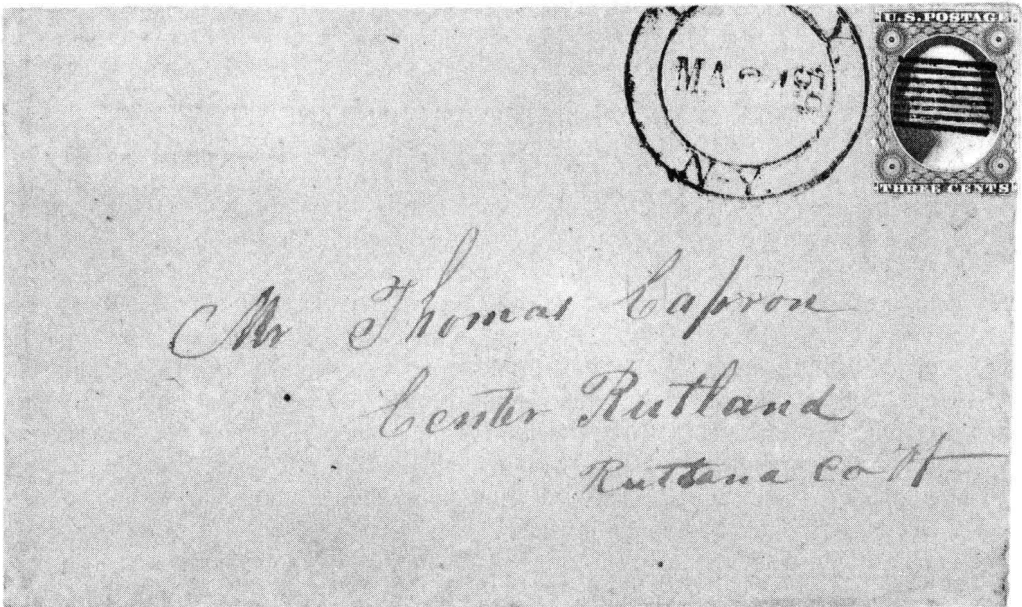


Figure 1. The earliest of the three recorded examples of covers cancelled by Norton's handstamp during the three month trial period at Troy, New York, authorized by the POD beginning on 4 May 1859. This cover is dated "MA 24/59." (Skinner Collection)

The initial patent (No. 25036) on Norton's handstamps was granted on August 9, 1859. However, as reported by Graham (*Chronicle* 156, pp. 262-63), his claim for the use of rotatable type cylinders was not granted, as T.J.W. Robertson had previously patented this feature (No. 18249, Sept. 22, 1857); thus, the other feature, an attached "blotter" with cutter blades—in effect, the "duplex handstamp"—is the only one protected by Norton's first patent.

The actual working model device submitted by Norton with his patent application is extant and is illustrated in Figure 2. It differs from Norton's earlier device used for the Troy experiments in having only seven blades in the cutter-killer (as shown in Figure 3).

Later, Norton was granted additional patents, including:

- No. 34184—14 January 1862, to Marcus P. Norton. A single handstamp with contained cylinders, the first one bearing in series the initials of months of the year, two with numerals for the days of the month, and one set with two-digit numerals for ten successive years (positioned sideways) encircled by a type ring set with a town name and an abbreviated state name.
- No. 37175—16 December 1862, to Marcus P. Norton. A duplex handstamp/obliterator with a "cutting and inking device" designed to both cancel with ink and cut the stamp such that, if removed from the letter, "it shall be reduced to parts or pieces."
- No. 38175—14 April 1863, to Marcus P. Norton. A duplex handstamp/obliterator with a (replaceable) cork, rubber or wooden "blotter . . . inserted in a tube or recess therein for the purpose of effacing or blotting such stamps with indelible ink," combined with a (duplex or attached) device for postmarking letters.
- No. 49432—15 August 1865, to Marcus P. Norton. A circular single handstamp/obliterator for revenue stamps, with name of firm, date and center cutters or punches; alternatively, to be set with a cork or wooden obliterator for postage stamps surrounding cutters or punches set to penetrate the stamp(s).



Figure 2. The original working model of the duplex handstamp submitted to the United States Patent Office by Marcus P. Norton to accompany his application for Patent No. 25,036, granted 9th August 1859. (Courtesy of The Smithsonian Institution)

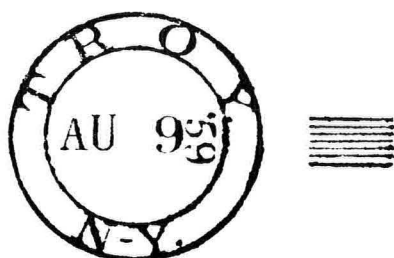


Figure 3. An actual impression [scale 1:1] made from the original handstamp shown in Figure 2. Note that only seven cutter bars are present in the "blotter" of Norton's original working model. (Courtesy of The Smithsonian Institution)

No. 92688—13 July 1869, to Marcus P. Norton. A handstamp with additional improvements over those covered by previous patent applications.

No. 106716—23 August 1870, to Marcus P. Norton. A single, spring-operated obliterator which could be mounted on a stationary frame, an improvement consisting of knives or cutters placed between the lines of type for month, day and year.

Numerous other individuals were granted patents for various styles of postmarking devices in the 1850s, 1860s and 1870s. A partial list of the better known ones is presented here in Appendix A.

Norton's purpose in attaching a "killer" device (or "blotter," as he called it) to his duplexed town marking was for "cutting, blotting, canceling or effacing 'the frank,' or 'postage stamp,' so as to prevent a second use of the same, while at the same time the name of the 'post office,' the year, the month and the day of the month, is printed on the envelop [*sic*]." (Quoted from the original published patent specifications.) Norton's "blotter" was designed not only to apply ink to cancel the stamp but at the same time to penetrate the paper of the stamp so that attempts to wash the stamp for reuse would not be effective. One of the innovative features of Norton's design was that quick-setting rotary "type cylinders" were used to set the month, day and year in his handstamps. (T.J. Robertson held an earlier patent for a device with rotatable date cylinders but no postmarks made by his machine have been reported.) A unique and identifying feature of Norton's date cylinders is the two-character year dates arranged on a single cylinder so that they appeared sideways in the date line. Duplex handstamps were produced according to Norton's design and used, on a trial basis, both at Troy (in 1859) and at New York City (in 1860-62). Both the Troy and New York City handstamps were made for Norton by Edmund Hoole of Mount Vernon, Westchester County, New York (later, of Brooklyn) [Bond, p. 61; Graham, *Chronicle* 126, p. 110, and *Chronicle* 156, p. 264].

Bond reports that General John A. Dix, postmaster at New York, reacted to PMG Holt's order of July 23, 1860, by directing his "stamp maker" to attach a "blotter" to the side of the regular handstamp in such a manner that the obliteration and the townmark could be applied in a single stroke. On August 8, 1860, in a letter to First Assistant



Fig. 2a. Blotter attached to handstamp enabled townmark and obliteration to be applied with one stroke.

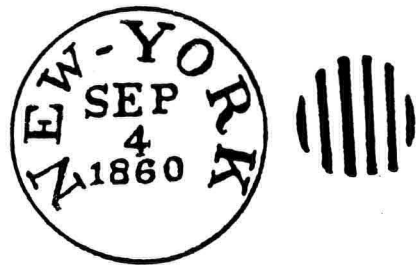


Fig. 2b. Duplex Handstamp manufactured by Marcus P. Norton. This supplanted device shown in Fig. 2a, which evidently was an infringement on Norton's patent.

Figures 4a, b. Drawings to scale of duplex handstamps used at NYC in late 1860, reproduced from Arthur H. Bond's article (June 1963). Figure 4a [Bond's 2a] is from an experimental duplex handstamp with attached obliterator/grid made by his own die-maker at the order of General Dix, the PM of NYC. Figure 4b [Bond's 2b] possibly is from one of the ten handstamps ordered for trial use by General Dix from Marcus P. Norton in August 1860.

Postmaster General Horatio King, General Dix requested permission to adopt this type of stamp [Bond, p. 60]. On August 10, he was informed by Acting First Assistant Postmaster General St. John B.L. Skinner that this method “has not only been thought of before, but has actually been patented,” and that this “arrangement . . . may . . . subject your office to a heavy charge for its use, or perhaps to a lawsuit” [H.R. Exec. Doc. No. 27, 38th Congress, 2nd Session, 1865, pp. 4,5]. On August 21, he wrote again reporting that he had met with Marcus P. Norton and “requests permission to buy ten of Norton’s stamps of this type,” which Bond believes must “have been furnished promptly, since an entirely different strike is seen on September 4, 1860.” [Bond, p. 60] Bond illustrated strikes of two duplex handstamps (see Figures 4a and b) from New York City, the first (Bond’s Fig. 2a) evidently from the device made by General Dix’s “stamp maker” [Bond, p. 60] and the second (Bond’s Fig. 2b) possibly from one of those supplied by Marcus P. Norton [Bond, p. 61]. Dated covers from New York City confirm the sequential use of these two devices in 1860 and 1860-62.

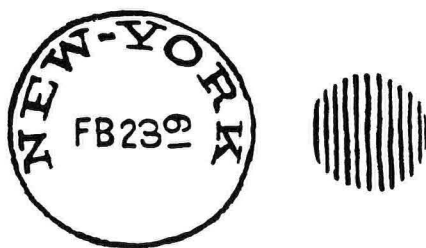


Figure 5. Drawing to scale of the experimental Norton duplex handstamp with “side-ways year date” used in the domestic division of the post office in NYC in January, February and March 1861 (with a brief anomalous use in late January 1862). About twenty to twenty-five covers bearing this postmark are recorded.

In early 1861, experimental Norton handstamps with the “sideways year date” (Figures 5-8) were in regular, but not exclusive, use in the New York City post office for a period of about ten weeks (recorded usage January 17 through March 28, 1861). The “blotter” in this duplex handstamp consists of a twelve-bar circular grid composed of fine lines, markedly different from the grids in the duplex postmarks used at New York City in late 1860. Covers bearing these experimental Norton postmarks are quite scarce, but a sufficient number has been seen to document this period of experimental usage quite clearly. That the Norton device was in general use in the domestic division of the New York post office is demonstrated by its use on the Canada mails which were handled, canceled and dispatched by the domestic division. Three such covers are recorded: two to Nova Scotia (see Figure 9), the third to Newfoundland (Figure 10). All other examples recorded are from the ordinary inter-city domestic mails (Figures 6-8). Two Norton covers bearing adhesives from the 1861 issue are known dated “JA 30/62.” These covers represent reuse of the Norton postmark for a brief period (both are dated the same day) in late January 1862, some nine months after the last previous recorded use [*Chronicle* 126, p. 111, Fig. 2]. The stamps on these two letters were issued in late 1861, therefore the January usage on these two covers is 1862.

The “blotter” or grid-killer of blades intended to cut the stamp would qualify the Norton handstamp devices as “*patent cancellations*,” as they have come to be called in the philatelic community, if the grid did in fact indent or cut the stamp paper. For more than

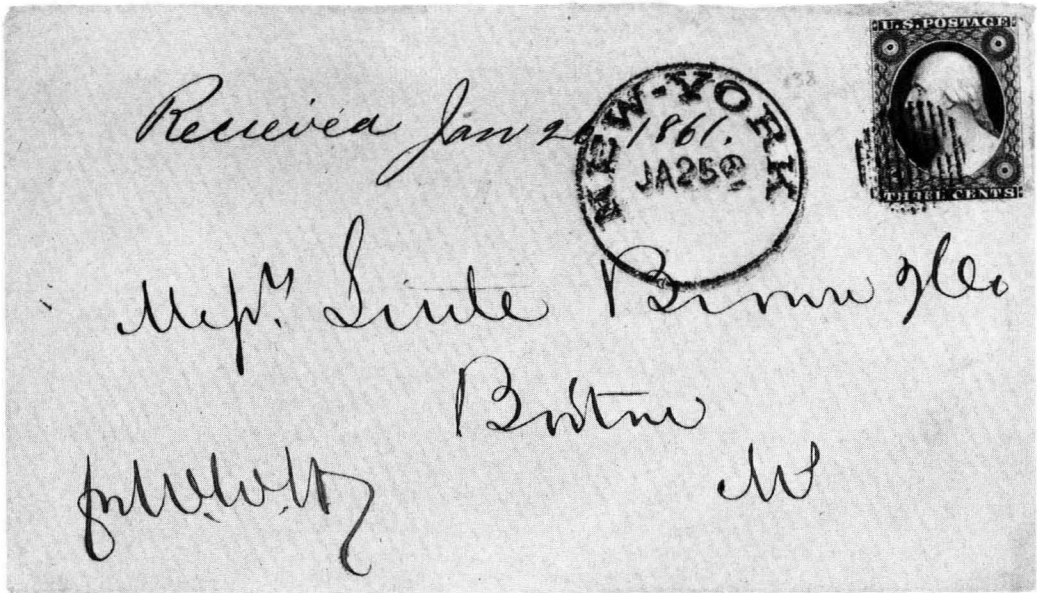


Figure 6. An early use of the experimental Norton duplex handstamp with the 12-bar circular "blotter" clearly struck on 25 January 1861 on an envelope with a 3¢ 1857 paying the normal inter-city rate to Boston, Mass. (Skinner Collection)

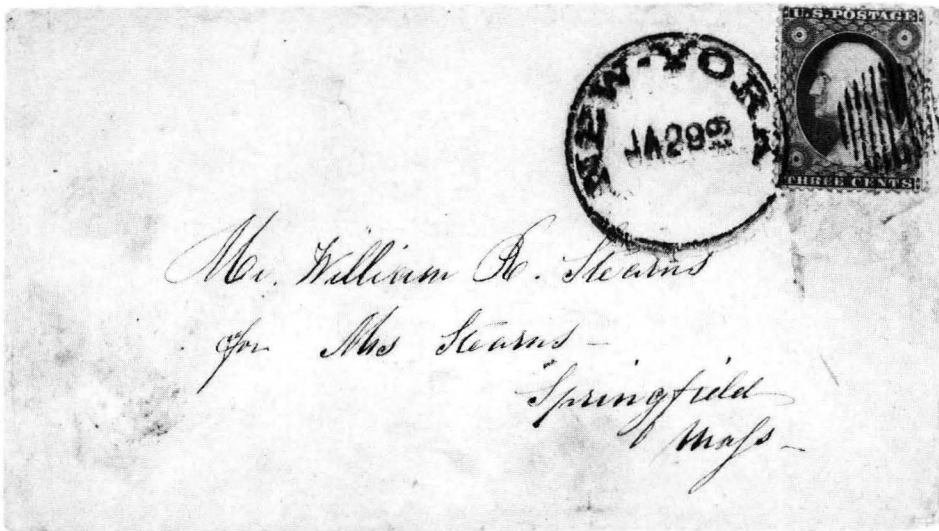


Figure 7. Another example of the experimental Norton duplex handstamp struck 29 January 1861 on an inter-city letter to Springfield, Mass. Note that none of the duplex markings illustrated here show any evidence of a "dent" in the outer circle of the postmark. (Skinner Collection)

sixty years, this term “*patent cancellations*” has been applied to canceling devices which cut, pierced, scraped or otherwise defaced the paper of the stamps to which the devices were applied. This name or label for scarifying cancellations remains generally unsatisfactory and equivocal, as by no means all cancelers made to deface stamps were patented devices and many of those that were are difficult to identify with the individual patents which were obtained by their manufacturers. Also, as in the Norton “blotters,” some killers which were intended to cut or deface the stamps failed to do so effectively. Though some early impressions of the Norton “blotters” appear to indent the stamp paper slightly, no unequivocal examples have yet been seen by this writer. Thus, though the Norton handstamps were patented at the United States Patent Office, the cancels themselves cannot be termed “patent cancels” with confidence or firm conviction (by this writer).

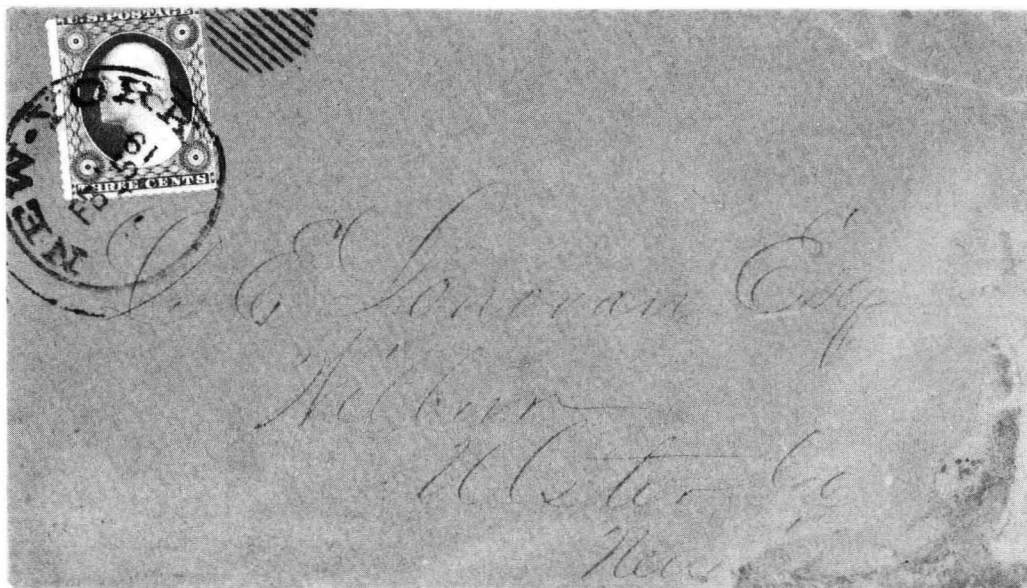


Figure 8. A third example of the Norton duplex handstamp. The letter was addressed to Wilbur, Ulster Co., New York, and was postmarked in February 1861. This cover is illustrated and described in Ashbrook’s *One Cent* book, vol. 2, p. 121. (Skinner Collection)

However, it should be noted that in 1985 the distinguished philatelist Thomas J. Alexander restricted the definition of “patent cancels” to “only patented instruments that damaged the stamps they cancelled [*sic*] in order to prevent their reuse.” Further, he stated “[m]any patented handstamps that obliterated postage stamps did not physically damage them in the process.” In the next sentence, he then accepted the “Troy instrument” as “a true patent cancellation under our definition” based on “the specifications of the U.S. patent that was granted to Norton” [*Chronicle* 126, p. 103], which states clearly that “sharp edge projections on the face of the blotter . . . cut through the postage stamp . . . thus preventing a second use of such postage stamp . . .”

In the late 1970s, when Amos Eno and this writer were compiling their cancellation volume, whether certain “patent cancels” actually cut the stamp paper was one of the difficult problems we encountered. Also, whether or not each of the defacing cancels listed and illustrated as a “patent cancellation” had been patented became another major problem when we were choosing and defining “Class” headings for the classification scheme



Figure 9. A folded letter from New York to Halifax, Nova Scotia, postmarked at NYC with the Norton handstamp on 5 February 1861 (the same date as Figure 8). It was dispatched to Boston by the domestic division where it was placed on the Cunard Line steamship *Niagara* for Halifax. The five cents U.S. postage was prepaid by a marginal imprint copy of the 5c brown Type II stamp of 1860. (Skinner Collection)



Figure 10. A remarkable twice "cross-border" cover originating in Havana, Cuba; thus a foreign cover placed in the domestic division mails at NYC for dispatch to Newfoundland (a foreign destination) through Boston via the Cunard Line steamship *America* for coast-wise transport to Newfoundland. The ten cents postage is prepaid by the 10c Type V of 1857 [issued 1859]. (Skinner Collection)

adopted in *United States Cancellations, 1845-1869*. We did not want to rename the well-established category "Patent Cancellations," nor did we want to mislead or confuse our readers. For lack of a better term, "Patent and Patent-like Cancellations" was selected as the label for Class VIII. In the introductory text, we explained that only "[s]ome of these were patented at the United States Patent Office" and that "[t]he arrangement used here is based upon that used by Fred R. Schmalzriedt, the pioneer student of patent cancellations." [Skinner-Eno, p. 16] Of course, *all* of the cancellations we listed in Class VIII cut or deface the paper of the stamps to which they were applied. Thus, the heading selected for Class VIII did **not** avoid "the question of deciding, for each item listed, whether examples exist on which the killer cut or otherwise mutilated the stamps [Graham, *Chronicle* 158, p. 107]."

The first and foremost student of "patent cancellations" was Fred R. Schmalzriedt of Detroit, Michigan, who began forming his collection before 1930. He diligently sought out and obtained many hundreds of stamps and covers which fit into this category, and thus was able to amass a comprehensive holding of material which remains today the best collection of its type ever assembled. In 1931-33, he wrote a series of articles [published in the *Collectors Club Philatelist*, Vol. 10, pp. 33-50 (Jan. 1931), 121-35 (April 1931); Vol. 11, pp. 15-19 (Jan. 1932) and 91-92 (April 1933)] in which he listed and illustrated what he termed "patent cancellations." These notes were later revised and published as Article 13 of Delf Norona's *Cyclopedia of United States Postmarks and Postal History* (1933; reprinted 1975 by Quarterman). In the revision, the cancellations were organized, types were designated and numbers were assigned.

Some time later, E.N. "Nort" Sampson acquired the Schmalzriedt collection intact and continued to add material and identify new types and attributions to towns of use. In 1976, this collection was purchased by its present owner, who merged the Schmalzriedt/Sampson collection with his own and continued the study of "patent and patent-like cancellations." Today, this five-volume collection still contains all of Schmalzriedt's original material together with the considerable additions which have accrued over a period of more than sixty years. Nearly all of the known types are confirmed by covers. All issues from the 1847s through the Bank Notes are included. Obviously, all of the very early material (late 1840s, early 1850s) designated as examples of "patent cancellations" by Schmalzriedt was not in fact struck from devices patented at the U.S. Patent Office; in every case, however, the blades or needles deeply indent or cut the paper. Quite naturally, much of the most interesting material comprising "patent cancellations" is from the 1860s (see listings in Skinner-Eno, pp. 249-59).

In *Chronicle* 157 (Figures 7 and 8, pp. 40-41), Graham illustrates a cover front canceled at New York on 15 OCT 1862 with a "patent" killer described as having 12 cutter blades. Further, he quotes Schmalzriedt (in Norona, Article 13, p. 9) as reporting "examples with 9, 10 or 12 blades"; this is incorrect. In 1933, Schmalzriedt reported three examples with 13, 9 or 10 blades [see Skinner-Eno: PN-A 1 (13), PN-A 2 (9); PN-A 3 (10)]. Subsequently, examples with 8 and 7 blades were identified [S-E: PN-A 4 (8) and PN-A 5 (7)]. Covers confirming all five types are in either the Schmalzriedt/Sampson or the Skinner collection; all were used in October or November 1862 at New York City; all penetrate and cut the paper of the stamps. The cover front illustrated by Graham is PN-A 1 and would show 13 cutter blades if fully and squarely struck (see Figure 11). No 12-blade type is known from New York City. The cover shown at the top of Graham's Figure 9 and on Figure 10 (p. 41) is another example of PN-A 1 (13 blades) which is incomplete because of not having been squarely struck. The other cover in Graham's Figure 9 appears to be PN-A 2.

Extensive tests of duplex handstamps with cutting and piercing obliterators attached to the double circle town marking were conducted at the New York City post office in the

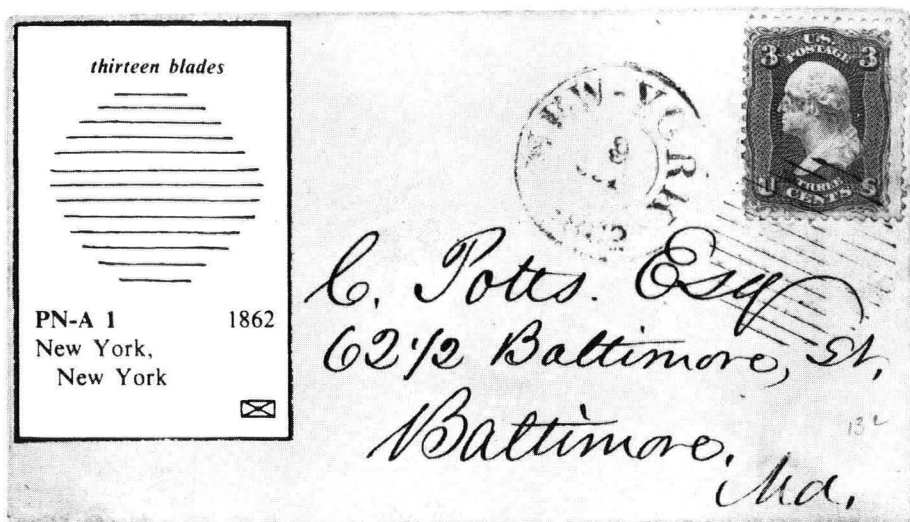


Figure 11. A cover from New York City to Baltimore, Md., cancelled in October 1862 by the NYC “Patent Cancellation” with thirteen cutter blades [S-E: PN-A 1], which clearly cut the paper of the 3¢ postage stamp from the 1861 issue. (Skinner Collection)

last three months of 1862. In addition to the five types with cutter blades listed above, PN-B 4 with at least 43 blunt needles arranged in a gridiron (see Figure 12) was used on October 25, and PN-D 4 with more than 90 paired needles arranged in a circular pattern was used October 21-23, 1862. Numerous other penetrating killers are recorded from New York City in 1862; most of these were existing cork cancels with single piercing needles inserted within the design (see Skinner-Eno, p. 256, PN-G 13 and PN-G 6-8). This experimental period is described—complete with references to the Norton duplex design—in a

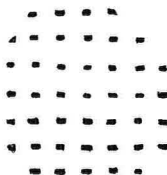


Figure 12. Another type of “Patent Cancellation” tested at NYC in October 1862 [S-E: PN-B4]. The needles in this marking deeply cut into the stamp paper.

letter from Abram Wakeman, postmaster at New York, to Third Assistant Postmaster General A.N. Zevely at Washington, dated January 3, 1863. This letter describes the damage caused by the cutter blades to the contents of the envelopes, and advises that a stamp with an obliterator made of boxwood “promises well and can be made at a very trifling expense.” However, he expresses concern over “its liability to yield to the wear” which may “prevent its general adoption.” This letter was published in 1865 [H.R. Exec. Doc. No. 27, 38th Congress, 2nd Session, p. 4, 5] and was photo-reproduced by Graham in 1993 in *Chronicle* 157, p. 39. Further experiments with duplex postmarks set with cutting or defacing killers were conducted at New York City in 1863, 1866-68 and in the early 1870s (documented in the Skinner collection).

In *Chronicle* 158, pp. 105-06, Graham discusses the use of duplex “patent cancellation” devices at Philadelphia which are similar to those used in New York City (see Figure 13). In Graham’s Figure 13 (p. 105), he illustrates two covers with round bar grid killers [not “round cutter bars”]. The upper cover is equivocal. It is not a duplex device and the bars clearly do not cut the stamp even though this killer does resemble the one which did cut the stamps early in its usage. The lower cover does bear this latter duplex device, but it was applied rather late in the year, long after the cutter bars had become dull and no longer cut into the stamp paper. There are 12 cutter blades in this killer when fully struck (not 11 as Graham indicated). On page 106, Graham quotes Edward T. Harvey and misquotes Tom Clarke (*A Catalog of Philadelphia Postmarks*, Part I, p. 22) to support an erroneous theory that the Philadelphia round killer did not cut the stamps. Clarke’s Type 104a is listed as a “12-line ‘true experimental’” [not 11-line] used in early 1863; his “true experimental” designation would appear to be an acceptance that the bars cut the paper. Graham then quotes Schmalzriedt’s discussion of Type A-6 (from Norona, Article 13, p. 9) as: “Unquestionably attached. Earlier copies cut into stamps [*sic*], but later specimens appear as ordinary cancels due probably to dulling or wearing.” The quotation is essentially accurate, although it omits the dates Schmalzriedt provided (“Mar. 12-May, 1863”). However, this seemingly clear and authoritative statement appears to be unconvincing to Graham. Also, he discounted the unequivocal listing [PN-A 6] for this device in Skinner-Eno, as he had misinterpreted the section heading (as discussed above). Although he quoted extensively from J. David Baker (*Bakers’ U.S. Classics*, 1985, pp. 257-59), he omitted Baker’s clearcut statement that: “Philadelphia, Pennsylvania, used a knife cancelling device consisting of twelve blades, arranged in circular form, and attached to the town canceller [*sic*]. The earliest recorded use is March 21, 1863, and only uses during March, April and the early part of May of 1863 seem to have been cut by the blades. They were never as sharp as those used in New York City.”

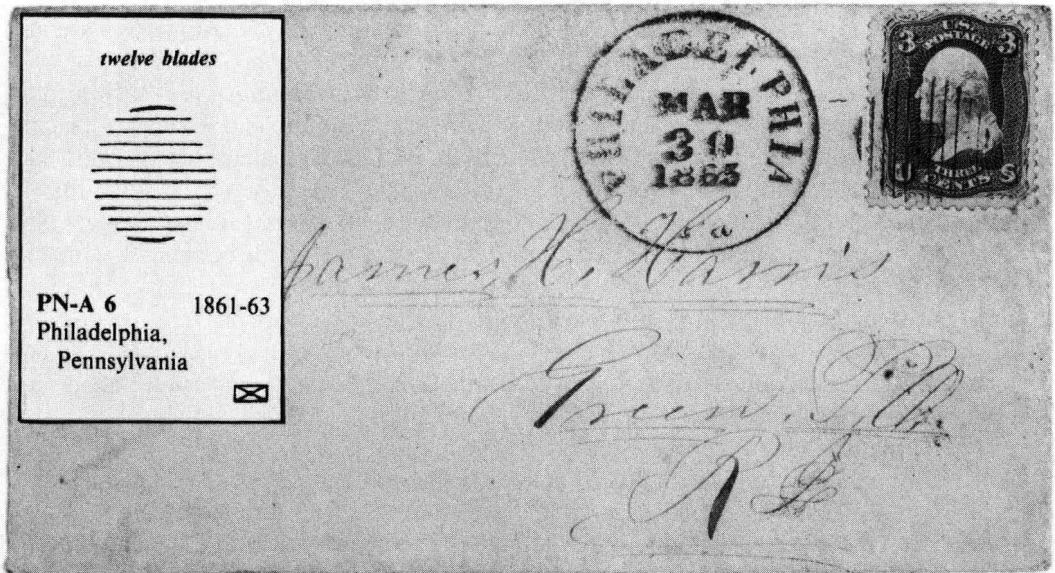


Figure 13. An early usage of the Philadelphia “Patent Cancellation” with twelve cutter blades [S-E: PN-A 6]. The blades cut the paper of the postage stamps during the months of March, April and early May 1861; later usages do not cut as the blades had become dull. Thus, PH-A 6 clearly is a true cutter cancellation. (Skinner Collection)

This writer believes the evidence that the Philadelphia 12-bar duplex device actually cut the stamp early in its use period to be overwhelming. There are several examples on cover in the Schmalzriedt/Sampson collection and in the Skinner collection which show PN-A 6 cutting the paper of the stamps. Each has 12 cutting blades and these covers are dated during March and April 1863.

On page 106 of his *Chronicle* 158 article, Graham reproduces illustrations of six stamps from *Bakers' U.S. Classics* (pp. 257-59) which he identifies by the letters A through F, and states: "It would appear that these identifications need confirmation, not only as to town of use in some cases, but as to whether they are really patent killers in the sense that they cut into the stamps." This writer can assure our readers that each of these six killers did in fact cut into the stamps when struck. Confirming examples for all six can be examined in the Schmalzriedt/Sampson collection and the Skinner collection. Five of the six are listed in Skinner-Eno, and a marking similar to the sixth is listed there also. The identifications follow:

- A—New York City [S-E: PN-A 5]. Baker was in error; this killer is not from Philadelphia.
- B—Philadelphia [S-E: PN-A 6]. This is the 12-bar duplex discussed above. Correctly identified by Baker.
- C—Town not confirmed [S-E: PH-H 19]. Baker states Charleston, S.C.; unlikely, since Charleston was in the South and this stamp could not have been used there until after the war (as correctly stated by Graham in *Chronicle* 158, p. 107).
- D—Albany, New York [compare with S-E: PN-F 22]. This is similar to the Buffalo killer, but is from Albany (confirmed on cover). Also confirmed by cover shown in Graham's Figure 17 (*Chronicle* 158, p. 110).
- E—Albany, New York [S-E: PN-F 19]. Confirmed by several covers; correctly identified by Baker.
- F—Fall River, Massachusetts [S-E: PN-B 2]. Correctly identified by Baker. Confirmed on cover.

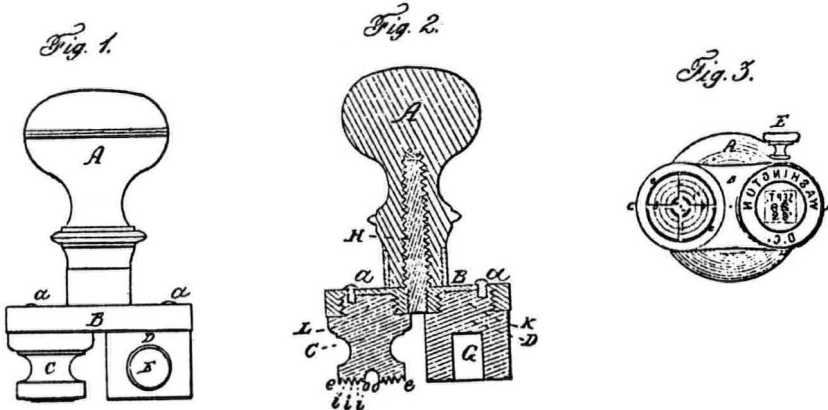
Apparently Graham failed to find his "C" and "F" items in Skinner-Eno (see *Chronicle* 158, p. 107); however, both are listed therein as patent devices. The towns of use are confirmed by covers with exception of Graham's Type "C."

Graham seems to have considerable difficulty with Schmalzriedt's findings. Schmalzriedt stated [Norona, pp. 2 and 20] that the Albany, Buffalo and Rochester cancellers probably were covered by the Norton Patent No. 37,175. Graham noted [p. 107] that Patent No. 37,175 could be confused with Patent No. 38,175 because of the similarity of the numbers. Agreed. Schmalzriedt had quoted from Norton's specifications for Patent No. 37,175 describing "circular knives or cutters," which Schmalzriedt compared with the small cutting circles at the center of the killers used at the three named cities. Although Schmalzriedt slightly edited and shortened the quoted text, comparison with the original published patent specifications shows the quotation to be substantively accurate. The accompanying published illustrations for Norton's handstamp design for which Patent No. 37,175 was issued clearly show "circular knives or cutters" as described in the accompanying specifications (see Figure 14, below). Two circular cutter blades are labeled "e" and "o" in Norton's Fig. 2; in his Fig. 3, a frontal view, the two cutter blades are darkened and form the outer and inner rings of a quartered target design, with three non-cutting inked rings between the cutters. The inner circular cutter is nearly identical to the cutter ring in the Albany, Buffalo and Rochester handstamps to which Schmalzriedt referred, differing only in being entire rather than quartered as in the patent specifications. The drawings for Patent No. 38,175 (see Graham, *Chronicle* 157, p. 43) *do not* resemble the patent cancelling devices from these three cities. The comparison made 60 years ago by Schmalzriedt appears to be correct.

*M. P. Norton,
Hend, Starnitz.*

No 37,175

Patented Dec. 16, 1862



Witnesses.

*Franklin Cook
Jm H. M. Cherry*

Inventor,

*Marcus P. Norton
Fry, N.Y.*

Figure 14. The drawings from Norton's patent specifications for Patent No. 37,175. Note the circular cutter blade at center which is quartered but otherwise closely resembles the cutting circles in the "Patent Cancellations" from Albany, Buffalo and Rochester, N.Y.

Graham (*Chronicle* 159, p. 107) states:

The two markings shown as "D" and "E" were subject to some confusion in the Schmalzriedt article, which may have carried over to the Baker columns. Schmalzriedt suggested that the cancels with the cut round circles in the center came from devices made under Norton's Patent No. 37,175. This statement, made on page 2 of the introduction to his article of 1933, seems quite misleading when considered in terms of the illustrations of the devices as included in both Patents Nos. 37,175 (dated December 16, 1862) and 38,175 (dated April 14, 1863), the latter being an amended reissuance of the first. . . . The drawing shown in Figure 12, *Chronicle* 157:43 (February 1993), has no cutter of a shape that would have produced the type of $\frac{1}{4}$ diameter cut circle as have the Buffalo, Albany, Rochester and other markings of the same type.

This writer finds not Schmalzriedt but rather Graham confused. The patent cancellations from Albany, Buffalo and Rochester were placed in use before Patent No. 38,175 was issued; thus, only Patent No. 37,175 could possibly be the one involved. The drawing in Graham's Fig. 12 is from Patent No. 38,175, which is the wrong one to match to the specifications from Patent No. 37,175. Further, the long discussion on Patent No. 49,432, issued in August 1865, has no relevance to the cancellations used in 1862 and early 1863.

This writer agrees with the spirit of the last two paragraphs in Graham's article in *Chronicle* 158. However, it would seem that most of what is asked for in these two paragraphs has already been done. The basic research has been accomplished, a large collection of covers has been assembled, and the category of "Patent Cancels" or "Patent and Patent-Like Cancellations" [whichever term you prefer] has in fact been restricted to killers which cut, pierce, scrape or otherwise deface the paper of the stamps to which these devices are applied. One task remains—to compile all that has been learned into a comprehensive book on this fascinating subject.

In *Chronicle* 160 (pp. 243-53), Graham ably and at length reviewed the history of the efforts by Norton and his assignees to collect compensation from the Post Office Department for "use" of his invention. Some of the human interest, the personal opinions and the emotional effects of the long-term disputes are included, but the article appears to imply that the disputes and litigations ceased in 1881 with the decision against Norton *et al.* in *James vs. Campbell* when the United States Supreme Court overturned the "victory" for Norton's assignees in the prior Circuit Court case, *Campbell vs. James*. In fact, efforts by Norton, his assignees and their heirs to gain compensation continued for more than another century—primarily through petitions to Congress for payment by means of a special Act of Congress—and such notable individuals as President Franklin D. Roosevelt and Robert F. Kennedy became players in the Norton saga. The major steps in the Norton story from 1859-1982 are summarized in a chronological list (Appendix B).

ACKNOWLEDGMENTS

The works of previous writers on this and related subjects must be recognized, including articles by Alexander, the brothers Baker, Graham, Mandel and others. However, no one has contributed more to the knowledge and understanding of patents and patent cancellations than Fred R. Schmalzriedt, who broke new ground in an area previously uncharted yet produced a definitive classification which was thoroughly documented by a comprehensive collection. That collection remains intact as a monument to his awe-inspiring efforts. More recently, this writer has been assisted generously by W. Wilson Hulme, Van Koppersmith, Frank Mandel, William K. McDaniel, Gordon McHenry, Lowell S. Newman and Robert J. Payne. Their considerable contributions to my knowledge of patent devices are gratefully acknowledged.

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APPENDIX A

PARTIAL LIST OF PATENTS GRANTED TO OTHER INDIVIDUALS—1857-1877

- No. 18249 - 22 September 1857, to T. J. W. Robertson.
A single handstamp: designed to produce a double circle postmark with rotatable wheels for setting the month and day at the center; no year date was indicated.
- No. 23307 - 22 March 1859, to Ezra Miller, of Janesville, Wisconsin.
A double postmarking device: designed with a handle, resembling a hammer, with a townmark on one face and an obliterator on the other.
- No. 38222 - 21 April 1863, to Samuel Ward Francis, of New York, New York.
A single obliterator: with a spring-operated rotating scarifier.
- No. 40430 - 27 October 1863, to William Raynor, of Brooklyn, New York.
A single obliterator: mounted in a stationary frame, with male and female dies producing an embossed circular postmark with two lateral punches penetrating the paper of the stamp.
- No. 45708 - 3 January 1865, to John W. Foster, of Washington, District of Columbia.
A single obliterator: a circular postmark with an integral annular cutter at center.
- No. 50058 - 19 September 1865, to Charles S. Wells, of Chicopee, Massachusetts.
A single obliterator: with an improved spring-operated, rotating, circular cutter.
- No. 89213 - 20 April 1869, to J. C. Gaston, of Cincinnati, Ohio.
A single obliterator: with a perforating blade and an adjustable ring to regulate the depth of the cut or perforations.
- No. 133435 - 26 November 1872, to John Goldsborough, of Philadelphia, Pennsylvania.
A single obliterator: with vertical "rasp-like" serrated wheels placed such that they rotate and tear the stamp when the handle is depressed.
- No. 165308 - 6 July 1875, to David M. Cooper, of Georgetown, District of Columbia.
A single obliterator: with an improvement in the tubular encasement of the rotating scarifier designed to prevent it from cutting into the letter and to protect the hand of the operator.
- No. 175914 - 11 April 1876, to William H. Bowyer, of Philadelphia, Pennsylvania, assignor to John J. Ridgway, Jr.

- A cancelling machine: with a treadle-activated revolving grinding-roller in connection to a spring-board with a rubber feed-roller placed below the grinder.
- No. 176075 - 11 April 1876, to Joseph J. Scholfield, of Salt Lake City, Utah Territory.
- A duplex handstamp: with a series of sharp pins arranged in concentric circles designed to scratch and cut the postage stamp upon contact.
- No. 189000 - 27 March 1877, to John L. Wickers, of Chicago, Illinois.
- A single handstamp: with a row of three circular cutters arranged between two linear canceling pads which are inked to obliterate the stamp.
- No. 189009 - 3 April 1877, to George F. Almy, of Delphos, Ohio, assignor of one-half of his rights to H. M. Clark, of Toledo, Ohio.
- An obliterator/handstamp device to which a postmark can be attached: with the scarifer wheels or discs set into what is termed a "scarifer-regulator" which can be adjusted for depth of penetration when rolled or oscillated against the stamp(s).
- No. 194884 - 4 September 1877, to George F. Almy, of Delphos, Ohio, assignor to himself and H. M. Clark of Toledo, Ohio.
- An obliterator/handstamp device to which a postmark can be attached: with an L-shaped swinging arm bearing cutter teeth operating from a shifting fulcrum and activated by a sliding plunger to cancel the stamp(s).
- No. 195552 - 25 September 1877, to Walter D. Wesson, of Providence, Rhode Island.
- An inked obliterator/handstamp which mutilates the stamp by tearing out a portion so "that it cannot be restored."
- No. 196638 - 30 October 1877, to Anthony Daul, of Newark, New Jersey.
- A duplex handstamp: with a central post in the obliterator designed to cause "radial ribs" [blades?] to rotate upon contact and tear or mutilate the stamp.

APPENDIX B

MARCUS P. NORTON AND HIS DUPLEX HANDSTAMPS

- 1857—22 Sept T. J. W. Robertson obtains Patent No. 18249 for a handstamp/postmarking device with rotatable type cylinders to set month and day.
- 1859—Jan-Feb M. P. Norton invents and produces new type of handstamp for Troy, N.Y. [his hometown], a duplex device with "blotter" [obliterator] attached to side of townmark and with rotatable date cylinders for setting month, day, and year in town circle.
- 1859—22 Mar Ezra Miller, Janesville, Wisconsin, is granted Patent No. 23307 for a so-called hammer stamp with townmark on one end and obliterator on other end of hammer.
- 1859 —Mar-Apr Norton's handstamp used on 3,000 letters at Troy, N.Y., post office (as stated in his letter to First Ass't PMG, 11 April 1859).
- 1859—3 May Marcus P. Norton files his patent application with U.S. Patent Office.
- 1859—4 May Horatio King, First Ass't PMG, authorizes experimental use of Norton's handstamped marking for three months (4 May until 4 August 1859).
- 1859—1-10 June Model handstamp sent to U.S. Patent Office; model received by USPO on 14 June 1859.
- 1859 —August Patent No. 25036 issued to Marcus P. Norton by U.S. Patent Office; claim for rotatable type cylinders not granted.
- 1859—c. August Frederick G. Ransford, shoe manufacturer and realtor, Troy, N.Y., buys rights to Patent No. 25036 from Marcus P. Norton, an attorney in Ransford's real estate office.
- 1859—PL&R Section 397, 1859 PL&R, reads "The use of the office dating or postmarking stamp as a cancelling instrument is prohibited, *unless it be used with black printers' ink and in such a manner as thoroughly to effect the object.*" [Bond, p. 60]
- 1860 —23 July PMG Joseph Holt issues supplementary regulation which repeals above clause of Sec. 397 and prohibits use of town or rate marks to cancel (obliterate) stamps, stating that "a distinct *canceller* must be used".

- 1860—8 Aug Gen. John A. Dix, NYC PM, orders his die maker to fashion a duplex handstamp device by attaching a die with grid pattern to side of town circle on their regular handstamp then in use; informs First Ass't PMG of this in letter of this date.
- 1860—10 Aug Acting First Ass't PMG St. John B. L. Skinner advises Gen. Dix that concept of a duplex canceler had been patented by Norton and that NYPO duplex handstamp device apparently infringed on Norton's patent.
- 1860—21 Aug Norton meets with Gen. Dix, agrees to allow NYPO to continue using their duplex cancelers until Ass't PMG can approve purchase of ten of Norton's handstamps. [At this time, Norton has his Troy CDS with him.]
- 1861—mid-Jan Norton-manufactured handstamps introduced in domestic division of NYPO. Not all clerks have them; short trial period for these experimental handstamps ends in late March (recorded usage: 17 January to 28 March 1861).
- 1862—14 Jan Improved Patent No. 34184 granted to Norton.
- 1862—mid-Oct Production of experimental duplex handstamps equipped with sharp cutting blades or obliterators with needle-type punches, designed to physically damage paper of postage stamps without injury to envelope. Used on trial basis for three months at NYPO. (Believed that these tests were made with assistance and cooperation of Norton, who had patents pending with similar features.)
- 1862—16 Dec Improved Patent No. 37175 awarded to Norton.
- 1863—3 Jan Abram Wakeman, NYC PM, reports that experimental usage of Norton's cutters in combination handstamps was unsuccessful and recommends use of corks alone as "thorough and less likely to damage envelope and contents."
- 1863—March P.O.Dept. officially adopts duplex handstamp as standard; begins awarding contracts to die makers and manufacturers to produce duplex handstamps for use by postmasters.
- 1863—April Four-year contract was awarded to Fairbanks & Co., NYC, to manufacture 5,200 handstamps at \$6.00 each; work subcontracted to Edmund Hoole (until late 1865).
- 1863—14 April Further improved Patent No. 38175 awarded to Norton. Re-issued 23 August 1864; again re-issued 3 August 1869.
- 1863— PMG Dennison urges that payment be made to patent owners and urges the owner to allow continued use of the duplex handstamps.
- 1864—9 Dec Messrs. Shavor and Corse, assignees of Marcus P. Norton, formally request compensation from U.S. government for use of Norton's handstamp invention.
- 1865—20/27 Jan H.R. Exec. Doc. No. 27 published: reviews and documents Shavor and Corse claims.
- 1865—late Benjamin Chambers, Jr., Washington, D.C., takes over subcontract to manufacture handstamps.
- 1866—24 July Report from Committee on Post Office and Post Roads, 39th Congress, citing a claim for \$125,000 from the patentees.
- 1867— Edmund Hoole, 167 William St., NYC, testifies that he [as subcontractor] made the first Norton type handstamps for Troy in 1859 and for NYC in 1860 [Bond, p.61; Graham, *Chronicle* 126, p. 110, and *Chronicle* 156, p. 264]. (It is known that Hoole was involved in manufacture of NYC handstamps between approximately 1838 and 1865.)
- 1867— PMG Randall calls for immediate and complete payment to owners of the patents.
- 1868—Dec *Shaver vs. U.S. Government*. Gov't claims that it had no contract and states that Ransford and Shaver heirs therefore should redirect their claim against manufacturers. Recovery of \$250,000 sought.
- 1870—14 July 41st Congress of United States approves the use of the handstamps.
- 1870— Norton files elaborate application for compensation from POD for use of his invention.
- 1870— Additional disputes arise regarding title to patent rights. Norton has 7 assignees at this time.
- 1871—25 Feb Value of U.S. Government savings in manpower is assessed: amount of \$500,000 for immediate payment considered very nominal.

- 1871— Decision rendered by Circuit Court, Northern District of New York, Judges Wall and Nelson presiding: in favor of the Letter Patent dated August 23, 1863, recognizing Marcus P. Norton as first inventor of that patent.
- 1872—15 May Committee on Post Office and Post Roads, 42d Congress, recommends referral of matter to U.S. Court of Claims.
- 1879—4 Aug *Christopher C. Campbell* [assignee] vs. *Thomas L. James* [NYC PM], Case 2361, Circuit Court, Southern District of New York [or, Vermont (?), see Graham]; decides against James. At issue, the infringement of patents of 1869 and the assignees; a long and tiring legal disputation; several such disputes continued.
- 1880— *Secombe vs. Campbell*.
- 1881—January *James vs. Campbell*, U.S. Supreme Court reverses previous decision of Circuit Court.
- 1882—26 May *Campbell vs. Ward*.
- 1887—1 August Frederick Ransford dies in his 73rd year.
- 1890— Marcus P. Norton dies.
- 1894— PMG Bissell asks that assignees be paid. Mrs. Frederick G. Ransford declines \$50,000. (Somewhat later, reported that Charity Ann Bansford was offered \$250,000; this may have been from a private source offering to buy her “rights” to letters patent.)
- 1905— Charity Ann Ransford is offered \$2,200,000 [dies before she has chance to respond].
- 1906—23 Feb Charity Ann Ransford dies at 11:10 a.m. in her 93rd year, at 511 Grand Street, Troy, N.Y.
- 1911—Nov Charles Lewis retained to represent rightful heirs of Charity Ann Ransford; all parties agree to their apportioned shares, as represented in document retaining the attorney.
- 1915— Senator Robert Wagner and George C. Lewis, attorney, met with Senate Postal Committee.
- 1921— Ransford heirs press non-payment of claim; informed Act of Congress required.
- 1929—Oct Charity Ann Ransford heirs agree to appoint Manufacturer’s National Bank of Troy [now Marine Midland Bank] as administrator of estate.
- 1929— G. Branald Mosley (1878-1946), Boston attorney, selected to handle the case for the family. After a hard and bitter battle, on 10 January 1935, House passes bill and forwards to Senate. After five terms in Post Offices and Post Roads Committee . . . [see 1940]
- 1940— the Bill (S755) comes out of Committee and is in “stack” to be voted on when Mr. Lawrence Cook, Troy, N.Y., receives letter from President Franklin D. Roosevelt asking that the claim be set aside in response to War Effort.
- 1945— War ends; the one surviving sister and one brother for several reasons unable to pursue their claim.
- 1962— Senator Robert F. Kennedy reviews case and states “an atrocity had been committed against this family by the United States Government’s failure to pay this rightful claim.”
- 1965— A widow, a granddaughter and a grandson of original heirs meet with an attorney to review the history of case in a revived attempt to pursue the matter.
- 1976—August Bansford-Roberts-Cook Family Reunion held in Valley Falls, N.Y.; Attorney C. Fred Schwarz, Troy, N.Y., retained as family attorney to pursue matter for the [now 66] legal heirs.
- 1981—5 Oct Samuel J. Dinkel, Jr., Mansfield, Ohio [whose wife is the daughter of Lawrence Cook], writes to Ohio Senator Howard M. Metzenbaum requesting assistance.
- 1981—15 Dec Senator Metzenbaum makes inquiry to U.S. Postal Service asking why legislation is needed to resolve claims.
- 1982—27 Jan USPS replies that they believe Congressional action necessary. □

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**THE SPECIAL PRINTINGS OF THE 2¢, 3¢ AND 4¢
1874 NEWSPAPER AND PERIODICAL STAMPS
WILLIAM E. MOOZ**

This is another in a series of articles which deal with the special printing program begun in 1875 and terminated in 1884. The purpose of these articles is to bring together data from several sources in a way that builds a story about these elusive stamps, and that determines how many of the stamps there were, who printed them, when the printings were made, and how the printings differ from each other.

This article focuses on the special printing of the 2¢, 3¢ and 4¢ Newspaper and Periodical stamps of 1874,¹ commonly known as the 1875 issue. These stamps were printed and available to the public at the same time as the regular issue was in use, although the postal regulations in force at the time did not allow the legal ownership of Newspaper and Periodical stamps.² Whether this fact was taken into account or not, we cannot say. However, while most of the stamps in this program had an initial printing of 10,000, only 5,000 of each of the stamps covered in this article were initially printed.

The 2¢ Stamp

The first printing of the 2¢ stamp was followed by a second, third and fourth printing as the orders for the stamp exceeded what was available from the previous printings. The records are available to us from the Bill Books, which show the following payments for the printings:

Date	Contractor	Quantity
6/30/75	Continental Bank Note Company	5,000
12/31/75	Continental Bank Note Company	10,000
4/30/83	American Bank Note Company	5,000
5/31/84	American Bank Note Company	5,000
	Total	25,000

These records are illustrated in Figures 1 through 4.

The total number of 2¢ stamps sold during the program may now be calculated by subtracting the remainders from the 25,000 stamps purchased. Luff records that 5,486 stamps were unsold and destroyed on July 23, 1884,³ which means that a total of 19,514 stamps were sold during the life of the program. Luff also identifies the four printings listed above, and calculates the same number of stamps sold.

The sales of these stamps may be examined for the period from May 1879 to July 1882 by using the Press Copies of the Invoices.⁴ These records yield the data shown in

¹Note that I have designated these stamps as the issue of 1874, as they are referred to in the Press Copies of the Invoices by the clerks of the 3rd Assistant Post Master General's office. Luff notes that these stamps were sent out to the postmasters on December 11, 1874, so they must have been printed in 1874. The issue is popularly referred to by Luff, Scott, and the general stamp collecting community as the issue of 1875, and I shall conform to this convention.

²Interested readers are referred to "1894 Newspaper Stamps Are Unlisted!," *The American Philatelist*, Vol. 103, No. 8 (August 1989), which describes this peculiar situation and its resolution by the courts.

³John Luff, *The Postage Stamps of the United States*, Scott Stamp & Coin Co., Ltd., 1902, p. 361.

⁴Records of the Post Office Department, Record Group 28, Press Copies of Invoices, 1879, GSA, National Archives and Records Service, Washington, D. C.

Specimen Specimens.

June 30, 1875.

Newspaper and Periodical Postage Stamps furnished during the quarter ending on the above date - The Continental Bank Note Co., of New York, contractors. - Bill approved July 6, 1875.

Denomination.	No Postmarks.	Number to Sell as Specimens.	Total.
Two-cent	49,060	5,000	54,060
Three .	23,365	5,000	28,365
Four .	25,665	5,000	30,665

Figure 1. Bill Book record of June 30, 1875, for 2¢ through 4¢ N&P Special Printing stamps delivered April-June 1875.

December 31, 1875.

Specimen Postage Stamps of various issues furnished for sale as specimens to Stamp Gatherers during the quarter ending as above - Continental Bank Note Co. Contractors. - Bills rendered separately - Rec'd Jan. 6, 1876 / Jan. 10, 76

Issue of 1870 (Current)	10,000	Two-cent (vermillion)	
	10,000	Five .	
	20,000	Stamps, at 14.99 each per thousand	\$ 3.00
Issue of 74 - 1875. Individual:	10,000		
	10,000		
	20,000	Stamps, at \$1 per thousand	\$ 20.00

Figure 2. Bill Book record of December 31, 1875, for [2¢ and 3¢] N&P Special Printing stamps delivered October-December 1875.

April 30th 1883.

Specimen Postage Stamps furnished during the month ending as above. by the American Bank Note Company of New York

Number.	Denomination & issue
5,000.	2 cent. N&P 1874.
5,000	\$ 5.00

These articles, not provided for by contract, were purchased in open market in the exigencies of the service requiring their immediate delivery.

Figure 3. Bill Book record of April 30, 1883, for 5,000 2¢ N&P Special Printing stamps delivered by American Bank Note Company during April 1883.

31st May 1884.

Specimen N^o 43 p. (1874) Stamps furnished during month of May 1884.
By The American Bank Note Co. of New York.

Number	Denomination & Value.
5,000	2. Cent.
5,000	4. "
10,000	----- \$10 ⁰⁰

These articles, not provided for by contract were purchased in open market. The exigencies of the service requiring their immediate delivery.

Figure 4. Bill Book record of May 31, 1884, for 2¢ and 4¢ N&P Special Printing stamps delivered by American Bank Note Company during May 1884.

Table 1, where the sales of single copies of the stamp are illustrated in cumulative fashion. The sales in this three year period total 4,151 copies. The data shown in Table are plotted in Figure 5; sales averaged about 1,380 copies per year during the period.

A better idea of the pace of the sales may be had by combining the information in Table 1 and Figure 5 with the purchase data shown above. To do this, we make the assumption that the order for additional stamps was not placed until it was fairly clear that the existing supply would soon be depleted. This would imply that approximately 4,000 of the first 5,000 stamps might have been sold by December 1875 (date of payment for the second printing order), and that 14,000 stamps had been sold by April 1883. A review of Table 1 shows that 3,890 stamps had been sold between May 1879 and April 1883, which would imply that about 10,000 stamps had been sold prior to May 1879.

Taking this assumption as valid, we add 10,000 stamps to the total sales data in Table 1 and Figure 5. Doing so suggests that about 18,000 stamps had then been sold by May 1884, and this is the date at which the next shipment of 5,000 stamps was received. This helps to verify the original assumption that perhaps about 10,000 stamps were sold prior to the detailed records in the Press Copies. The combined data are plotted in Fig. 6.

The sales pattern shown in Fig. 6 echoes what we have seen in the sales pattern of the 1865 5¢ Newspaper and Periodical reprint and the 1869 1¢ reissue, in that there was a spurt of sales towards the end of the program. This suggests that the end had been announced, and that dealers were quick to stock up on stamps that would soon be unavailable to them from this source.

The printings are relatively easy to recognize and separate. The first printing is the distinctive gray black color, and is on hard white paper (Figure 7). It is catalogued as Scott PR33. The second printing is on the horizontally ribbed paper used by the Continental Bank Note Company, which is the easiest way to recognize it (Figure 8). It is also catalogued as Scott PR33, horizontally ribbed paper. The third printing, by the American Bank Note Company, is on their soft paper, and the color is intense black (Figure 9). It appears in the catalogue as Scott PR80. It seems unlikely that any of the fourth printing was ever sold. This last printing was of 5,000 stamps, and 5,486 stamps were destroyed. These probably included the entire fourth printing.

Scott errs by not providing a separate catalogue identification for the second printing, and by including it with the first printing. The second printing was presumably delivered in January 1876, and it should be so identified. Finally, Scott lists the number of

Sales of Special printings of the 1874 Newspaper and Periodical Stamps							
2 cent			3 cent		4 cent		
Month	Copies sold	Total Sold	Copies sold	Total Sold	Copies sold	Total Sold	
Jun-79	15	15	100	100	13	13	
Jul-79	1	16	15	115	0	13	
Aug-79	5	21	1	116	0	13	
Sep-79	1	22	0	116	1	14	
Oct-79	250	272	1	117	25	39	
Nov-79	399	671	50	167	50	89	
Dec-79	0	671	0	167	0	89	
Jan-80	86	757	11	178	20	109	
Feb-80	77	834	20	198	77	186	
Mar-80	129	963	146	344	33	219	
Apr-80	5	968	74	418	4	223	
May-80	9	977	4	422	8	231	
Jun-80	300	1277	8	430	1	232	
Jul-80	60	1337	0	430	55	287	
Aug-80	5	1342	60	490	2	289	
Sep-80	136	1478	4	494	24	313	
Oct-80	51	1529	24	518	11	324	
Nov-80	36	1565	11	529	16	340	
Dec-80	255	1820	21	550	20	360	
Jan-81	4	1824	40	590	1	361	
Feb-81	522	2346	4	594	10	371	
Mar-81	46	2392	113	707	29	400	
Apr-81	30	2422	40	747	60	460	
May-81	164	2586	10	757	54	514	
Jun-81	30	2616	64	821	106	620	
Jul-81	3	2619	118	939	3	623	
Aug-81	0	2619	2	941	1	624	
Sep-81	834	3453	3	944	112	736	
Oct-81	128	3581	196	1140	1	737	
Nov-81	125	3706	2	1142	15	752	
Dec-81	38	3744	25	1167	7	759	
Jan-82	148	3892	30	1197	37	796	
Feb-82	11	3903	45	1242	11	807	
Mar-82	73	3976	11	1253	11	818	
Apr-82	4	3980	69	1322	24	842	
May-82	47	4027	4	1326	32	874	
Jun-82	118	4145	37	1363	28	902	
Jul-82	6	4151	7	1370	5	907	
Aug-82	0	4151	6	1376	0	907	

Table 1 - Sales of Stamps

Fig. 5 - Sales of 2¢ Newspaper and Periodical Stamp

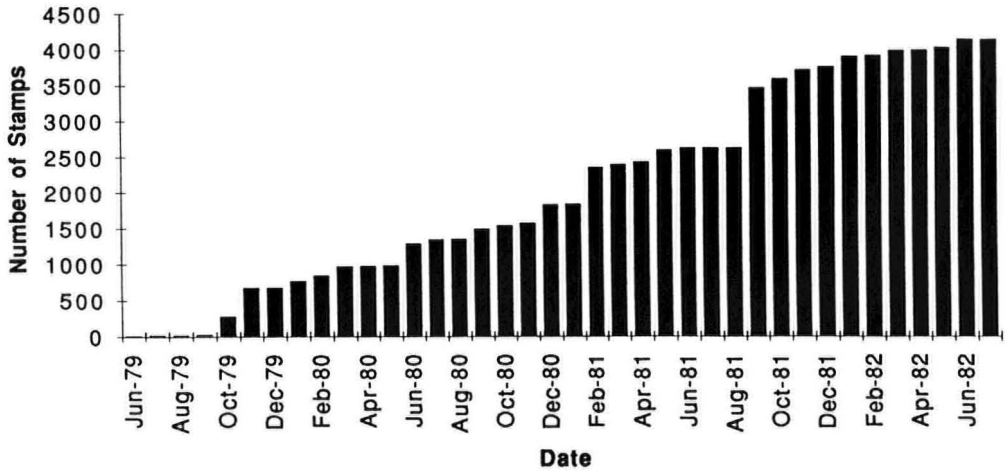
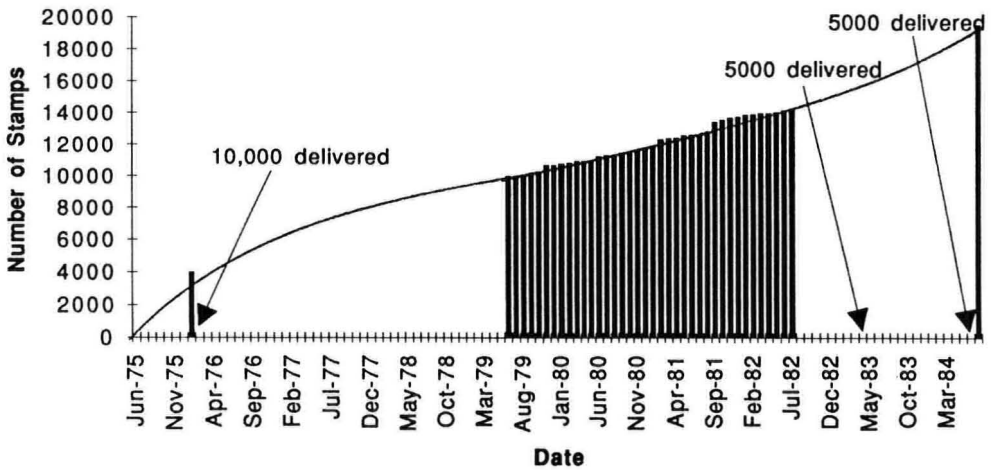


Fig. 6 - Total Sales of 2¢ N&P Stamp



PR33 sold as 19,514 (which “may include the 1883 Re-issue”); as we have seen, the correct *total number for the three printings* is 19,514. Correct catalogue listings should be as follows, using a numbering scheme which is not disruptive to the present numbers:

1875 SPECIAL PRINTING OF 1875 ISSUE
 Produced by the Continental Bank Note Company
 Perf. 12
 Hard white paper, without gum

PR33 N4 2¢ gray black (5,000)



Figure 7. 1875 Special Printing, 2¢ N&P, first printing, gray black on hard white paper.

Figure 8. 1875 Special Printing, 2¢ N&P, second printing, gray black, horizontally ribbed paper.



Figure 9. 1875 Special Printing, 2¢ N&P, third printing, intense black on soft porous paper.



1875 SPECIAL PRINTING OF 1875 ISSUE
Produced by the Continental Bank Note Company
Perf. 12
Horizontally ribbed paper, without gum

PR33a N4 2¢ gray black (10,000)

1883 SPECIAL PRINTING OF 1875 ISSUE
Produced by the American Bank Note Company
Perf. 12
Soft porous paper, without gum

PR80 N4 2¢ intense black (4,514)

It is interesting to examine the catalogue values of these three stamps in comparison to the number of them which were sold. Both the first and second printings are catalogued at \$100,⁵ yet there were twice as many of the ribbed paper second printing sold as the hard paper first printing. The third printing catalogues \$225,⁶ yet there were 4,514 copies sold, or just about 10% fewer than the first printing. One would ordinarily expect that the catalogue values would be in inverse proportion to the number of stamps sold, if all other things were equal. However, in this case, the values presumably reflect the desirability of the stamps in the eyes of collectors. If true, collectors clearly value the intense black third printing on soft paper far more highly than either the first or second printings.

The 3¢ Stamp

Figures 1 and 2 also show the payments for the two deliveries of the 3¢ stamp: 5,000 in July 1875, and 10,000 in December 1875, for a total of 15,000 stamps. Luff reports that 8,048 stamps were destroyed,⁷ which indicates that 6,952 stamps were sold. Of these, we can say that 5,000 were from the first printing on hard white paper, and 1,952 were on the horizontally ribbed paper used by Continental for the second printing of these stamps.

The sales of these stamps may be examined for the period from May 1879 to July 1882 by using the Press Copies of the Invoices.⁸ These records yield the data shown in Table 1, where the sales of single copies of the stamp are illustrated in cumulative fashion. The sales in this three year period total 1,376 copies. The data shown in Table 1 are plotted in Figure 10; sales averaged about 450 copies per year during the period. Most of these were sold to stamp dealers.

It is somewhat more difficult to synthesize the sales pattern of the 3¢ stamp, because the second printing was made at a time prior to the date at which we can use the data from the Press Copies. However, again making the assumption that the second printing was made to forestall exhausting the supply of stamps on hand, and assuming that about 5,000 stamps had been sold in total by May 1879, we can develop the chart shown in Figure 11 to illustrate the pattern of sales.

Identification of these two stamps is simple. The first printing is on hard white paper (Figure 12), and the second printing is on horizontally ribbed paper (Figure 13). Scott does not provide a catalog number differentiation between the two printings, which both appear under PR34. The hard paper variety is listed with a value of \$105, and the ribbed paper variety is listed at \$115.⁹ This difference reflects the fact that the second printing is scarcer

⁵Scott 1994 *Specialized Catalogue of United States Stamps*, Scott Publishing Company, p. 207.

⁶*Ibid.*

⁷Luff, p. 361

⁸Records of the Post Office Department, *op. cit.*

⁹Scott, *loc. cit.*

Fig. 10 - Sales of 3¢ N&P Stamp

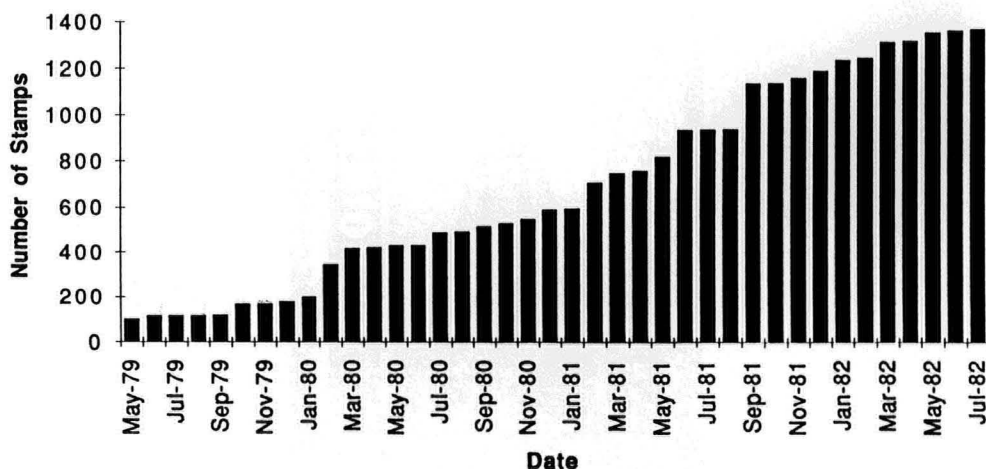
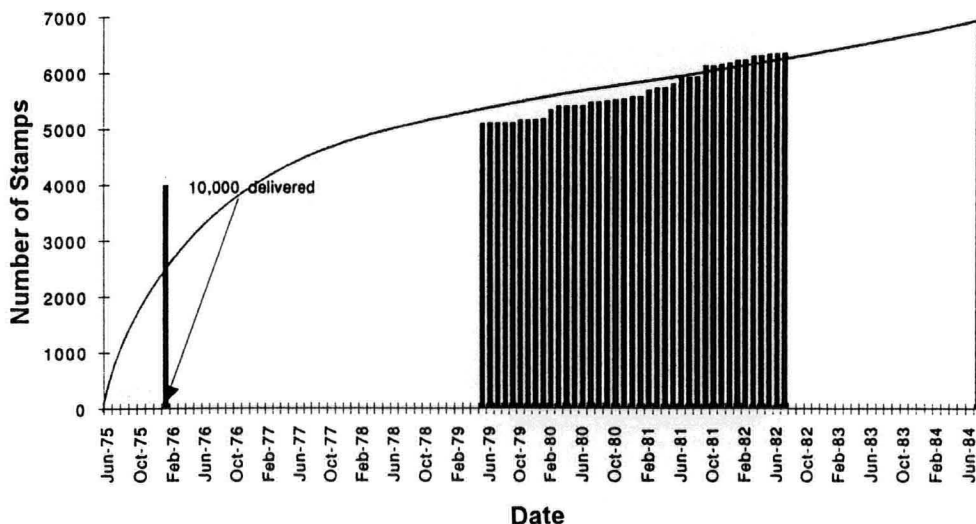


Fig. 11 - Total Sales of 3¢ N&P Stamp



than the first, but the difference is not what one might expect from the difference in the number sold. For every five sold of the first printing stamps, there were less than two of the second printing. Another way of looking at it is that the second printing is more than twice as scarce as the first.

The Scott catalogue listing of these two stamps should be more explicit in separating them and in listing the number of stamps sold. A suggested listing is as follows:

1875 SPECIAL PRINTING OF 1875 ISSUE
 Produced by the Continental Bank Note Company
 Perf. 12
 Hard white paper, without gum

PR34 N4 3¢ gray black (5,000)



Figure 12. 1875 Special Printing, 3¢ N&P, first printing, hard white paper.



Figure 13. 1875 Special Printing, 3¢ N&P, second printing, horizontally ribbed paper.

1875

SPECIAL PRINTING OF 1875 ISSUE
Produced by the Continental Bank Note Company
Perf. 12
Horizontally ribbed paper, without gum

PR34a N4 3¢ gray black (1,952)



Figure 14. 1875 Special Printing, 4¢ N&P, first printing, hard white paper.

The 4¢ Stamp

There were two printings of the 4¢ stamp, with payments made on 7/21/75 and 5/31/84. Each printing was of 5,000 stamps. Figure 1 shows the record of the payment for the initial order of 5,000 stamps, and Figure 4 shows the record of the second 5,000 stamps. The first printing was printed on the hard white paper of the Continental Bank Note Company; stamps are the gray black characteristic of this printing (Figure 14). The second printing was by the American Bank Note Company, presumably on their soft paper. Luff reported that there were 5,549¹⁰ of these stamps destroyed at the end of the program, and this leads to the conclusion that a total of 4,451 stamps were sold. We assume that all 5,000 stamps from the American Bank Note printing were destroyed. Sales during

¹⁰Luff, p. 361.

Fig. 15 - Sales of 4¢ N&P Stamp

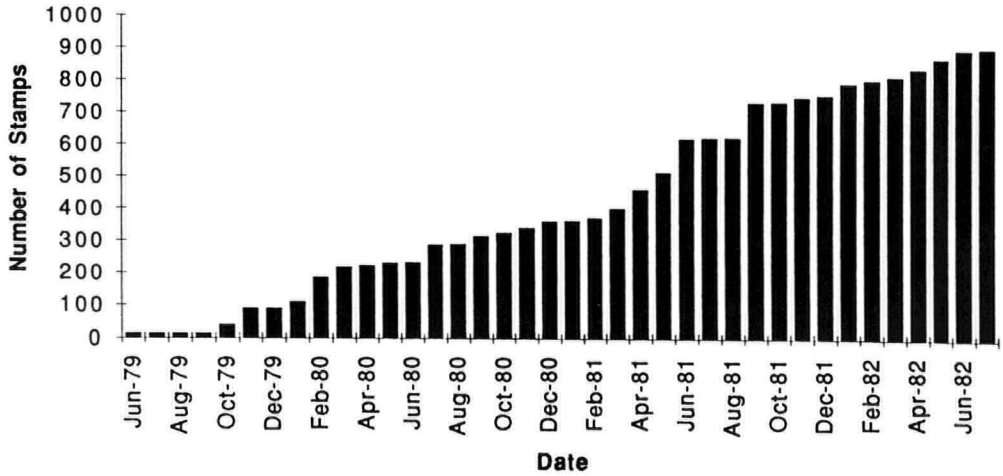
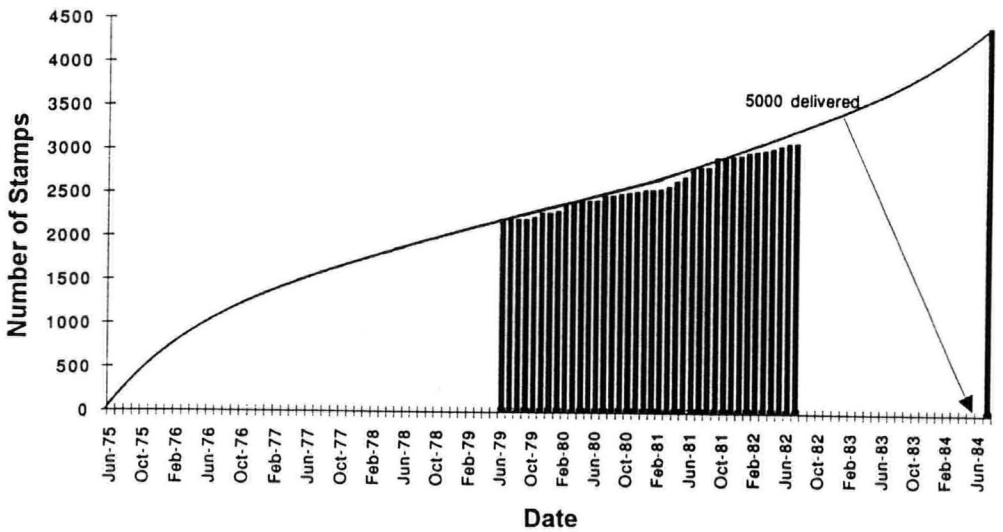
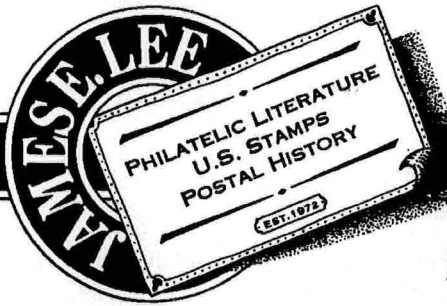


Fig. 16 - Total Sales of 4¢ N&P Stamp



the period covered by the Press Copies of the Invoices are shown in Table 1, and these are plotted in Figure 15. Since we know that the total number sold was 4,451, we can synthesize the sales over the entire program as shown in Figure 16. This has been done by simply “eyeballing” the known sales into a reasonable sales pattern.

There is the very interesting point that there were only 549 of these 4¢ stamps remaining on July 16, 1884. Replacement stamps had been ordered, and these were paid for only two months earlier, on May 31, 1884. The order for replacement stock appears to have been made when the number of stamps on hand was down to about 1,000. This example of the 4¢ Newspaper and Periodical stamp lends validity to this general assumption, and suggests that, at least on occasion, supplies on hand may have been even lower than 1,000 by the time orders were placed. □



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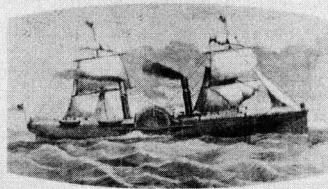
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"BY WEST INDIA STEAM PACKET"
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An account of the Royal Mail Steam Packet Company's Branch Line from Havana to Halifax, Nova Scotia, via Nassau, Savannah, Charleston, and New York in 1842.

Introduction

The Royal Mail Steam Packet Company, under contract to the British Admiralty, opened its service from Falmouth to the Caribbean and Central America in January 1842. The initial, very complex, schedule of routes and branches included a branch line between Havana and Halifax, with calls at Nassau, Savannah, Charleston and New York in each direction. A fine study of this branch line by Morris Ludington¹ appeared in 1985, discussing the route, ships, dates and various political difficulties for the four round-trip voyages then known. So, the present reader may wonder, why this update? Further material has been discovered recently, both in U.S. and U.K. archives, shedding new light on Anglo-American postal relations, together with information on a fifth voyage northward hitherto unrecorded, which was deemed sufficient to warrant a revised treatment. For reasonable completeness some of Ludington's original work will have to be repeated: his kindness in supplying copies of his work and in commenting on the first draft of this present offering is much appreciated.

From accounts rendered by the British packet agent at New York,² postage of £87.3.4d was collected for the four full voyages leaving that port. Letters to the U.K. or British possessions were to be sent unpaid, so postage was collected by the British packet agents in the U.S. only on letters to destinations deemed "foreign" by the British Post Office, at 1/- per 1/2-ounce letter, or 2/- for the west coast of South America via Panama.³ As a broad approximation, assuming that every foreign letter was a single, £87.3.4d represents about 1,740 letters to foreign places. Adding the unknown number to British destinations, it would seem that something between two and three thousand letters were probably

¹Morris H. Ludington, "The Royal Mail Steam Packet Service Between Havana and Halifax, 1842, the North America Route," *The Philatelist* - P.J.G.B., September-October 1985, pp. 216-21.

²U.K. Post Office Archives, Post 29/31 Pkt 615T/1843.

³U.K. Treasury Warrant dated 31 August 1841, effective 11 October 1841, and quoted in the Instructions sent to Packet Agents, Post 29/29 Pkt 441S/1841. This was a British packet rate only; additional charges were almost certainly raised by foreign post offices concerned on arrival.



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despatched from New York by this route. As of 1993, very few letters out of New York have been seen, and only one into that port. Perhaps this article will flush a few more out—the author would be delighted to see photocopies. Letters to, and from, the other two ports were, presumably, even fewer: none have been seen.

Setting up the Service

James MacQueen, founder of the Royal Mail Steam Packet Company, submitted printed proposals in 1839,⁴ which included a map showing the branch line to North America and the following table:

	Distance	Days
Havannah to New York by Savannah & Charleston	1200	6
New York to Halifax	520	3
Halifax to Havannah by New York &c, and Matanzas	1720	9
Stoppages at New York and Halifax		10
Total	3440	28

The proposals provided that:

These steamers, twice each month, will be so regulated that they will reach Havannah from New York before the outward steamer arrives from Jamaica, and will leave Havannah for New York &c immediately after her arrival. The stoppages either at Halifax or New York may be as above stated; because if the steamers perform the work from the Havannah to the Havannah again within 30 days, they will always meet the arrival at and departure from the Havannah, of the packets with the mails to and from Europe and the Colonies, and South America. They can take their coals for the voyage at Halifax.

The complexity of the full scheme may be judged from the sketch map in Figure 1, which shows the approved scheme as it opened.

On 20 March 1840, the Admiralty wrote to the Royal Mail Steam Packet Company approving, amongst other things, the branch line to New York and Halifax.⁵ It seems almost inconceivable therefore that 21 months later, and less than a month before the service was due to commence, the question of who would act as packet agents had still to be resolved, as the following extracts from a minute from the Foreign Office dated 22 December 1841⁶ show:

**Memorandum on the Details of the Plan for Levying Postage at Foreign Ports,
under the Contract with the Royal Mail Steam Packet Co**

The subject first discussed having been the places at which mails are to be delivered under the contract with the Royal Mail Steam Packet Company, we have taken these places in the order mentioned in the Schedule enclosed in the letter from the Post Office to the Foreign Office, dated 16 Oct 1841.

1st Havana. It being admitted on the part of the Post Office that Havana will be a central point from whence various mails will have to be despatched, and that a considerable duty will thus devolve on the individual who may act as packet agent, it was stated on the part of the Foreign Office that the appointment of Her Majesty's Consul to act in that capacity would be attended with great inconvenience, and might be injurious to the Post Office service. . . . At the same time, doubts have arisen whether the Havana authorities will allow of such a special Appointment, and, indeed, whether

⁴U.K. Post Office Archives, Post 29/29 Pkt 441S/1841.

⁵*Ibid.*

⁶*Ibid.*

those Authorities will allow the British Post Office agent to act for the British Post Office in the manner which is deemed requisite. It was agreed therefore, that as the Post Office is about to send a surveyor to the West Indies, it would be desirable that officer should proceed without loss of time to the Havana in order to obviate any difficulty that may arise there; but that, in the mean time, Mr Turnbull, the present Consul, shall be instructed to act temporarily as Packet Agent.

15th New Orleans. The Packet Agency at this port is at the present moment attended with some inconvenience. The British Consul, Mr John Crawford, has been officially represented by Her Majesty's Minister at Washington, to be "incorrigibly negligent of his duties", and, under the circumstances, he can scarcely be considered a fit person to undertake the peculiar duties of Packet Agent. In other respects there is no objection to the Consul acting in that capacity, and it is submitted that a competent person should be appointed Consul and Packet Agent at New Orleans.

18, 19, 20, 21. Vera Cruz, New York, Savannah, Charleston. Agreed that Mr Francis Giffa, Mr James Buchanan, Mr Edmund Molyneux, and Mr William Ogilby, Her Majesty's Consuls at the above places be appointed Packet Agents.

The remaining subjects for discussion being the Instructions to be given by the Foreign Office and Post Office respectively to the British agents abroad, drafts of these instructions have been prepared and are herewith submitted for approval.

Signed James Murray, Willm W Page.

Note the reservations about acceptance of the arrangements by the Havana authorities. However, no one saw fit to state reservations at the way the United States might respond to such an invasion of its home waters. There may have been diplomatic exchanges between the two Governments, but I have not discovered any. Indeed, the tone and content of James Buchanan's letter to the U.S. Postmaster General on 14 February 1842, and the reply (see later), suggest that no prior diplomatic activity had occurred. Incredible though it may seem, it appears that the United Kingdom intended to establish a postal service within the territorial waters of the United States without an exchange of diplomatic notes and, indeed, without prior notice of any kind.

On 31 December 1841, the Foreign Office advised the Postmaster General of the content of instructions to British consuls, which were to be forwarded by the mail of the next day:

To HM Consuls at: St Iago de Cuba, La Guayra, Puerto Cabello, Carthagena, Santa Martha, Panama, New Orleans, Tampico, Vera Cruz, New York, Savannah, Charleston, Maracaibo.

Sir,

I am directed by the Earl of Aberdeen⁷ to acquaint you that the vessels of the Royal Mail Steam Packet Company will commence running with HM's mails, from this country on the 1st of January next, according to the scheme (of which a copy is herewith annexed) qualified by the Lords of the Admiralty (in a letter of which a copy is also annexed) [letter of Dec 13 1841]. It has been decided by HM's Govt, that at each port at which mails are to be embarked and landed, those mails shall, if possible, pass through the hands of British agents, who are to act as agents of the General Post Office, London. I am directed by Lord Aberdeen to desire that you will act as Packet Agent at and I enclose to you the accompanying printed Instructions from the Post Office for your guidance in this matter. You will, as Packet Agent, receive further directions from the Secretary of the Post Office and Lord Aberdeen desires that you will correspond with that Officer in regard to the Packet Agency, and act in conformity with any orders with which he may furnish you in your capacity of Packet Agent. You will be careful not to interfere with any local Post Office Regulations. No such interference is contemplated in the proposed arrangements which must, of course, be subject to

⁷George H. Gordon, 4th Earl of Aberdeen, U.K. Foreign Secretary from 1841 to 1846 and subsequently Prime Minister.

the Post Office regulations already existing at foreign places. All that HM's Govt require is that the mails be delivered by the Admiralty Agent in charge of such mails to the British Post Office agent at the port of debarcation; who will deal with such mails according to his instructions; and that no letters be put on board the packets, excepting such as are delivered by the British Post Office agent at the port of embarkation, to the Admiralty agent on board the mail packets: and that, where letters sent from the port of embarkation are destined for foreign intermediate ports, that is for any foreign ports included in the before mentioned scheme, the postage at the rate ordered in the Post Office instructions, is to be prepaid to the British Post Office agent before such letters can be forwarded by him.

GPO Notice No. 49 of 1841, published in December, announced the new service to the British public. Amongst the details was the following statement:

The Steam Packets will also touch at NEW ORLEANS, SAVANNAH, CHARLESTON, NEW YORK, and HALIFAX, NOVA SCOTIA; but no Letters or Newspapers will be forwarded from the United Kingdom for those places, unless specially addressed, "*By West India Steam Packet*".

In January 1842, the U.K. Post Office sent five pages of printed instructions to the various persons authorized to act as packet agents, most of whom were British Consuls for the specific ports. These included a declaration, to be signed by the Agent and any servants, and returned—those of the New York Consul and Packet Agent, James Buchanan, his son Robert, and employee John McManus survive.⁸ The Instructions also required each Agent to collect postage on letters to foreign destinations, but not on those to the U.K., or to British possessions or colonies, and required that the service be advertised. The New York *Commercial Advertiser* of 28 January 1842 ran an article, presumably at the behest of James Buchanan, the bulk of which follows:

The establishment of British steam packets, embracing the West India, the Gulph of Mexico, including the places set forth in the following list, is one of the most important commercial movements of the present day. The facilities which will thus be offered will prove of infinite service. There will be a steam packet twice a month from Havana to Halifax, calling and delivering letters at Savannah, Charleston, and New York; and so arranged as to meet the Cunard Line from Boston to Halifax, and returning to Havana, will convey letters to all ports of the West Indies, South America &c. By the packet which has arrived, we understand Mr Buchanan, Her Majesty's Consul, has been appointed Her Majesty's Packet Agent for New York. We further learn that an arrangement will be made by Mr Buchanan that letters to any part of the world may be forwarded from New York - a facility not at present afforded.

The following list exhibits the places which the arrangement embraces. The Royal Mail Steam Post Office packets will, on no account, carry any merchandise, but be confined solely to letters, passengers, and bullion. [List of destinations then follows].

Letters for the Pacific will be liable to the rate of two shillings sterling per half ounce.

* A mail for the Pacific will be made up at Jamaica and forwarded to Chagres, from which place it will be sent on by the agent to Panama.

Letters for all parts of Nova Scotia and New Brunswick must be charged on the Deputy Postmaster General at Halifax; those for Canada and Newfoundland must be sent to Halifax as "Forward on Halifax".

The column concluded with a timetable showing a 30-day round trip from Havana and back to that port.

⁸U.K. Post Office Archives, Post 29/31 Pkt 615T/1843, *op. cit.*

The New York *Sun* carried a similar piece the next day, whilst the New Orleans *Bee* carried an advertisement inserted by Mr. Crawford, the British Consul, announcing the service, destinations and rates, which first appeared on 10 February 1842 and continued each day for one month. The tone of all these pieces was approving, although it has to be said that they were probably all inspired by the local consuls.

Relationships with the United States

Despite the favorable reception in the newspapers James Buchanan was clearly uneasy. He first wrote to the U.S. Secretary of the Treasury, Walter Forward, but not receiving a definitive reply he then journeyed especially to Washington to discuss the situation with the U.S. Postmaster General, Charles A. Wickliffe, whom he addressed on 14 February 1842⁹ as follows:

Mr Buchanan, Her Majesty's Consul at New York, in connexion with his consular duties, having been appointed Her Majesty's packet agent, upon the 15th day of January last had the honour to address a letter to the Hon W Forward, Secretary at Washington, as to her Majesty's packets carrying passengers and letters from one port in the United States to another port therein, to which Mr Secretary Forward was pleased, upon the 9th February, instant, to reply, "there was no provision in the laws forbidding the conveyance of passengers by such vessel, strictly avoiding the carriage of merchandise;" and was pleased to add, "that portion of the inquiry relating to conveyance of letters he had referred to the Postmaster General," who has not yet honored Mr Buchanan with an answer.

Mr Buchanan is aware the laws of the United States prohibit the conveyance of letters where a post route is established; yet he is nevertheless desirous of having a clear understanding as to the prevention of passengers carrying letters, although no charge for doing so should be made by such passengers, as thereby the revenue of the United States Post Office would suffer; and, being aware Her Majesty's Government would not sanction any act which would infringe upon or interfere with the laws of the United States, he deems it proper to come from New York, to wait upon the Postmaster General, previous to the arrival of the steam packets, so that the line of duty may be clearly defined, and no ground be laid by any act of Her Majesty's agents conducting the business in the ports of the United States.

Measures for Consideration

If at all allowable, upon what terms may letters be conveyed on board those royal mail packets, from one port in the United States to another?

As it is proposed Her Majesty's agents shall take pre-payment of all letters addressed to foreign ports, in all parts of the world, query—Would it be considered any infringement of the laws of the United States, that Her Majesty's Consul, for instance, at Philadelphia, should receive such letters and such *pre-payment*, and thereupon forward same, by private conveyance, to Her Majesty's agent at New York, to be forwarded to such foreign ports, such consul or agent at Philadelphia receiving two cents, or any other sum for each, for such agency?

The like as to Her Majesty's postmasters in Canada forwarding letters for foreign ports to the agent at New York. These queries are put, though, as to quantity, of little importance; but an earnest desire not to infringe the laws leads Mr Buchanan to submit the matter, and will feel honoured by offering personal explanation, while he is anxious to return immediately to New York.

⁹U.S. Congress, House of Representatives, *Executive Document 161*, 27th Congress, 2nd Session, pp. 5-6.

(to be continued)

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ANSWERS TO PROBLEM COVERS IN ISSUE 162

Figure 1 shows a small complete cover from Germany to the U.S. in 1857 with all markings on the front. A thorough analysis was received from Allan Radin, who writes:

The cover shown in Figure 4, p. 142 (*Chronicle* 162) is a transit letter in the British open mail and as such had to be delivered to the British Post Office free of accounting charges beyond Great Britain. This means the letter could not be sent either fully prepaid or wholly unpaid.

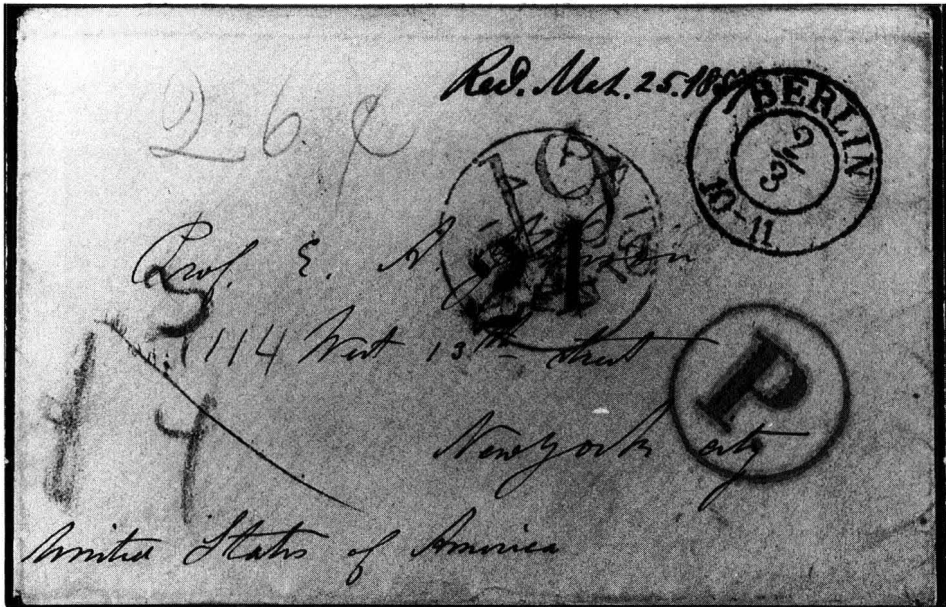


Figure 1. Germany to U.S. cover, 1857, with numbers "1 $\frac{3}{4}$," "19," "24" and "26c."

The cover originated in Berlin and went into the Anglo-Prussian Closed Mail. The red "P" in circle indicates prepayment of the postage to Great Britain. The manuscript markings at lower left are not "1 $\frac{3}{4}$ " but are "f" (for *franco*), and show division of the single rate postage of 7 silbergroschen (4 for the German-Austrian Postal Union, 3 $\frac{1}{2}$ plus $\frac{1}{2}$ for Belgian transit, and 3 for British internal postage). It should be noted that the marking "*franco*" indicates prepayment to the farthest point to which prepayment could be made—not necessarily to ultimate destination.

From Great Britain the letter went into the U.S.-British Treaty Mail as wholly unpaid. The "19" in black with "CENTS" in arc below the numeral is the customary debit to the U.S. for 3¢ internal postage plus 16¢ sea postage. (See Hargest, *History of Letter Post Communication* . . . , p. 29, Figure 11). The British debit for sea postage shows conveyance by British packet. Hubbard and Winter's virtually indispensable reference shows the Cunard liner *Africa* left Liverpool on 7 March and arrived at New York 24 March 1857, where the black "24" was affixed—single rate British Treaty Mail postage due.

I can do no better than guess the significance of the "26" in pencil. There was probably a 2¢ charge for delivery.

It is interesting to note that this letter could have been sent in the (U.S.) Prussian Closed Mail, either fully prepaid to destination for 13 silbergroschen (practically equivalent to 30¢) or wholly unpaid at the 30¢ rate. In this case, between sender and addressee, a total of 7 silbergroschen, equivalent to 16.2¢ plus 24¢, was expended for postage.

After inception of the Prussian Closed Mail letters to or from places it served, British open mail letters to such are not common. In addition to the reason obvious in the preceding paragraph, letters in the PCM were faster because the necessity for opening mail bags and marking letters was obviated.

The astute reader will notice that the British collected their internal postage twice—once under the Anglo-Prussian Closed Mail Treaty and once under the U.S.-British Postal Treaty. This was their usual practice. See Hargest, *loc. cit.*, p. 38, first paragraph, left hand column.

One responder, who will not be identified yet, surmised that the “26” was the 26th Infantry Regiment of New York. This wild conjecture is being checked; but I agree with Allan Radin that it was 26¢ collected from the recipient.



Figure 2. Hamburg-Cadiz cover, July 1842, marked “5R” and “ESTADOS UNIDOS.”

Figure 2 shows a folded letter to Spain in 1842. No news from the submitter, Antonio Torres. He’s had a busy half-year, fishing with me in Puerto Rico as well as getting married. An answer was received from Dr. Yamil Kouri of Boston, who writes:

“Malaga” on the upper left corner is the name of the ship that carried the letter. The handstamp “ESTADOS UNIDOS” was applied at Cadiz in Southern Spain from about 1838 to 1851 to letters from the U.S. However, in this case, the marking was undoubtedly applied by mistake. During this period the post office at Cadiz handled an enormous volume of mail and had over a dozen different handstamps to apply to incoming mail. I have in my collection several other examples of incoming and foreign mail markings that have clearly been used erroneously (even on domestic mail originating in Cadiz.)

With a transit time of twenty days it is impossible and illogical that this letter could have gone from Hamburg to the U.S. and back to Cadiz. Five reales was the single letter rate for letters from the U.S. and most of the Americas except Mexico.

The letter, written in English, concerns a shipment of butter, and the sender was J.D. Lauenburg, which sounds German. However, it has been suggested that this letter came from Hamburg, New York, near Buffalo, and not Hamburg, Germany, on the river Elbe. The notion of shipping butter from Lake Erie to Spain seems remote. It is probable that the clerk at Cadiz made a mistake, and the letter did not come from the U.S.

PROBLEM COVER FOR THIS ISSUE

Figure 3 shows our latest problem cover, sent from Mayaguez to Cabo Rojo in 1899. Both towns are on the coast of SW Puerto Rico. Appreciative of Jaime Gough's answer in the last issue, and admiring of the development of his award-winning exhibit of postage dues, we are using this cover. It bears three 2¢ U.S. postage due stamps overprinted "PORTO RICO" and pen canceled, and "6 cts" in red crayon. There is nothing on the back. At the bottom on the front is "I.B.M." in blue, the meaning of which is not known. If denoting a previous owner, the initials are not familiar to any Puerto Rico collectors who have seen this unusual cover. It is unusual due to the 6¢ rate, and if an explanatory answer is received it will be a pleasant surprise. Very few covers are known from this Spanish-American War period in Puerto Rico with a 6¢, or 3¢, rate.

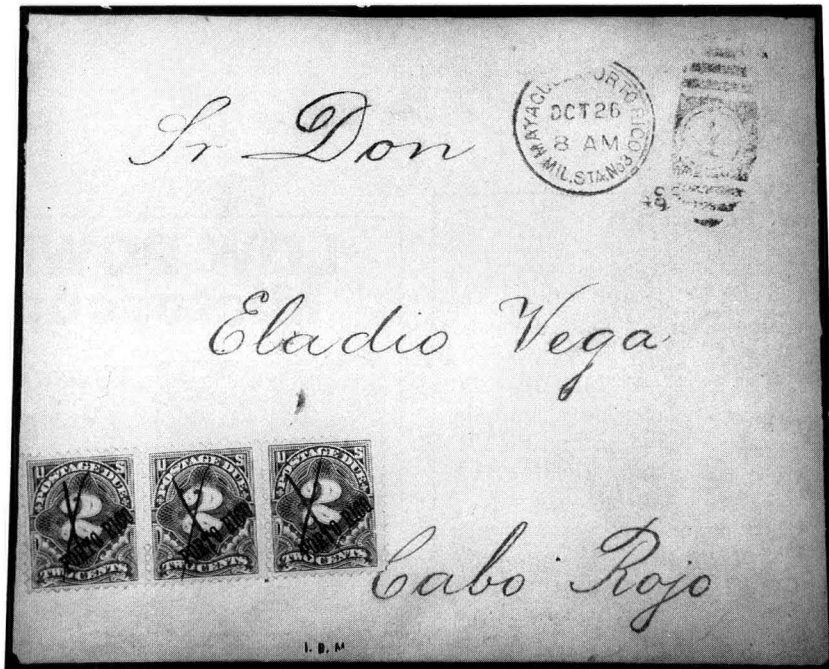


Figure 3. 1899 Mayaguez-Cabo Rojo, Puerto Rico, cover, 6¢ postage due.

Please send your answers and suggestions to the P.O. Box or FAX to (513) 563-6287 within two weeks of receiving your *Chronicle*.

As I've previously written, new problem items are needed. Send a copy first, and if usable, photography can be arranged.

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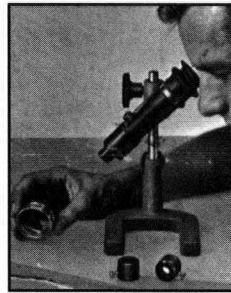
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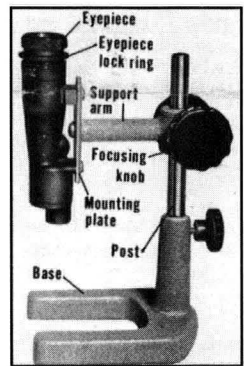
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