

POSTAL LAWS AND REGULATIONS

OF THE UNITED STATES OF AMERICA



EDITION OF 1948

JESSE M. DONALDSON
Postmaster General

UNITED STATES POST OFFICE DEPARTMENT, WASHINGTON 25, D. C.

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ORDER OF THE POSTMASTER GENERAL

ORDER No. 39957.

DATED FEBRUARY 25, 1949.

The accompanying revised edition of the *Postal Laws and Regulations* supersedes the "Postal Laws and Regulations of 1940." This revised edition shall be known as the "Postal Laws and Regulations of 1948," and all references to postal laws and regulations in communications or otherwise shall be to the sections of this edition.

As in previous editions, the laws are printed in the larger type and the regulations in the smaller. References in the laws are to titles and sections in the United States Code and not to titles and sections in this edition, except as otherwise indicated.

Pursuant to the Administrative Procedure Act, approved June 11, 1946, certain material appearing in the *Postal Laws and Regulations* must be published in the Federal Register. For the latter publication there is prescribed a form and numbering system differing from that heretofore used in the *Postal Laws and Regulations*. To facilitate the amending and the use of the material it is essential that the same form be used in both publications. Therefore, the form and numbering prescribed for the Federal Register was adopted. Unused part numbers at the end of each title are for the addition of new material if necessary.

A new title has been added, Title 14, into which have been gathered the laws and regulations pertaining to personnel. Heretofore these sections have been scattered through several titles. The new title eliminates duplication, and should facilitate reference to personnel material.

Preparation of the new edition was accomplished through the cooperation of the departmental bureaus and offices. Acknowledgment is made of helpful suggestions received from individual officials and employees of the Postal Establishment.

J. M. DONALDSON,
Postmaster General.

ORDER OF THE POSTMASTER GENERAL

Order No. 3882.
Dated February 20, 1948.

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A. M. DORRANCE,
Postmaster General.

CONTENTS

Title	Page
1. Post Office Department and Postal Service	1
2. Estimates, Appropriations, Disbursements, and Accounts	106
3. Post Offices	161
4. Domestic Mail Matter	185
5. Treatment of Mail Matter in Post Offices: Loss or Improper Treatment: Undeliverable Mail Matter	310
6. Delivery Service	374
7. Registry System: Insurance and Collect-on-Delivery Services	413
8. Money-Order System	497
9. Postal Savings System	549
10. Transportation of the Mails	580
11. Railway Mail Service	662
12. International Postal Service	687
13. Crimes and Offenses	741
14. Personnel	769
Concordance:	
Section numbers, editions 1940-1948	907
Section numbers, editions 1948-1940	913
Reference Index:	
Articles of Constitution of the United States Referred to or Cited	919
Conventions Referred to or Cited	919
Executive Orders Referred to or Cited	919
Decisions of the Comptroller General Referred to or Cited	919
Revised Statutes of the United States Referred to or Cited	920
United States Statutes at Large Referred to or Cited	920
Titles and Sections of the United States Code Referred to or Cited	925
Index	929

CONTENTS

Page	Title
1	1. Post Office Department and Postal Service
100	2. Estimates, Appropriations, Revenues, and Accounts
101	3. Post Offices
180	4. Domestic Mail Matter
310	5. Treatment of Mail Matter in Post Offices: Loss or Incomplete Treatment: Undeliverable Mail Matter
374	6. Delivery Service
413	7. Registry System: Insurance and Collection-Delivery Service
407	8. Money-Order System
510	9. Postal Savings System
590	10. Transportation of the Mails
602	11. Railway Mail Service
687	12. International Postal Service
741	13. Crimes and Offenses
780	14. Personnel
Compendium	
907	Section numbers, editions 1940-1948
913	Section numbers, editions 1940-1940
Reference Index:	
919	Articles of Constitution of the United States Related to or Cited
919	Conventions Related to or Cited
919	Executive Orders Related to or Cited
919	Decisions of the Comptroller General Related to or Cited
920	Revised Statutes of the United States Related to or Cited
920	United States Statutes at Large Related to or Cited
925	Titles and Sections of the United States Code Related to or Cited
929	Index

Title One

POST OFFICE DEPARTMENT AND POSTAL SERVICE

Part 1 Establishment and organization of the Post Office Department 2 Post Office Inspectors 3 Miscellaneous provisions relating to the Department and the Postal Service 4 Orders, contracts, and bonds 5 Annual reports		Part 6 Supply contracts: Service property: Telegrams 7 Postal revenues and other public funds: Sources and disposal of 8 Postage stamps and other stamped paper and securities 9 Losses of funds and stamped paper
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PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

Sec. ESTABLISHMENT: OFFICERS 1.1 Post offices and post roads. 1.2 Post Office Department and Postmaster General. 1.3 Authority to appoint officers. 1.4 Department officers as post-office inspectors. 1.5 Acting officers. DUTIES OF THE POSTMASTER GENERAL 1.6 General duties of Postmaster General. 1.7 Official seal.		Sec. REGULATIONS 1.8 Regulations. ORGANIZATION OF THE DEPARTMENT 1.9 Office of Postmaster General. 1.10 First Assistant Postmaster General. 1.11 Second Assistant Postmaster General. 1.12 Third Assistant Postmaster General. 1.13 Fourth Assistant Postmaster General. 1.14 Chief Inspector. 1.15 Comptroller, Bureau of Accounts.
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ESTABLISHMENT: OFFICERS

§ 1.1 Post offices and post roads. The Congress shall have power * * * to establish Post Offices and post Roads; * * * and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, * * *. (Constitution, art. I, § 8.)

NOTE: See § 24.1 as to establishment of post offices; § 90.1 as to established post roads.

§ 1.2 Post Office Department and Postmaster General. There shall be at the seat of government an executive department to be known as the "Post Office Department," and a Postmaster General, who shall

be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed. (R. S. 388; 5 U. S. C. 361.)

§1.3 Authority to appoint officers. Authority to appoint the following-named officers may be found in the laws cited:

First Assistant Postmaster General, 5 U. S. C. 363.

Second Assistant Postmaster General, 5 U. S. C. 363.

Third Assistant Postmaster General, 5 U. S. C. 363.

Fourth Assistant Postmaster General, Sec. 1, 26 Stat. 944; sec. 6, 38 Stat. 1049; 5 U. S. C. 42a, 363.

Solicitor for the Post Office Department, 5 U. S. C. 364.

Chief Inspector, act of July 5, 1884 (23 Stat. 156), 5 U. S. C. 42a, and subsequent appropriation acts.

Purchasing Agent for the Post Office Department, 5 U. S. C. 366.

Comptroller, Bureau of Accounts, Post Office Department, 31 U. S. C. 45.

Director of Parcel Post, 5 U. S. C. 364a.

Other officers and employees, annual appropriation acts.

NOTE: See § 105.1 as to officers of the Railway Mail Service; § 137.9 (a) as to post-office inspectors.

§1.4 Department officers as post-office inspectors. The Postmaster General may employ, when the service requires it, the Assistant Postmasters General and superintendents in his department as post-office inspectors; and he may allow them therefor not exceeding the amount expended by them as necessary traveling expenses while so employed. (R. S. 4017, 4019, as amended; 39 U. S. C. 697.)

NOTE: See § 135.32 as to limitation on allowance for travel expenses.

§1.5 Acting officers—(a) Of departments. In case of the death, resignation, absence, or sickness of the head of any department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section 6 of this title (see par. 3), perform the duties of such head until a successor is appointed, or such absence or sickness shall cease. (R. S. 177; 5 U. S. C. 4.)

(b) Of bureaus. In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease. (R. S. 178; 5 U. S. C. 5.)

(c) Named by President. In any of the cases mentioned in sections 4 and 5 of this title * * * the President may, in his discre-

tion, authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease. (R. S. 179; 5 U. S. C. 6.)

(d) **Temporary appointments.** A vacancy occasioned by death or resignation must not be temporarily filled under the provisions of sections 4, 5, and 6 of this title for a longer period than 30 days. (R. S. 180, as amended; 5 U. S. C. 7.)

(e) **Succession as Acting Postmaster General.** Pursuant to the authority conferred by Section 6 of Title 5, U. S. Code: The Second Assistant Postmaster General is authorized and directed to perform the duties of the Postmaster General whenever and so long as he and the First Assistant Postmaster General shall both be absent or sick; and the Third Assistant Postmaster General is authorized and directed to perform the duties of Postmaster General whenever and so long as he and the First and Second Assistant Postmasters General shall be absent or sick. And the Fourth Assistant Postmaster General is authorized and directed to perform the duties of Postmaster General whenever and so long as he and the First, Second, and Third Assistant Postmasters General shall all be absent or sick.

DUTIES OF THE POSTMASTER GENERAL

§1.6 General duties of Postmaster General—(a) Authorization. It shall be the duty of the Postmaster General:

First. To establish and discontinue post offices.

Second. To instruct all persons in the Postal Service with reference to their duties.

Third. To decide on the forms of all official papers, except as otherwise provided by law.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Sixth. To control, according to law, and subject to the settlement of the General Accounting Office, all expenses incident to the service of the department.

Seventh. To superintend the disposal of the moneys of the department.

Eighth. To * * * issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the department and execute all laws relative to the Postal Service. (R. S. 396, as amended; 5 U. S. C. 369.)

NOTE: As to other duties of the Postmaster General, see 39 U. S. C. 751, et seq. (as member of board of trustees, Postal Savings System); 5 U. S. C. 124-132 (as to administration of post office buildings); 40 U. S. C. 267, 341, 344 (as to the approval of plans and the selection of sites for public buildings); 5 U. S. C. 134 (as to joint authority with

Secretary of the Treasury to make regulations governing shipments of valuables by executive departments, etc.); 17 U. S. C. 33 (as to authority respecting enforcing regulations to prevent certain importations); 20 U. S. C. 41, 45 (as member of Smithsonian Institution); 3 U. S. C. 21 (as to succession to Presidency).

(b) Delegation of authority. The head of any department may delegate to subordinate officials (1) the power vested in him by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his department; * * * (Sec. 12, 60 Stat. 809; 5 U. S. C. 22a.)

§ 1.7 Official seal. The Postmaster General shall keep the seal adopted for his department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his department. (R. S. 395; 5 U. S. C. 362.)

REGULATIONS

§ 1.8 Regulations—(a) Making of.—The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. (R. S. 161; 5 U. S. C. 22.)

(b) Promulgation of. All regulations or amendments thereof shall be promulgated by the Postmaster General and duly entered of record in the journal.

(c) Distribution of business. The business of the department is distributed among its several officers as hereinafter provided.

ORGANIZATION OF THE DEPARTMENT

POSTMASTER GENERAL

§ 1.9 Office of Postmaster General—(a) Matters assigned to. The Postmaster General assigns to his office: The superintendence and government of the department, and the appointment of the officers, clerks, and employees; the general direction of the Postal Service in all its branches, the management of its finances, and disbursement of appropriations; the appointment of postmasters of the fourth class; the submission of cases to the President relating to appointments to be made by him; the determination of appeals from the action of the several Assistant Postmasters General; the promulgation of rules and regulations; the consideration of claims for damage done to persons or property by or through the operation of the Post Office Department and claims of postmasters for credit or reimbursement for losses by fire, burglary, or other unavoidable casualty; the issuance of all orders requiring the formal approval of the Postmaster General; the custody of the official seal; and the performance of all special duties enjoined by law upon the Postmaster General. (See § 1.6.)

(b) Officers attached to. The Executive Assistant to the Postmaster General, the Special Assistants to the Postmaster General, the Director of Budget and Administrative Planning, the Commissioner of the Budget, the Commissioner of Administrative Planning, the Chief Clerk and Director of Personnel of the Post

Office Department, the Solicitor, and the Purchasing Agent shall be attached to the Office of the Postmaster General. (See § 1.6.)

(c) **Postmaster General's Staff.** The Postmaster General's Staff shall consist of the First Assistant Postmaster General, Chairman, the Second Assistant Postmaster General, the Third Assistant Postmaster General, the Fourth Assistant Postmaster General, the Comptroller, the Chief Inspector, the Executive Assistant to the Postmaster General, the Chief Clerk and Director of Personnel, and the Director of Budget and Administrative Planning. Meetings of the Staff shall be held upon order of the Postmaster General, call by the Chairman, or by request of any member of the Staff. In the absence of any member of the Staff his principal assistant shall act in his place, and in the absence of the Chairman the ranking Assistant Postmaster General shall serve in this position. The Staff may request the attendance at meetings of other officials or employees of the Department. The Staff is charged with the following functions:

To coordinate the activities of the several bureaus and offices of the Postal Establishment; to recommend to the Postmaster General any action to be taken for the more effective handling of postal business; to consider and approve the issuance of all orders, regulations, and instructions for conduct of the Postal Establishment; to consider and recommend to the Postmaster General action to be taken on all requests for performance of any nonpostal service; to consider and recommend to the Postmaster General action to be taken on orders issued by other governmental agencies which affect the Postal Establishment; to coordinate the activities of the Department in meeting wartime emergencies; to consider and recommend to the Postmaster General action to be taken on all requests for cooperation of the Postal Establishment in activities resulting from a state of war, and to perform such other functions as the Postmaster General may direct.

(d) **Executive Assistant.** The Executive Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General. He shall also serve as a member of the Postmaster General's Staff.

(e) **Special Assistants.** The Special Assistants to the Postmaster General shall perform such duties as may be assigned to them from time to time by the Postmaster General.

(f) **Office of Budget and Administrative Planning—(1) Organization and functions.** The Office of Budget and Administrative Planning shall be supervised by the Director, who, together with the Commissioner of the Budget and the Commissioner of Administrative Planning, shall be directly responsible to the Postmaster General. This office is charged with the budgeting and the administrative and management planning activities for the Post Office Department. The various bureaus and offices of the Department will deal with the Office of Budget and Administrative Planning on all budgetary accounting matters, on new activities and procedures, and on proposed changes in operating and management procedures. The Office of Budget and Administrative Planning will be the channel through which all such matters in the first instance will be coordinated for the consideration of the Postmaster General. In connection with the performance of all the functions of the Office of Budget and Administrative Planning the officials thereof shall use, insofar as practicable, the personnel and other facilities of the various Bureaus and Offices of the Postal Establishment, particularly those of the Bureau of the Chief Inspector and the Bureau of Accounts.

(2) **Director.** The Director of Budget and Administrative Planning is charged with the following duties:

To supervise and coordinate the work of the Commissioner of the Budget and the Commissioner of Administrative Planning; in cooperation with the Commissioner of Administrative Planning, to devise improvements and changes in all operations of the Postal Establishment as may be desirable because of changing economic conditions or changes in business practices and management; to advise with and assist the departmental official in charge of legislative matters; to attend and participate in hearings before the Bureau of the Budget, appropriations committees, and other committees of Congress; to maintain a check on the execution of the budget program and general operations of the Postal Establishment; to prepare the material for annual and special public, or confidential, reports; to prepare long range financial and operating plans for the Postal Establishment; to serve as a member of the Postmaster General's Staff; and to perform such other duties as the Postmaster General may direct.

(3) Commissioner of the Budget. The Commissioner of the Budget is charged with the following duties:

To act as Budget Officer of the Department; to make recommendations to the Postmaster General as to policies and forecasts of volume of business upon which to base budget estimates; to advise all bureaus and offices as to policies and work load estimates to be used as the basis for budget estimates, and assist in the preparation thereof; to revise budget estimates as the Postmaster General may direct; to submit budget estimates to the Bureau of the Budget and attend and participate in hearings before the Bureau of the Budget and appropriations committees of Congress; to prescribe financial and operating reports for the information of the Postmaster General and Director of Budget and Administrative Planning; to prepare comments and recommendations as to the effect of proposed legislation on financial operations of the Department; to devise procedures for financial reimbursement for services rendered to other governmental agencies; to act as Liaison Officer with the Bureau of the Budget and the Treasury Department in the execution of Executive Order No. 8512, and with the General Accounting Office in all matters of policy and major changes in financial operations; and to perform such other duties as the Postmaster General may direct.

(4) Commissioner of Administrative Planning. The Commissioner of Administrative Planning is charged with the following duties:

To plan, supervise, and conduct studies of administrative procedures and organization; to keep informed of the scope and major findings of the management, operations, planning, and research studies conducted by the bureaus and offices, and to recommend studies to be conducted by the bureaus and offices; to prepare comments and recommendations as to effect of proposed legislation on administrative procedures of the Department; to review and make recommendations in respect of all orders and regulations before they are acted upon by the Postmaster General; to study, plan, and devise the simplification of postal laws, regulations, and instructions; to devise ways of making instruction data and material available to officials in charge of schools of instruction for postal personnel; to make recommendations to the Postmaster General on all requests from other governmental agencies for nonpostal services, and to devise procedures for such work; in cooperation with the Director of Budget and Administrative Planning, to devise, plan, and make recommendations for improvements in postal service as may be desirable because of changing economic conditions or changes in business practices and management; to study and make recommendations with respect to suggestions made by postal personnel for improve-

ments in the Postal Service; and to perform such other duties as the Postmaster General may direct.

(g) Chief Clerk and Director of Personnel—(1) Personnel duties. The Chief Clerk and Director of Personnel is charged with the responsibility for personnel administration and the management functions of the Department. He coordinates and exercises control over position classification, recruitment, selection, placement, training, promotions, discipline, efficiency ratings, leave administration, employee relations, health and safety, and other personnel matters. He is chairman of the Board of Appeals for the hearing of employee grievances throughout the Postal Establishment, and is also chairman of the Loyalty Board of the Postal Establishment. He represents the Department in its relations with the Civil Service Commission, the Federal Personnel Council, and with other agencies where personnel functions are concerned. He also serves as a member of the Postmaster General's Staff.

(2) Other administrative duties. The Chief Clerk and Director of Personnel is also charged with the administrative management and control of activities and operating services at the departmental level, including the printing and binding required in the Department and the field service; the receipt and inspection of supplies for the Department and the field service delivered in Washington; the care and maintenance of public property located in the Department building; the preparation and certification of pay rolls; the compilation, publication, and distribution of the Official Postal Guide and other postal publications not otherwise provided for; the preparation of estimates for and control of expenditures from appropriations covering printing and binding, contingent and miscellaneous expenses, travel expenses of the Postmaster General and Assistant Postmasters General, and salaries, Office of the Postmaster General; the custody of the journals, order books, correspondence, and files. The Chief Clerk and Director of Personnel is the Security Officer, the Clearance Officer, and the Surplus Property Officer for the Department and the field service.

(3) Safety Director. The duties of the Safety Director are set forth as follows and apply to the departmental and field services and he shall function through the responsible bureaus and offices of the Department:

Maintain staff supervision and direction of the safety organization and program; establish and maintain policies and procedures relating to accident prevention, fire prevention and protection, and the control of occupational hazards resulting in injury and disease; establish standards and methods to effectuate the safety policies and procedures; develop standards and specifications for safety organizations and programs; analyze and determine aptness of the accident prevention, fire prevention and protection, and occupational hazards control programs prepared by each bureau and office in relation to the accident and occupational hazards experience and other needs of each of the bureaus and offices; correlate all safety programs with the established standards of the Department and coordinate these programs with the safety program of the Postal Establishment; make periodic evaluations of the progress and effectiveness of the safety program and organization of the bureaus and offices and initiate remedial action where indicated; establish procedures to insure the proper integration and application of safety engineering techniques and practices in: operations, methods, and lay-out planning—buildings, facilities, and equipment designs and specifications—training activities—instruction and operating manuals; provide technical assistance on accident prevention, occupational hygiene engineering, sanitation, fire protection and prevention; establish and maintain a complete program for

the development and training of safety personnel; establish standard uniform accident report forms and procedures for accident investigation, reporting, and analysis; develop and maintain such analyses, trends, and forecasts as are essential to provide the Postmaster General, bureau heads, and supervisory personnel with periodic reports on the accident and occupational hazards experience and the attendant costs; establish effective media for currently informing supervisory personnel on all aspects of the Department's safety problems and progress of the programs; establish criteria and standards for the preparation, selection, and utilization of visual-aids and educational literature; establish service requirements for the use of personal protective equipment, appliances, and materials; correlate the safety program with the Department's public information program.

(h) **Solicitor for the Post Office Department—(1) Duties.** The Solicitor is charged with the duty of giving opinions to the Postmaster General and the heads of the several bureaus and offices of the department upon all questions of law arising upon the interpretation and construction of laws (including the proposed compromise of liabilities to the United States, and the remission of fines, penalties, and forfeitures under the statutes), proposed legislation affecting the Post Office Department and Postal Service, treaties, conventions, and regulations, or otherwise, in the course of business in the Postal Service, and the compilation of such opinions for publications; with analyzing all proposed legislation affecting the Post Office Department and the Postal Service for the Postmaster General and recommending the course of action which the Department should take thereon, and, as the Postmaster General's liaison officer on proposed legislation with the Congress, representing the Department at Congressional hearings; with the editing and, where necessary, the drafting of any bills presented to the Congress by the Post Office Department; with the preparation of all reports on contemplated legislation, and Congressional bills (both general and private relief), requested of the Department by Congressional committees and the Bureau of the Budget; with keeping the Postmaster General and the heads of the several bureaus and offices of the Department informed regarding legislation in which the Post Office Department is interested; with the maintenance of suitable records of legislation affecting the Post Office Department and Postal Service; with the duty of assisting in the defense of cases against the United States arising out of the transportation of the mails, and in other matters affecting the postal revenues, including suits in the Federal courts involving claims of the railroads and other contractors for the carriage of the mails; the representation of the Postmaster General and the preparation and presentation of the Department's cases in proceedings before the Interstate Commerce Commission for the determination by the Commission of the basis for adjustment of railroad mail pay and the fixing of fair and reasonable rates for the transportation of the mails and for services in connection therewith by railroads and urban and interurban electric railway common carriers, and in other matters of petition by the Postmaster General to the Commission; with the representation of the Postmaster General and the preparation and presentation of the Department's cases in proceedings before the Civil Aeronautics Board for the determination by that Board of the basis for adjustment of airplane mail pay and the fixing of fair and reasonable rates for the transportation of mail by airplanes, helicopters, or otherwise, and for services in connection therewith, and in other matters of petition by the Postmaster General to the Civil Aeronautics Board; with the representation of the Postmaster General in hearings before the department on orders changing the

mode of transporting periodical mail matter in connection with reviews of such orders by the Court of Appeals of the District of Columbia; with the consideration and submission (with advice) to the Postmaster General of claims for damage done to persons or property by or through the operation of the Post Office Department, and of all claims of postmasters for losses by fire, burglary, or other unavoidable casualty; with the giving of advice, when desired, in the preparation of correspondence with the Department of Justice and other departments, including the Court of Claims, involving questions of law or relating to prosecutions or suits affecting or arising out of the Postal Service, and with assisting when desired in the prosecution or defense of such cases, and the maintenance of suitable records of all opinions and decisions rendered affecting the Post Office Department and the Postal Service; with the consideration of applications for pardon for crimes committed against the postal laws which may be referred to the department; with the preparation and submission (with advice) to the Postmaster General of all appeals to him from the heads of the bureaus and offices of the department depending upon questions of law; with the determining of questions as to the delivery of mail the ownership of which is in dispute; with the supervision of all proceedings before the department, arising out of the enforcement of the postal fraud, lottery and fictitious statutes, and with the making of recommendations to the Postmaster General relative to the issuance of orders pursuant to the provisions of such laws; with the consideration of the mailability of matter under 18 U. S. C. 871, 1302, 1461, 1463, 1714, 1715, 1717, and 1718; with determining the legal acceptability of securities offered by banks to secure postal savings deposits; with the examining and, when necessary, the drafting of all contracts of the department; with the handling of cases arising from the application of the private express statutes (Government monopoly of carrying letters); with the legal work incident to the enforcement of those provisions of the espionage law which concern the Post Office Department; with correlating the responsibilities, the rights and the respective spheres of action of Federal and State governments under Motor Vehicle Safety Responsibility laws; with the determination of questions involving the construction of lease contracts with landlords and cancellation of leases; with the determination of questions involving inter-departmental legal relations between the Post Office Department and other departments; with the consideration of alleged extortion letters; with the determination of all questions of the Post Office Department arising under the Administrative Procedure Act, and with the preparation of material for publication in the Federal Register; with the receipt of suggestions for changes in the Postal Laws and Regulations; editing of all proposed amendments and with the responsibility of seeing that the Postal Laws and Regulations are amended in accordance with legislation; with the examining, prior to publication, and, where necessary, the drafting of all contemplated instructions of the several bureaus and offices of the department which, in any respect, purport to interpret or construe a law or laws affecting the Post Office Department and Postal Service; and with such other like duties as may from time to time be required by the Postmaster General.

(2) Regulations for admission of attorneys to practice before Department. The Solicitor for the Post Office Department is hereby authorized to issue regulations governing the admission of attorneys to practice before this Department; to maintain a roll of those admitted pursuant to such regulations; to issue rules governing such practice; and to prescribe rules governing disbarment proceedings and to conduct hearings on such charges. If he shall find sufficient cause, he shall issue an order of disbarment.

(3) **Assistants and assignment of duties.** The Associate Solicitors, the Assistant Solicitors, and the attorneys for the Post Office Department are assigned to the office of the Solicitor. The Associate Solicitors, as delegated by the Solicitor, shall have general supervision of the work of the office under the Solicitor and in his absence shall discharge the duties regularly devolving upon that officer; and in the absence of the Solicitor and the Associate Solicitors, the Assistant Solicitors and the attorneys in the order of their standing shall act in their stead. The duties of the personnel of the Solicitor's office shall be such as are assigned by the Solicitor.

(i) **Purchasing Agent for the Post Office Department.** The Purchasing Agent for the Post Office Department is assigned, under the direction and control of the Postmaster General, the supervision of the purchase of all supplies; and all purchases of supplies of every nature and character, whether under contract or not, either for the Post Office Department proper or for any branch of the Postal Service, shall be made by the Purchasing Agent: *Provided, however,* That the bureau officer controlling an appropriation may authorize postmasters and other postal officials to purchase supplies chargeable to that appropriation, subject to the approval of the Purchasing Agent in each instance.

FIRST ASSISTANT POSTMASTER GENERAL

§ 1.10 **First Assistant Postmaster General—(a) Duties.** To the First Assistant Postmaster General is assigned the general management of post offices and instruction of postmasters; all matters relating to the establishment, discontinuance, and changes of names of post offices, classified and contract stations and branches, and rural stations; the changes of sites of offices of the fourth class; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the bonding and commissioning of postmasters; the preparation of budget estimates; and the control and disbursement of the appropriations for the office of the First Assistant Postmaster General; the designation of Army mail clerks and assistant Army mail clerks; the authorization of allowances for clerk and city and village carrier hire, car fare and bicycle hire, and other expenses connected with post offices; the conduct of the city delivery, village delivery, rural delivery, and special-delivery services; and the treatment of all unmailable and undeliverable mail matter. He also serves as Chairman of the Postmaster General's Staff.

(b) **Deputies First Assistant Postmaster General.** Three Deputies First Assistant Postmaster General, of equal rank, will assist the First Assistant Postmaster General in the general supervision and administration of the affairs of the Bureau; act in the absence of the First Assistant Postmaster General, and perform such specific duties as may be assigned.

(c) **Division of Budget and Administrative Services.** The Division of Budget and Administrative Services under the supervision of a director will develop budget programs designed to assure the provision of adequate funds for normal postal operation and necessary expansion of the Postal Service to meet population growth and community development; prepare all budget estimates and serve as budget control officer for the Bureau, coordinating the Bureau's budget affairs with those of the Department's Commissioner of the Budget and the Bureau of the Budget; determine and maintain the accounting procedure necessary to control disbursements and reflect the status of appropriations at all times; control authorizations and the granting of allowances for miscellaneous service items at

first- and second-class post offices, such as telephone and telegraph, cleaning and travel expenses, purchase of medical supplies for first aid units, etc., the separating of mails, and unusual conditions at fourth-class post offices; and will prepare and keep necessary journals and records and make annual adjustments of salaries of postmasters, and engage in such other activities affecting the work of the Bureau as may be assigned.

(d) **Division of Post Office Clerical Service.** The Division of Post Office Clerical Service, under the supervision of a Director, is charged with the organization and management and maintenance, and hours of service at post offices of the first, second and third class; the establishment, organization and management, maintenance and hours of service, change of name and discontinuance of classified and contract stations and branches; the authorization of Army mail clerks and assistant Army mail clerks, and the supervision of the performance of their official duties; the authorization of assistant postmasters, supervisors, clerks, watchmen, messengers, mail handlers, printers, mechanics and skilled laborers, cleaners, janitors and telephone operators, elevator conductors and firemen in post offices, paid from the appropriations of the First Assistant Postmaster General, including the fixing of the quotas of necessary employees in all such post offices, stations and branches. The authorization and granting of all allowances for assistant postmasters, supervisors and clerk hire at all post offices. The supervision of the treatment of all undeliverable and unmailable mail matter sent to dead-letter and dead parcel-post branches for disposition; the enforcement of the prompt sending and examination of such matter according to the regulations; the correcting of errors of postmasters connected with the nondelivery of mail matter sent to dead-letter and dead parcel-post branches, and the investigation by correspondence and otherwise of complaints made with reference thereto; the examination and forwarding or return of all such matter which has failed of delivery; the inspection and return to country of origin of undeliverable foreign matter; the recording and restoration of letters and parcels which contain valuable enclosures; care and disposition of money, negotiable papers and other valuable articles found in undeliverable matter; and correspondence both foreign and domestic, relating to these subjects. The authorization of official sealing and postmarking machines, and the authorization of postmarking dies in post offices, not including the cancellation marks.

(e) **Division of City Delivery Service.** The Division of City Delivery Service, under the supervision of a Director, is charged with the establishment, location, organization and management, maintenance, hours of service, and conduct of city, village, special and parcel-post delivery service, including collection service; mounted and foot delivery and collection; bicycle and automotive service; the conduct and management of the Detroit River Postal Service including contract for boat. The authorization of city delivery supervisors, city delivery and village carriers, parcel post and collection carriers and special delivery messengers, and the fixing of quotas of such employees in all post offices. The authorization and granting of all allowances for city delivery, village delivery, special delivery hire and car fare and bicycle allowances, including allowances for vehicle hire in connection with village delivery service, and all other matters pertaining to delivery and collection service, except rural delivery service.

(f) **Division of Post Office Personnel.** The Division of Post Office Personnel, under the supervision of a Director, is charged with the appointment, promotion, transfer, change in grade and status, disciplining, removal, and salaries of assistant postmasters, supervisors, clerks, watchmen, messengers and mail handlers,

printers, mechanics and skilled laborers, clerks in third-class offices, city delivery, village and special delivery carriers and messengers; also cleaners, janitors, telephone operators, firemen and elevator conductors, paid from the appropriations of the First Assistant Postmaster General; the maintenance of all records pertaining thereto and the enforcement and interpretation of all Post Office Department and civil service rules and regulations and Comptroller General decisions concerning their salary and employment, including the maintenance of quotas as fixed by the service directors.

(g) Division of Postmasters. The Division of Postmasters, under the supervision of a Director, is charged with the preparation of cases for the establishment, change of name, and discontinuance of post offices; the selection and preparation for nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the keeping of a record of the appointment of postmasters; the obtaining, recording, and filing of bonds and oaths of office and issuance of postmasters' commissions; the consideration of charges and complaints against postmasters; all service matters in connection with fourth-class post offices; and the regulation of hours of business and changes of sites of post offices of the fourth class.

(h) Division of Rural Delivery Service. The Division of Rural Delivery Service, under the supervision of a Director, is charged with consideration of all matters pertaining to the rural delivery service; the establishment, extension, consolidation and discontinuance of rural routes; the appointment, transfer, reinstatement, assignment, disciplining and removal of rural carriers; the maintenance and conduct of the service and the maintenance of all necessary records concerning the rural carriers and the correct mileage of all rural routes; the interpretation and enforcement of the Postal Laws and Regulations and civil service rules and regulations and Comptroller General decisions pertaining to the employment and salaries and allowances for the conduct of rural delivery carriers and the rural delivery service.

SECOND ASSISTANT POSTMASTER GENERAL

§1.11 Second Assistant Postmaster General—(a) Duties. The Second Assistant Postmaster General is charged with the responsibility and authority for administering all matters relating to the transportation of the domestic and international mails by means of railroads, electric and cable cars, steamships, steamboats, mail messengers, star routes and air mail routes, routing of such mails and distribution thereof, management of the international postal service, and supervision of the personnel, accounting, budgetary, and other administrative services of the postal transportation bureau. He also serves as a member of the Postmaster General's Staff.

(b) Under Second Assistant Postmaster General. The Under Second Assistant Postmaster General is charged with the coordination and general supervision of the activities of the bureau, aiding and assisting in the formulation of plans and policies, and acting as head of the bureau during the absences of the Second Assistant Postmaster General.

(c) Deputy Second Assistant Postmaster General in Charge of Surface Postal Transport. The Deputy Second Assistant Postmaster General in Charge of Surface Postal Transport, aided by a Director of Transportation and a Director of the Divisions of Personnel and Facilities, is charged with the authorization and management of the transportation of mails on railroads, electric cars, steamboats on inland routes, steamship and steamboat routes between the United

States and its territories; the authorization of side and transfer service required in the transportation of the mails; the determination of the necessity for the establishment of new or additional service, and the necessity for changing authorizations and car space to meet service needs in accordance with rates and regulations of the Interstate Commerce Commission; the general management of mail service on highway post office routes and authorization for new routes or additional service on existing routes; the investigation of cases of delinquencies in service and determination as to fines or penalties to be imposed and the amounts thereof; the collaboration with the Solicitor and the Interstate Commerce Commission for the purpose of issuing rules and regulations concerning transportation of the mails and fixing rates for the carriage of mail on railroads and electric cars; the distribution, routing and dispatch of all mails other than those postmasters are authorized to distribute and dispatch; the instruction of postmasters relative to the distribution, routing and dispatch of surface domestic mails; devising plans, specifications and changes in railway post office cars and highway post office vehicles; the collaboration with the Third Assistant Postmaster General in arranging for the routing and protection of valuable registered mail; passing upon requests for increases or decreases of field personnel assigned to railway post office lines, highway post office routes, transfer offices, administrative offices (except those assigned to Air Postal Transport), terminal railway post offices and air mail field offices; the preparation of advertisements inviting proposals for transportation of mails on star routes including those operating in territories and possessions of the United States; the drafting of orders awarding such service and the preparation of contracts; issuing authorizations for mail messenger service; the investigation of delinquencies and determination as to fines and penalties against contractors; and all matters relating to the operation of these services; the preparation of regulations for the government of postal transport personnel assigned to railway post offices, highway post offices, terminal railway post offices, air mail field railway post offices and transfer offices, and in administrative offices (except those assigned to the Air Postal Transport); handling all matters relating to the appointment, transfer, promotion, seniority, reduction, removal, and all other personnel actions affecting such employees; supervision of preparation of schemes and schedules and awarding of contracts for printing of same, except air mail schedules and schemes; the distribution of pouches, sacks and locks used in the transportation of the mails, other than those used exclusively in the city and rural delivery services; the designation of mail bag depositories; the determination of proper travel allowances to be paid officers and employees of the Surface Postal Transport system; arranging for terminal railway post office quarters on the basis of investigations by the Chief Inspector, and preparation of leases relating thereto; arranging for incidental services such as telephones, heat, light and water and negotiating for such services; handling requisitions for supplies and equipment used by the Surface Postal Transport service; issuing instructions regarding the admissibility to the mails of matter liable to damage the mails or injure the personnel, and regarding preparation and packing where admissible; determination of and issuing instructions regarding the packing of other parcel post matter necessary to withstand ordinary handling in transit.

(d) **Deputy Second Postmaster General in Charge of Air Postal Transport.** The Deputy Second Assistant Postmaster General in Charge of Air Postal Transport, aided by a Director of Domestic Air Postal Transport and a Director of Foreign Air Postal Transport, is charged with the authorization and

management of the transportation of mails by aircraft; the preparation and issuance of orders authorizing, changing, modifying, altering, and suspending service; the selection and control of schedules; the preparation and issuance of orders requiring air carriers to change, alter, modify, and operate additional schedules for the carriage of air mails; preparation and issuance of statements of official distances between points served for the carriage of air mails; the preparation and issuance of rules and regulations covering the transportation of mails by air carriers; the analysis of reports of nonperformance of service, violation of rules and regulations, and irregularities in the handling of air mail; the investigation and the determination of fines and penalties to be assessed against air carriers for violation of rules and regulations, nonperformance of service, and irregularities in the handling of air mails; the preparation and issuance of instructions to postmasters and field officers concerning the distribution and dispatch of domestic air mails as well as the distribution and dispatch of foreign air mails in accordance with the policies of the International Postal Service, and the operation and conduct of the Air Postal Transport service; the computation and maintenance of records of the volume of air mail dispatched by post offices and other postal units; the publication and distribution of official schedules, schemes, and pouching instructions for use in the distribution, routing, and dispatch of air mails; the examination of flight reports for operating irregularities; the determination of performance of service by carriers; the allocation of mails between competing carriers; the examination of inspection reports submitted by field officials; the administration and general management of field service personnel; the supervision of the distribution, routing, and dispatch of domestic air mails by personnel assigned to air mail field railway post offices; the requisitioning of and furnishing of supplies, equipment, furniture, and fixtures for field offices; the preparation and issuance of instructions governing the handling of air mail cachets and first-flight covers in the domestic service; the conducting of promotional air mail activities; the examination and analysis of proposals for new air mail routes; the determination of future needs for air mail service; the collaboration with the Solicitor in the preparation and presentation of the Department's cases in proceedings before the Civil Aeronautics Board; the determination of needs for new and additional quarters at airports for the distribution and handling of air mail; the preparation of plans and specifications for quarters at airports, and the negotiation of leases therefor; the preparation of commissions authorizing free air travel directed by the Postmaster General; and in general the supervision and management of the operation of the Air Postal Transport service, the facilities used and useful therefor and the services connected therewith. Attends meetings of and acts as the Post Office Department's voting member of the Air Coordinating Committee and assumes such research and analysis work as may devolve upon the Department's representative by reason of such membership.

(e) **Deputy Second Assistant Postmaster General in Charge of International Postal Service.** The Deputy Second Assistant Postmaster General in Charge of International Postal Service, aided by a Director of International Postal Service, is charged with the arrangement and management of details connected with the exchange of mails with foreign countries by surface and air, including the creation and promulgation of all matters of policy relating to the international mails, the classification, rates and other conditions applicable thereto, both by surface and air, and including the ocean transportation of mails from the United States and of other mails the United States is obligated to convey; the investigation and

determination of fines and deductions against steamship companies for delinquencies in service or failures to safeguard the international mails while in their custody; negotiating with foreign postal administrations of postal conventions and agreements (except those relating to the money-order system) and the arrangement of all details in connection with the putting into effect of the provisions thereof; representing the Universal Postal Union at United Nations meetings; the preparation and issuance of instructions to postmasters in regard to the international postal service (except those issued by the Air Postal Transport), including the compilation and editing of Part II of the Official Postal Guide; the consideration and preparation of replies to inquiries relating to the international postal service (except those intended for the Chief Inspector); the consideration and disposal of applications for the return to senders of, or change of address on, articles contained in the mails exchanged with foreign countries; the compilation of general statistics of international mails (except those to be compiled by the Air Postal Transport); the translation of letters and documents in foreign languages received by the Department (except those intended for the Third Assistant Postmaster General or Chief Inspector); the administrative determination of the balances due from or to foreign countries on account of intermediary maritime and land transit of international mails as well as the preparation of instructions to govern the collection of the transit statistics on which these balances are based; the management of all international registry, insurance, and collect-on-delivery services and all instructions and correspondence in relation thereto, except that assigned to the Third Assistant Postmaster General (Division of Money Orders) and that assigned to the Chief Inspector under §§ 1.14 and 44.1; the examination and authorization for payment of indemnity claims for international mail and of certain claims for refund of postage paid on international mails for which no service was rendered (except as provided in § 114.11); the supervision of the sea post service, the Navy Mail Service, and international parcel post service; the adjustment of air mail postage rates and air mail transportation rates to foreign countries; and preparation of general correspondence with foreign postal administrations, the postal service and the general public relating to the international postal service (except that assigned to the Third Assistant Postmaster General and the Chief Inspector).

(f) **Deputy Second Assistant Postmaster General in Charge of Administrative Services.** The Deputy Second Assistant Postmaster General in Charge of Administrative Services, aided by a Director of Budget and Accounting, a Director of Systems and Procedures, a Director of Verification, and a Director of Records, is charged with verification of all authorizations and claims for the transportation of mail; passing upon claims of railroads for side and transfer service required of them in connection with the transportation of the mails; examining evidence of the performance of those services and passing upon the application of the requirements and rates fixed by the Interstate Commerce Commission governing service on railroad and electric car routes, and by the Civil Aeronautics Board governing service on domestic and foreign air mail routes; maintaining contact with and attending hearings before the Interstate Commerce Commission; preparing statements of accounts of the carriers for payment (except for mail-messenger service), preparation of orders of fines and deductions in cases of delinquencies in service, maintenance of bookkeeping records which form the basis of administrative audit of all claims for payment for transportation of mails; the stating of accounts for payment and the preparation and certification of vouchers and journals authorizing payment to carriers for the transportation

of mails; the verification of accounts covering miscellaneous expenditures of the Surface Postal Transport; the administrative audit of travel expense accounts for personnel of the bureau; performing cost studies; the review, analysis, revision, establishment and discontinuance of systems and procedures for the conduct of the work of the postal transport system, at Washington, D. C., and in the field, in the interests of economy, practicability, and efficiency; recommendation of changes in existing laws and new legislation to meet the requirements of the service; preparation of estimates of appropriations necessary for the conduct of the postal transport system as a whole, and justifications in support thereof; presentation of such estimates to the Bureau of the Budget and committees of Congress; the control of all financial obligations of the postal transport system; preparation of reports on budget and fiscal matters and furnishing such other data as might be required by the Bureau of the Budget and committees of Congress.

THIRD ASSISTANT POSTMASTER GENERAL

§ 1.12 **Third Assistant Postmaster General—(a) Duties.** The Third Assistant Postmaster General is charged with the general supervision of the financial operations of the Postal Service; the supervision of the Postal Savings System and of the sale of United States Savings bonds at post offices; the supervision, through the Government agencies, of the manufacture of all postage stamps, postal cards and stamped envelopes, and migratory-bird hunting stamps, and their distribution; the distribution of internal-revenue stamps and United States Savings stamps for sale in post offices and the accounting therefor; the determination in complicated cases of responsibility for shortages of any kind in postmasters' accounts; and the preparation of the Postmaster General's reports to Congress in cases involving loss of Government funds or stamped paper through embezzlement or otherwise; the general conduct of the money-order and the postal-note systems; the classification of domestic mail matter and supervision of the collection of postage thereon, including the use of precanceled stamps and the acceptance of matter without stamps affixed as metered and nonmetered mail; the supervision of the use of the penalty, franking and other domestic free mail privileges authorized by law; the enforcement of the laws relative to the limit of weight and size of domestic mail; the granting of authority to refund postage charges on domestic mail in excess of the lawful amounts; the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any postmarking device or equipment, including postage meters, used by the postal service or the public; the administration of the laws governing second-class matter; the supervision and management of the domestic registry system and the domestic insurance and collect-on-delivery services; general supervision of investigations of methods designed to improve the Parcel Post Service, and its adequacy and adaptability for handling mailable articles. He also serves as a member of the Postmaster General's Staff.

The officers and divisions of the Bureau shall perform duties as follows:

(b) **Deputies Third Assistant Postmaster General.** The two Deputies Third Assistant Postmaster General, of equal rank, are assistants to the Third Assistant Postmaster General, one being in charge of the Division of Finance, the Division of Postal Savings, and the Division of Stamps; and the other in charge of the Division of Money Orders, the Division of Letter and Miscellaneous Mail, the Division of Newspaper and Periodical Mail, the Division of Registered Mails, and

the Division of Parcel Post, and each deputy exercises administrative responsibility for decisions in his assigned Divisions in all matters under the jurisdiction of the Third Assistant Postmaster General.

(c) **Special Administrative Aide.** The Special Administrative Aide to the Third Assistant Postmaster General and serving directly under him is budgetary control officer for the Bureau appropriations, selects, assigns, and allocates Bureau personnel, acts as technical adviser to the Third Assistant Postmaster General, and performs such planning and research assignments involving policies, practices and activities within the Bureau's jurisdiction as may be required by the Third Assistant Postmaster General.

(d) **Division of Finance.** The Division of Finance, under the supervision of the superintendent, who is also the Disbursing Officer for the Post Office Department, is charged with gathering and distributing funds derived from the collection of the revenues of the Postal Service for the purpose of meeting the obligations of the service when and where payable; supervision of the handling and remitting of funds by postmasters; covering postal moneys into the Treasury of the United States; receiving moneys coming directly to the department; paying indebtedness not settled by postmasters; handling matters affecting the postal revenues; the regulation of box-rent rates and deposits for keys of lock boxes in post offices; the payment of all salaries to all officers, clerks, and employees of the department; the making of all payments for rent of departmental buildings, contingent expenses, printing and binding, and such other expenditures as may be authorized; the sale of post route and rural delivery maps, and the keeping of accounts of expenditures.

(e) **Division of Postal Savings.** The Division of Postal Savings, under the supervision of the superintendent, is charged with the general direction of postal-savings, United States savings-bond, and savings-stamp business at post offices, the administrative examination of postal-savings, savings-bond, and savings-stamp accounts, the preparation of correspondence, and the keeping of records of accounts pertaining thereto.

(f) **Division of Stamps.** The Division of Stamps, under the supervision of the superintendent, is charged with the general supervision of the production of postage stamp paper, including international reply coupons and migratory-bird hunting stamps; the examination, verification, and adjustment of the accounts of contractors for these supplies; the disposition of requisitions for stamped-paper supplies, the distribution of such supplies, the keeping of accounts of stamped paper issued to postmasters and on hand in post offices, and the audit and disposition of reports and inventories regarding the same; the distribution of United States Savings stamps to postmasters; the distribution of internal-revenue stamps for sale through the postal service and the accounting therefor; the adjustment of cases of loss, miscarriage, or detention of stamped supplies in transit; the receipt, examination, and disposition of stamped paper, internal-revenue, migratory-bird hunting, and United States savings stamps and international reply coupons sent by postmasters to the Department for redemption, and the certification of credits in favor of postmasters therefor; the consideration of cases relating to the counterfeiting or imitating of United States postage stamps; the operation of the Philatelic Agency and the Philatelic Exhibition Room, and consideration of general philatelic matters; the rendition of international reply coupon accounts to the countries of origin and certification of balances due or collectible to the General Accounting Office.

(g) **Division of Money Orders.** The Division of Money Orders, under the

supervision of the superintendent, is charged with the general direction of the postal money-order system, both domestic and international, the postal-note system, and the preparation of conventions for the exchange of money orders with foreign countries.

(h) **Division of Letter and Miscellaneous Mail.** The Division of Letter and Miscellaneous Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the classification of matter, excepting that of the second class, admissible to the mails, intended or deposited for mailing, and determination of the rates of postage thereon; the limit of weight and size of mail; the admissibility of meat and meat-food products under the Meat Inspection Act and of nursery stock, etc., under the Plant Quarantine and Terminal Inspection Acts; and of the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, under the laws pertaining to their shipment; the requirements as to the name and address of the sender on mail and the addressing thereof; the use of pre-canceled stamps and business reply cards and envelopes; the mailing without stamps affixed of metered and nonmetered matter; the supervision of the use of the penalty, franking, and other domestic free mail privileges authorized by law; the supervision of the collection of postage; the granting of authority to refund postage charges on domestic ordinary mail in excess of the lawful amounts; the verification and allowance of claims for credit by postmasters for postage-due stamps affixed to undeliverable matter; the supervision of, and issuance of instructions pertaining to, the inclusion of any advertisements, slogans, pictures, and insignia in the cancellation portion of any post-marking device or equipment, including postage meters, used by the Postal Service or the public; and supervision of post-office-owned stamp vending machines.

(i) **Division of Newspaper and Periodical Mail.** The Division of Newspaper and Periodical Mail, under the supervision of the superintendent, is charged with the consideration of all questions relating to the admissibility of newspapers and periodical publications to the second class of mail and the administration of the laws and regulations governing their acceptance as such, including the consideration of applications for their original entry and applications for the reentry or additional entry thereof as second-class matter; the consideration of the revocation of second-class mail privileges of publications not conforming to the requirements; the determination of questions pertaining to the preparation, wrapping, addressing, weighing, newspaper treatment, and exceptional dispatch of publications of the second class, and the permissible additions to and inclosures therein and other related matters; the application of the various rates of postage prescribed for mailings of publications of the second class, according to their character, and the supervision of the collection of, and accounting for, such postage; the administrative examination of postmasters' quarterly statements of second-class postage collected and the receipts issued to publishers therefor; the certification to the General Accounting Office of the amount of second-class postage for which each postmaster is accountable; the granting of authority to refund postage paid thereon in excess of the lawful amounts; the examination of sworn statements of ownership, management, and circulation required to be filed by publishers of publications admitted as second-class matter in the mails, and the consideration of questions arising therefrom; the registration of news agents; the registration of magazines and periodical publications issued in raised characters or on sound-reproduction records for the blind; the determination of the acceptability of free circulation publications at special postage rates provided therefor.

(j) **Division of Registered Mails.** The Division of Registered Mails, under the supervision of the superintendent, is charged with the management of the domestic registry system and the domestic insurance and collect-on-delivery features of the postal service and the issuance of all instructions and correspondence in relation thereto, except that assigned to the Chief Inspector under §§ 1.14, 44.1, and 44.2; the issuance of instructions concerning receipts or certificates of mailing for domestic ordinary, registered, insured, and collect-on-delivery mail; the authorization of all domestic rotary-lock, brass-lock, lead-seal, and exceptional exchanges and dispatches of registered mail; the authorization of refunds of postage on domestic registered, insured, and collect-on-delivery mail; the recovery and disposition of domestic indemnities found to have been improperly paid; the supervision of the adjustment by postmasters of claims involving domestic insured and collect-on-delivery mail; and the adjustment of indemnity claims for domestic registered mail and such claims for domestic insured and collect-on-delivery mail as are not adjusted by postmasters.

(k) **Division of Parcel Post.** The Division of Parcel Post, under the supervision of the director, is charged with the general direction of investigations of methods designed to improve the Parcel Post Service, and the study and analysis of data, information, and suggestions pertaining to this service.

FOURTH ASSISTANT POSTMASTER GENERAL

§ 1.13 **Fourth Assistant Postmaster General—(a) Duties.** To the Fourth Assistant Postmaster General are assigned the duties of representing the Postmaster General on the Joint Departmental Committee, administering the details of public building programs authorized by Congress outside of the District of Columbia; the authorization of allowances for rent, light, and fuel, and the consideration of general engineering problems affecting the activities of the Postal Service; the custody and distribution of equipment and supplies for the Postal Service; the administration and operation of Government-owned post-office buildings, appointment and discipline of personnel engaged in the operation and maintenance; requisition and distribution of cleaning and operating supplies and equipment; the authorization of allowances for hire of vehicles used in the delivery and collection service, and the conduct of the screen-wagon, pneumatic-tube, and Government-owned motor-vehicle services in cities; the production and distribution of post-route maps and parcel-post zone keys; the general supervision of the mail-equipment shops and the manufacture and repair of mail bags, locks, keys, and key chains. He also serves as a member of the Postmaster General's Staff.

(b) **Under Fourth Assistant Postmaster General.** The Under Fourth Assistant Postmaster General will assist the Fourth Assistant Postmaster General in the general supervision and administration of the affairs of the Bureau, aiding in the formulation of plans and policies; act as head of the Bureau during the absences of the Fourth Assistant Postmaster General; and perform such other specific duties as may be assigned.

(c) **Division of Engineering and Research.** The Division of Engineering and Research under the supervision of the superintendent, is charged with the design and construction of buildings insofar as the operation of the post-office service is concerned; the lay-out of post-office quarters in Federal building and leased buildings, including conveyor and other labor-saving equipment for same; general engineering problems affecting the activities of the Postal Service, and the consideration of the practicability of devices and inventions for use in the Postal Service.

(d) **Division of Motor Vehicle Service.** The Division of Motor Vehicle Service, under the supervision of the superintendent, is charged with the authorization, operation, and maintenance of the Government-owned motor-vehicle service, including the appointment and discipline of the personnel employed in connection therewith; the authorization and operation of the pneumatic-tube service including the appointment and discipline of the personnel employed in connection therewith; requisitions for materials, supplies, and garage equipment and correspondence pertaining thereto; requests for allowances for rent, light, fuel, power, water, telephone service, etc.; the monthly and quarterly reports and correspondence pertaining to the accounting system; the preparation of advertisements inviting proposals for the transportation of the mails in cities by means of screen wagons and pneumatic tubes, and the drafting of orders awarding such service, including the preparation of contracts therefor; the fixing of allowances for the hire of vehicles used in the delivery and collection service; the examination of reports and the preparation of orders making deductions and imposing fines for nonperformance of services and other delinquencies on the part of contractors.

(e) **Division of Topography.** (1) The Division of Topography, under the supervision of the Topographer, is charged with the supervision of the production of post-route and rural-delivery maps; the distribution of post-route and rural-delivery maps; and the conduct of correspondence pertaining thereto.

(2) Post-route, rural-delivery county, and local-center maps shall be prepared by and printed under the supervision of the Topographer, Division of Topography, of the Post Office Department. The maps shall not bear the name or any imprint of the contractor doing the printing.

(3) The Topographer shall issue all maps to the offices of the service and all others entitled thereto upon their request.

(f) **Division of Post Office Quarters.** The Division of Post Office Quarters, under the supervision of the superintendent, is charged with the selection, lease, and equipment of quarters for presidential post offices and stations thereof (except those located in Federal buildings); the lease and equipment of post-office garages, and the fixing of allowances for rent, light, heat, and water at presidential offices and stations thereof.

(g) **Division of Equipment and Supplies.** (1) The Division of Equipment and Supplies, under the supervision of the Superintendent, is charged with the preparation of specifications for equipment, other than that assigned to the Division of Mail Equipment Shops, and supplies for the Postal Service; the requisition, inspection, adjustment, and repair of post-office scales; the custody, distribution, and transportation of such equipment and supplies; the maintenance of a record of expenditures for equipment and supplies by appropriation; and the conduct of all correspondence pertaining thereto.

(2) The Fourth Assistant Postmaster General, Division of Equipment and Supplies, shall issue parcel-post zone keys to be used in connection with the Official Postal Guide to offices of the service, and to the public upon request.

(h) **Division of Federal Building Operations.** The Division of Federal Building Operations, under the supervision of the Superintendent, is charged with the administration and operation of Government-owned post-office buildings; appointment and discipline of personnel engaged in the operation and maintenance; requisition and distribution of cleaning and operating supplies and equipment, including fuel, oils and grease, electric and gas lamps; assignment of space and granting of privileges; joint telephone facilities serving two or more governmental agencies; requisition and distribution of furniture, floor coverings, window shades,

awnings; moving into Federal buildings; and safes and their fittings. Correspondence relative to repairs to buildings and fixed equipment, including heating plant, elevators, ventilating equipment, vaults, lock boxes; lighting fixtures (Federal buildings only) interior and exterior painting, seeding and grading, should be addressed to Public Buildings Administration, Federal Works Agency. For further instructions see pamphlet "Instructions and Suggestions for Postmasters in the Operation of Public Buildings Under the Administration of the Post Office Department."

(i) **Division of Mail Equipment Shops.** The Division of Mail Equipment Shops, under the supervision of the Superintendent, is charged with the manufacture and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, dies, and such other equipment for the Postal Service as may be deemed expedient; the preparation of specifications for the articles named, the recommendation of award for purchase; the maintenance of a record of expenditures; the issuance of letter-box locks, mail keys, key chains, etc., to postmasters and other officials entitled thereto, and the maintenance of a record thereof.

(j) **Division of Traffic.** The Division of Traffic, under the supervision of the Traffic Manager, is charged with the preparation of instructions relative to freight, express, drayage, crating, routing, and billing shipments of equipment, material, and supplies for the Department and Postal Service following carefully instructions appearing in the Manual of Instructions for Postal Personnel, under the heading "Transportation and Drayage of Postal Supplies and Equipment."

CHIEF INSPECTOR

§1.14 **Chief Inspector—(a) Duties.** The Chief Inspector is charged with keeping the Department advised as to the condition and needs of the postal service; with the inspection and rating of post offices, and the certification of the results to the First Assistant Postmaster General; with the inspection, audit, and inventory of finances, valuables, equipment, supplies, and property, and the examination of procedures relating thereto in every bureau or agency of the Postal Establishment in Washington and in the field, and the certification of the results to the Postmaster General or the Assistant Postmaster General in charge of the unit inspected; with the coordination and supervision of plans and arrangements for the handling of the President's mail while he is traveling, and advising with White House officials on matters connected therewith; with all matters relating to depredations upon the mails and losses therein; with the direction of all inquiries for the purpose of determining whether articles of mail matter have been delivered except as provided in § 44.2; with the treatment of all inquiries addressed to the United States Post Office Department by foreign postal administrations or by persons interested, or reported by postal officials and others under §§ 44.1 and 118.1, concerning losses and irregularities in the international mails; with the treatment of all cases involving international mail where some form of return receipt is required which has not been received; with the securing of evidence and the treatment of complaints and correspondence relative to criminal offenses against the postal service; with the presentation of cases to the Department of Justice and the expression of the Department's interest in the prosecution of offenders against the postal laws; with the consideration of claims for rewards for the apprehension and conviction of postal law violators; with the consideration of matters arising from the application of the private express statutes; with the management of

the Post Office Inspection Service and of the divisions of his Bureau, including the selection, assignment to duty, and government of the personnel of his Bureau, post office inspectors in charge, assistant post office inspectors in charge, post office inspectors, and clerks in the Inspection Service, the authorization, coordination, and disposition of all investigations by the Inspection Service, and the custody and disposition of all money or property coming into the possession of the Inspection Service or any division of his Bureau; with the operation of the Post Office Department Library; with the printing, numbering, and assignment of travel commissions except those for railway postal clerks; and with the performance of such other duties as may from time to time be required by the Postmaster General. He also serves as a member of the Postmaster General's Staff.

(b) Assistant Chief Inspector. The Assistant Chief Inspector shall perform such duties as may be delegated to him by the Chief Inspector, and in the absence of the latter shall act in his stead.

(c) General Superintendent. The General Superintendent, Office of the Chief Inspector, under the Chief Inspector and the Assistant Chief Inspector, shall exercise general supervision over the divisions of the Bureau and perform such other duties as may be delegated to him.

The divisions of this Bureau shall perform duties as follows:

(d) Division of Administrative Services. The Division of Administrative Services, under the supervision of the Superintendent, is charged with the determination of financial responsibility of postal personnel, sureties, mail contractors, and other persons, firms, and corporations in cases involving loss, theft, rifling, wrong delivery, or other mistreatment of mail, and irregularities in official funds, property, and revenue; with the determination and direction of the disposition to be made of money and property recovered; with the preparation of budgetary estimates and justifications, and the apportionment and accounting for Inspection Service appropriations; with the consideration of contracts, allowances, accounts, travel, and leaves of absence under Inspection Service appropriations; with the procurement and analysis of statistics; with the operation of the cash accounting system of the Inspection Service; and with initial responsibility for the selection, assignment, and reassignment of Bureau personnel.

(e) Division of Service Investigations. The Division of Service Investigations, under the supervision of the Superintendent, is charged with consideration of matters relating to the inspection of post offices and other postal units, the loss or other mistreatment of international mail, and the impersonation of postal officers and employees; with the authorization, coordination, and disposition of investigations concerning such matters and of other investigations concerning the personnel, operating needs, revenues, and finances of the Postal Establishment; and with the authorization of supplies and equipment for the Inspection Service.

(f) Division of Criminal Investigations. The Division of Criminal Investigations, under the supervision of the Superintendent, is charged with the consideration of matters relating to depredations upon the mails, burglaries, robberies, floods and other casualties, loss of domestic mail except questions of individual financial responsibility, mailing of fraudulent and other prohibited matter, rewards for services looking to the apprehension and conviction of postal law violators, and expert examination of questioned documents; and with the au-

thorization, coordination, and disposition of investigations concerning such matters.

NOTE: See § 137.29 as to grades and salaries of post office inspectors; § 2.2 as to duties of post office inspectors; § 135.32 as to their travel allowance; and § 2.1 (a) as to duties of inspectors in charge.

COMPTROLLER, BUREAU OF ACCOUNTS

§1.15 Comptroller, Bureau of Accounts—(a) Duties. To the Comptroller, Bureau of Accounts, are assigned the administrative examination of all postal, money order, and postal note accounts of postmasters at direct and central accounting offices and the accounts of foreign administrations; the prescribing and supervising of the administrative examination of district office accounts at central accounting offices; the administrative examination of the accounts and conducting of physical audits of the cash and accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Officer; the instructing of postmasters relative to the maintenance of financial records and the preparation and rendition of their accounts; the supervising of the quarterly counts of penalty mail and determining the quantity of penalty matter procured and mailed by each department, agency, or organization of the Government and the cost of handling such mail; the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; the keeping of administrative appropriation and cost accounts; the maintenance of control accounts of appropriations, apportionments, allotments, obligations, revenues, receipts, and expenditures; the maintenance of records of gross postal receipts, by calendar years, of post offices; the compilation of statistical reports, monthly operating statements, and other financial data for the information of the Postmaster General and other officers of the Post Office Department; the ascertainment of the facts and the preparation of certifications relating to proposed compromise of liabilities to the Department under § 18.52; the general supervision of the administration of the Retirement Act; and, in collaboration with the Office of Budget and Administrative Planning, the conducting of surveys and research necessary to the development of improved cost accounting and control procedures and the formulation of policies with respect to the financial accounting and statistical systems of the postal establishment. (See §§ 135.49, 18.1, 18.2, 18.3, and 18.8.) He also serves as a member of the Postmaster General's Staff.

The divisions of this Bureau shall perform duties as follows:

(b) Division of Accounts. The Division of Accounts, under the supervision of the Superintendent, is charged with the administrative examination of accounts rendered by postmasters; the administrative examination of the accounts of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Officer; the maintenance of control accounts showing the daily transactions and financial accountability of the Philatelic Agent and the Superintendent, Division of Finance and Disbursing Officer; the maintenance of control accounts showing the annual cost of maintaining Federal buildings in which post offices are housed; the keeping of individual accounts, maintained in the Department of the statutory deductions from the basic salaries of employees in the Department and Postal Service for credit to the Civil Service Retirement and Disability Fund; the compilation of statistical data relative to newspapers and other periodical publications admitted to the mails as second-class matter; the maintenance of records showing the quantity of penalty matter procured by each department, agency, or organization of the Government and the quantity of such matter on

hand at the close of each fiscal year; the ascertainment, from accounts and reports rendered by postmasters, of the gross postal receipts, by calendar years, of each post office and the compilation of such data; and the ascertainment of the amount withheld, by quarters, from the earnings of employees for Federal tax on salaries and wages.

(c) **Division of Cost Ascertainment.** The Division of Cost Ascertainment, under the supervision of the Superintendent, is charged with the general direction of the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special postal and nonpostal services; and the supervision of the quarterly counts of penalty, franked, and matter mailed free of postage and the preparation of reports showing the results thereof.

(d) **Division of Methods and Procedures.** The Division of Methods and Procedures is charged with making detailed investigations in research surveys undertaken by the Office of Budget and Administrative Planning.

PART 2—POST OFFICE INSPECTORS

Sec.	2.1 Duties of Inspectors in Charge.	Sec.	2.5 Inspector's commission as evidence of authority.
2.2	Duties of inspectors.	2.6	Reports to be held confidential.
2.3	Postmasters and other personnel subordinate to inspectors.	2.7	Procedure upon demand of court for records or information.
2.4	Authority of inspectors to open pouches and enter post offices.	2.8	Testimony in court.

§ 2.1 Duties of Inspectors in Charge. Post Office Inspectors in Charge, under direction of the Chief Inspector, are charged with the management of the Post Office Inspection Service within their respective divisions and the supervision of the inspectors and clerks assigned thereto; with the investigation, through correspondence, of complaints and inquiries relative to loss, rifling, damage, wrong delivery, delay, and disposition of international mails reported under §§ 44.1 and 118.1 to 118.12, inclusive, of miscellaneous complaints against postmasters, employees, and the service at post offices of the second, third, and fourth classes, of delay or other mistreatment of ordinary or special delivery ordinary mail in post offices (see §§ 44.1 to 44.11, inclusive, as to complaints concerning registered, insured, and collect-on-delivery mail and concerning delay of ordinary mail in transit) and of such service complaints and inquiries as may be delegated by the Department from time to time; with the preparation of replies to requests from postmasters at offices of the second, third, and fourth classes for interpretations of the Postal Laws and Regulations and of notices and orders relating to such laws and regulations published in the Manual of Instructions for Postal Personnel, the Official Postal Guide, or the Postal Bulletin, except that requests for interpretations of registry, insured, and collect-on-delivery regulations should be addressed to the Third Assistant Postmaster General, Division of Registered Mails, as to the domestic service, and to the Second Assistant Postmaster General, International Postal Service, as to the international service; with the supervision, under § 6.21, of the disposition of accumulations in post offices and in field offices of the Railway Mail Service and Air Mail Service of records not needed in the transaction of current business and without preservation value; with the administrative examination of the traveling expense and other accounts of post office inspectors; and with the consideration

and disposition of requests for leave of absence of post office inspectors and clerks under their supervision, as well as of postmasters within their respective divisions.

§ 2.2 Duties of inspectors. Post-office inspectors are the special representatives of the Postmaster General. They are charged with the investigation of post offices and all matters connected with the Postal Service, and with keeping the Department advised as to the condition and needs of the service. Alleged violations of law shall be investigated and reported upon by them, and they shall, when necessary, aid in the prosecution of all criminal offenses.

NOTE: See §§ 135.4 and 135.5 as to authority to administer oaths.

§ 2.3 Postmasters and other personnel subordinate to inspectors. Postmasters, clerks, employees, contractors, and others connected with the postal service, are subordinate to post-office inspectors when acting within the scope of their duty and employment. But no arbitrary power is hereby conferred upon them. They shall not interfere with any officer or employee who is in the proper discharge of his duty further than to examine his methods, system, and accounts, or any complaints which may be made against him. Nor shall they interfere with the mails or the transportation thereof, except as expressly authorized by law and as permitted by the regulations.

§ 2.4 Authority of inspectors to open pouches and enter post offices. Inspectors are empowered to open pouches and sacks and examine the mails therein and are authorized to enter and inspect post offices at all times. Inspectors are also empowered, and required upon requests of rural carriers, to serve as hearing officials under the provisions of 39 U. S. C. 218 (§ 137.19).

§ 2.5 Inspector's commission as evidence of authority. Inspectors shall exhibit as evidence of their authority the commission issued by the Postmaster General. At the end of each calendar year, or in the event of death, resignation, or removal, the commissions issued to inspectors or to other field inspection personnel shall be transmitted to the inspector in charge of the division to which they are assigned. Commissions issued to all other officers in the service shall be returned through official channels to the Chief Inspector at the end of each calendar year, or in the event of the death, resignation, or removal of the holder. The Chief Inspector and the inspectors in charge shall arrange in their offices to check the returned commissions with the list of those issued and cancel such commissions.

§ 2.6 Reports to be held confidential. All records and information in the custody of the Chief Inspector or of his representatives are intended for use in the detection and correction of postal offenses and abuses. Inspectors and other officers and employees having possession of inspectors' reports and inspection records have no control thereof with regard to permitting the use of same for any other than official purposes, except in the discretion of the Postmaster General. Inspectors and other employees are hereby prohibited from presenting such records or information in a State court, whether in answer to a subpoena duces tecum or otherwise. Whenever a State court subpoena shall have been served upon them, they will appear in court and respectfully decline to present the records or divulge the information called for, basing their refusal upon this regulation.

§ 2.7 Procedure upon demand of court for records or information. If records or information are desired for use in a State court or for the use of parties to a suit or habeas corpus proceedings in a Federal court, and if the United States is

not a party in interest, employees shall inform the persons interested that they are prohibited by the regulations of the Post Office Department from furnishing official records or information direct; that official records or information may only be furnished by the Postmaster General after the court has made rule upon him for same. Whenever such rule of the court shall have been made, employees shall carefully prepare or procure a copy of the record or statement of information called for and forward the same to the Chief Inspector, whereupon it will be referred through the Solicitor to the Postmaster General, and thereafter under the seal of the Department be transmitted to the judge or the court calling for it, unless it shall be found that circumstances or conditions make it necessary to decline in the interest of public policy to furnish the information.

§ 2.8 Testimony in court. With regard to inspectors and other employees testifying on official matters of a confidential nature in a Federal court, each case must be given individual consideration as it arises. The Department will offer every possible assistance to the courts. Nevertheless, the question of disclosing privileged information is a matter entirely in the discretion of the head of the Department, and should an attorney for a private litigant attempt to compel an employee to disclose sources of official information or similar matter deemed to be confidential, the employee shall respectfully decline to answer. Should his reasons be asked by the court, he shall courteously state that the matter is regarded as privileged and therefore cannot be disclosed without specific approval from the Postmaster General.

NOTE: See Manual of Instructions for Postal Personnel or Official Postal Guide as to territory assigned to and headquarters of the several divisions of post office inspectors.

See §§ 41.1 to 41.3, inclusive, as to prohibition against breaking seals, etc.

See §§ 41.4 to 41.11, inclusive, for instructions by which postmasters or other postal employees shall be guided.

PART 3—MISCELLANEOUS PROVISIONS RELATING TO THE DEPARTMENT AND THE POSTAL SERVICE

Sec.	Sec.
3.1 Field appropriations not expendable for Department.	3.5 Damage to person or property by postal operations.
3.2 Reports of condition of business.	SUGGESTION PROGRAM
3.3 (Section number reserved.) LOSS OF OR DAMAGE TO GOVERNMENT OR PRIVATE PROPERTY	3.6 Cash awards to employees for meritorious suggestions.
3.4 Loss of or damage to Government property by employee.	

§ 3.1 Field appropriations not expendable for Department. Appropriations * * * made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes * * * provided for on account of the Post Office Department in the District of Columbia. (53 Stat. 676.)

NOTE: The preceding paragraph is a provision of the "Act making appropriations for the Post Office Department for the fiscal year ending June 30, 1940." A similar provision has been carried in the appropriation acts for a number of years past.

§ 3.2 Reports of condition of business. It shall be the duty of the head of each executive department to require monthly reports to be made to him as to the condition of the public business in the several

bureaus or offices of his department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the department in which such arrears exist shall require * * * an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business. (Sec. 7, 30 Stat. 316, 5 U. S. C. 31.)

§ 3.3 (Section number reserved.)

LOSS OF OR DAMAGE TO GOVERNMENT OR PRIVATE PROPERTY

§ 3.4 **Loss of or damage to Government property by employee—(a) Determination of responsibility.** Whenever Government property of any kind is lost or damaged through the carelessness, negligence, willfulness, or malice of a postal employee, the facts shall be reported by the postmaster to the proper bureau of the Post Office Department for determination as to whether such postal employee shall be held personally responsible for the value of the property so lost, damaged, or destroyed.

(b) **Manner of settlement.** Whenever in pursuance of the preceding paragraph a postal employee is held to be personally responsible for the value of any Government property lost, damaged, or destroyed by him, the postmaster at the post office to which such employee is attached shall withhold from such employee any and all salary or compensation due such employee until he has paid over to the postmaster such amount of money as the department may determine to be the value of the property lost, damaged, or destroyed. The postmaster shall account for such money in his quarterly postal account under the head of miscellaneous receipts.

§ 3.5 **Damage to person or property by postal operations—(a) Settlement when not over \$500.** When any damage is done to person or property by or through the operation of the Post Office Department in any branch of its service and such damage is found by the Postmaster General upon investigation to be a proper charge against the United States, the Postmaster General is invested with power to adjust and settle any claim for such damage when his award for such damage in any case does not exceed \$500, and this authority shall hereafter be construed as extending to cases caused by the negligence of any officer or employee of the Post Office Department or Postal Service acting within the scope of his employment. (Sec. 4, 42 Stat. 63, as amended; 31 U. S. C. 224c.)

NOTE: Under the provisions of the Federal Tort Claims Act, approved August 2, 1946 (60 Stat. 842; 28 U. S. C. 2671 et seq.), claims arising out of the negligent or wrongful act or omission of a postal employee are no longer cognizable under the above-quoted provisions of law.

(b) **Settlement when not over \$1,000.** The head of each federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$1,000 or less against the United States for injury or loss of property or personal injury or death caused by the

negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. (62 Stat. 983; 28 U. S. C. 2672.)

(c) Settlement to be final. Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the government, except when procured by means of fraud. (62 Stat. 983; 28 U. S. C. 2672.)

(d) Appropriations therefor. Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2678 of this title [see § 3.5 (m)], shall be paid by the head of the federal agency concerned out of such agency's appropriations therefor, which appropriations are hereby authorized. (62 Stat. 983; 28 U. S. C. 2672.)

(e) Acceptance and release by claimant to be final. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter. (62 Stat. 983; 28 U. S. C. 2672.)

(f) Annual report to Congress of claims paid. The head of each federal agency shall report annually to Congress all claims paid by it under section 2672 of this title [see § 3.5 (b) to (e)], stating the name of each claimant, the amount claimed, the amount awarded, and a brief description of the claim. (62 Stat. 983; 28 U. S. C. 2673.)

(g) Liability of United States. The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof. (62 Stat. 983; 28 U. S. C. 2674.)

(h) Disposition by federal agency as prerequisite; evidence.
(1) An action shall not be instituted upon a claim against the United States which has been presented to a federal agency, for money

damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the government while acting within the scope of his authority, unless such federal agency has made final disposition of the claim.

(2) The claimant, however, may, upon fifteen days written notice, withdraw such claim from consideration of the federal agency and commence action thereon. Action under this subsection shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(3) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages. (62 Stat. 983; 28 U. S. C. 2675.)

(i) Judgment as bar. The judgment in an action under section 1346 (b) of this title [see § 18.60] shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.

(j) Compromise. The Attorney General, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under section 1346 (b) of this title [see § 18.60], after the commencement of an action thereon.

(k) Limitation of time to present claim. * * * A tort claim against the United States shall be forever barred unless action is begun thereon within one year after such claim accrues, or unless, if it is a claim not exceeding \$1,000, it is presented in writing to the appropriate Federal agency within one year after such claim accrues. If a claim not exceeding \$1,000 has been presented in writing to the appropriate Federal agency within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the agency or the date of mailing notice by the agency of final disposition of the claim. (62 Stat. 971; 28 U. S. C. 2401b.)

(l) Certain claims not cognizable. The provisions of this chapter and section 1346 of this title shall not apply * * * any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter. * * * (62 Stat. 984; 28 U. S. C. 2680.)

(m) Attorney fees; penalty. The court rendering a judgment for the plaintiff pursuant to section 1346 (b) of this title [see § 18.60], or the head of the federal agency or his designee making an award pursuant to section 2672 of this title [see § 3.5 (b) to (e)], or the

Attorney General making a disposition pursuant to section 2677 of this title, may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is \$500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title [see § 3.5 (b) to (e)], or 20 per centum of the amount recovered under section 1346 (b) of this title [see § 18.60], to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both. (62 Stat. 984; 28 U. S. C. 2678.)

(n) Investigations and reports of accidents—(1) Report to Bureau concerned. The postmaster shall investigate and report to the Bureau of the Department concerned all the facts concerning accidents of any kind involving instrumentalities of the Post Office Department, with a recommendation as to the action which should be taken, including his opinion as to the negligence of the employee involved. Such report should be submitted in triplicate. If Government property was damaged through the fault of a private party, the postmaster shall collect the amount of such damage, if possible.

(2) When report to be made also to inspector in charge. Where accidents of the character referred to in the preceding paragraph involve injuries to private persons, or where the damage to private property is extensive, e. g., where it is in excess of \$100, and the precise amount of such damage is not readily ascertainable or provable, one copy of the report and supporting evidence provided for in the preceding paragraph shall be immediately forwarded to the post office inspector-in-charge of the division in which the office is located for investigation, and the two remaining copies with supporting papers shall be forwarded to the appropriate Bureau of the Department. In accidents occurring in the Railway Mail Service, the reports herein provided for shall be made by the superintendent or other officer having immediate supervision over the employees involved in the accident. It is not in contemplation that incidents occurring in Federal buildings, such as fainting spells, epileptic fits, etc., shall be the basis of requests for immediate investigation. Reports of such incidents shall continue to be made direct to the proper Bureau of the Department, in triplicate.

(3) Report to show whether copy submitted to inspector in charge. All reports submitted to the Department shall be endorsed to show whether or not a copy thereof has been submitted to the post office inspector in charge of the division in which the office is located.

(4) Card record regarding possible claims. Postmasters shall maintain on cards furnished them for that purpose an office record of written communications received by them from persons or concerns sustaining injuries or damage expressing a desire or an intent to file claim for such injuries or damage, which record shall include the name and address of the complainant, the date the communication is received by the postmaster, the name of counsel (if any) and such other data required by the record form as may be secured by the postmaster.

(5) **Reports to be forwarded by Bureau to Solicitor.** Reports on all accidents in which persons have been injured or private property has been damaged, as well as reports of cases involving questions of the action to be taken against private parties to collect for damage to Government equipment or property, shall be promptly forwarded by the bureau of the Department receiving such reports to the Solicitor for review.

(6) **Reports when civil suit against Government results.** Where accidents involving injury to private person or damage to private property result in civil suit against the Government, the facts shall be immediately reported to the Solicitor.

(7) **Accidents—Assignment of counsel for postal employees.** (1) When accidents occurring in line of official duty and involving Government personnel result in court action, Government employees should be defended in all such cases—civil and criminal.

(ii) Where the contemplated court action is set for a date more than two weeks distant, the postmaster or field official should take up with the Department the matter of having counsel assigned. Where court action is set for a date less than two weeks distant, the postmaster or field official should take the matter up direct with the post office inspector in charge or the post office inspector of his district and furnish him all available papers in order that he may immediately present the case to the United States attorney. In such cases, United States attorneys are authorized to provide counsel upon request of an inspector, and the procedure herein prescribed should be followed.

(iii) In all such urgent cases where prior Department approval is not secured, a copy of the letter to the post office inspector in charge or the post office inspector in the district shall be forwarded to the proper bureau of the Department.

(8) **Determination and recommendation by Solicitor as to settlement.** The Solicitor shall determine whether or not in his opinion responsibility rests upon the Government and compensation be allowable under the provisions of paragraphs (a) to (m) of this section. The Solicitor shall recommend to the Postmaster General the payment of such claims as in his opinion should be paid, pursuant to paragraphs (a) to (m) of this section, not exceeding in the aggregate the amount of the appropriation for this purpose. He shall also keep records of such claims and shall prepare annually for submission to Congress the report required by paragraph (f).

(9) **When civil suit to be brought by Government.** When in the opinion of the Solicitor the institution of civil suit is warranted against a private person or company, he shall so advise the Chief Inspector, who shall thereupon prepare the request of the Post Office Department upon the Department of Justice that such suit shall be brought, and in case of recovery shall arrange for the proper disposition of the proceeds.

SUGGESTION PROGRAM

§ 3.6 Cash awards to employees for meritorious suggestions—

(a) **Authorization.** The head of each department is authorized, under such rules and regulations as the President may prescribe, to pay cash awards to civilian officers and employees (or to their estates) who make meritorious suggestions which will result in improvement or economy in the operations of his department and which have been adopted for use and to incur necessary expenses for the honorary

recognition of exceptional or meritorious service: *Provided*, That no award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position. * * * the amount of any one award shall not exceed \$1,000 and the total of cash awards paid during any fiscal year in any department shall not exceed \$25,000. Payments may be made from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines. A cash award shall be in addition to the regular compensation of the recipient and the acceptances of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

All other Acts or parts of Acts in conflict with the provisions of this section are hereby repealed. (Sec. 14, 60 Stat. 809; 5 U. S. C. 116a.)

(b) **Conditions.** Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

(c) **Amount of award.** Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

<i>Annual savings</i>	<i>Awards</i>
\$1-\$1,000 -----	\$10 for each \$200 of savings with a minimum of \$10 for any adopted suggestion.
\$1,000-\$10,000 -----	\$50 for the first \$1,000 of savings, and \$25 for each additional \$1,000 of savings.
\$10,000-\$100,000 -----	\$275 for the first \$10,000 of savings, and \$50 for each additional \$10,000 of savings.
\$100,000 or more -----	\$725 for the first \$100,000 of savings, and \$100 for each additional \$100,000 of savings; provided that * * * the maximum award for any one suggestion shall not exceed \$1,000.

(d) **Benefits from suggestion as basis of award; dissemination to other departments.** When a suggestion is adopted primarily upon the basis of improvement

in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

(e) **Annual report on suggestion program.** At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

(f) **Certificates, medals, or other emblems.** A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

(g) **Time limit as to adoption of suggestion.** No award shall be paid for any suggestion which is not adopted for use within 5 years from the date the suggestion is received by the department. Any department may, in its discretion, change the designated period of 5 years to a less period of time.

(h) **Ineligible for award.** No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

(i) **Limitation of annual total of awards.** The total of cash awards paid during any fiscal year in any department * * * shall not exceed \$25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

(j) **Acceptance of award to bar any further claim.** A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns. (Executive Order No. 9817, Dec. 31, 1946, effective as of Aug. 2, 1946.)

(k) **Central Suggestion Committee.** The Central Committee on Suggestions and Experiments for the Postal Service, consisting of the Director of Budget and Administrative Planning, the Commissioner of the Budget, and the Commissioner of Administrative Planning, shall review and analyze suggestions forwarded with reports of district committees and shall make recommendations for the adoption of suggestions in appropriate cases. Reports shall be made to the Central Committee on suggestions that pertain to work in the Post Office Department and which are submitted by departmental employees to the heads of bureaus or offices, and adopted, such reports to include a statement as to the commendation given or cash award recommended. Adoption of any suggestion will be upon approval of the head of the bureau or office concerned. After a suggestion has been adopted, for which a cash award is approved, the amount of the award shall be determined by officers in charge of the activity or activities primarily benefiting and the Central Committee, and be submitted to the Postmaster General for his approval. When a recommendation for payment of a cash award is made, the Central Committee shall submit therewith a certification that the amount is within the limitations of the law and that the payment can properly be made from the appropriation or appropriations indicated. The Central Committee shall keep a record from which the Postmaster General will be furnished reports

indicating the number and amounts of awards paid, together with the estimated savings or other benefits derived.

(I) **Approval and payment of award.** Upon approval by the Postmaster General awards shall be paid by the bureau or office having jurisdiction over the appropriation concerned. A record of any award or commendation shall be placed in the personnel file of the suggester.

PART 4—ORDERS, CONTRACTS, AND BONDS

<p>Sec. 4.1 Dating of orders, entries, and papers. 4.2 Bonds and contracts. 4.3 Contracts not assignable.</p>		<p>Sec. 4.4 Special warranties in contracts. 4.5 Employees interested in mail contracts.</p>
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§ 4.1 Dating of orders, entries, and papers. Every order, entry, or memorandum whatever, on which any action is to be based, allowance made, or money paid, and every contract, paper, or obligation made by or with the Post Office Department, shall have its true date affixed to it; and every paper relating to contracts or allowances filed in the department shall have the date when it was filed indorsed upon it. (R. S. 402; 5 U. S. C. 376.)

§ 4.2 Bonds and contracts—(a) To be in name of United States. All bonds taken and contracts entered into by the Post Office Department shall be made to and with the United States of America. (R. S. 403; 5 U. S. C. 377.)

(b) Clause that no Member of Congress shall benefit. In every contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of or Delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon. * * * (R. S. 3741, as amended; 41 U. S. C. 22.)

(c) Members of Congress not to participate in Government contracts. Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in whole or in part, any contract or agreement, made or entered into in behalf of the United States or any agency thereof, by any officer or person authorized to make contracts on its behalf, shall be fined not more than \$3,000.

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States or any agency thereof, in consideration of any such contract or

agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department or agency under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced. (62 Stat. 702; 18 U. S. C. 431.)

§ 4.3 Contracts not assignable—(a) Provisions. No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States. (R. S. 3737; 41 U. S. C. 15.)

NOTE: See §§ 97.38 to 97.42, inclusive, as to subletting of contracts for carrying the mail.

(b) Exceptions. The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided*, (1) That in the case of any contract entered into prior to October 9, 1940, no claim shall be assigned without the consent of the head of the department or agency concerned; (2) That in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment; (3) That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing; (4) That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with (a) the General Accounting Office, (b) the contracting officer or the head of his department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) the disbursing officer, if any, designated in such contract to make payment. Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this paragraph and the following paragraph shall constitute a valid assignment for all purposes. (R. S. 3737, as amended; 41 U. S. C. 15.)

§ 4.4 **Special warranties in contracts—(a) Requirement.** All contracts entered into on behalf of the Post Office Department or the Postal Service shall contain the following covenant:

(b) **Employment of person to secure contract forbidden.** The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

(c) **Contractor must be manufacturer or regular dealer.** No person shall be received as a contractor for furnishing supplies of any kind whatsoever to the Post Office Department or to the Postal Service who is not a manufacturer of or regular dealer in the articles which he offers to supply.

(d) **Antidiscrimination covenant.** All contracts entered into on behalf of the Post Office Department or the Postal Service shall contain the following covenant:

The contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor shall include in all subcontracts a provision imposing a like obligation on subcontractors (Executive Order 9346 of May 27, 1943).

(e) **Bidders to be so apprised.** In inviting proposals the attention of bidders shall be directed to these requirements.

§ 4.5 **Employees interested in mail contracts—(a) Prohibition.** Whoever, being a person employed in the Postal Service, becomes interested in any contract for carrying the mail, or acts as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Post Office Department, shall be fined not more than \$5,000 or imprisoned not more than one year, or both. (62 Stat. 703; 18 U. S. C. 440.)

(b) **Exception for mail-messenger service.** (1) In the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail-messenger service, * * *. The total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed \$300 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (Sec. 1, 39 Stat. 418, as amended; 39 U. S. C. 579.)

NOTE: See § 18.47 as to recovery of penalties; §§ 90.8 and 137.28 as to postmasters being interested in mail contracts; §§ 130.25 and 130.26 as to penalty for officers being interested in contracts, etc.

(2) Post office employees at post offices of all classes not named in the preceding paragraph may also, in the discretion of the Postmaster General, enter into contracts for the performance of mail messenger service provided the total amount paid under such contract shall not exceed \$300 in any one year, except that special delivery carriers paid on a fee basis may receive in excess of \$300 for mail messenger service in any one year.

PART 5—ANNUAL REPORTS

Sec.		Sec.	
5.1	Annual report to Congress of revenue and expenditures.	5.4	When reports are to be made.
5.2	Reports of Postmaster General on penalty mail.	5.5	Report of Postmaster General to the President.
5.3	Annual financial reports of Comptroller.	5.6	Failure to make returns or reports.

§ 5.1 Annual report to Congress of revenue and expenditures.

The Postmaster General shall make the following annual report to Congress:

The Postmaster General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the Postal Service for the fiscal year current and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year. (35 Stat. 418; 5 U. S. C. 388.)

§ 5.2 Reports of Postmaster General on penalty mail—(a) Annual report covering use throughout Government. The Postmaster General shall report to the Congress and to the Bureau of the Budget within ninety days after the close of each fiscal year the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia procured or accounted for through him during such fiscal year by each executive department and agency, by each independent establishment, and by each organization and person authorized by law to use the penalty privilege. (Sec. 302, 62 Stat. 1048; 39 U. S. C. 321j.)

(b) Information to be furnished to Post Office Department.

All executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, are directed to supply as soon as practicable, all necessary information requested by the Post Office Department to carry out the provisions of this act.

This * * * [act] shall take effect July 1, 1948 * * *. (Secs. 305, 309, 62 Stat. 1049; 39 U. S. C. 321i note, 321m.)

NOTE: The act also authorizes the appropriation of such sums as may be necessary to carry out the provisions of the act. (See §§ 6.12, 37.14, and 37.16 for other provisions of the act.)

§ 5.3 Annual financial reports of Comptroller. The annual reports of the comptroller of the Bureau of Accounts in the Post Office Department shall show the financial condition of the Post Office Department at the close of each fiscal year, and be made a part of the Postmaster General's annual report to Congress for that fiscal year. (Sec. 4, 19 Stat. 80, as amended; 31 U. S. C. 114.)

§ 5.4 When reports are to be made. Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year. (R. S. 195; 5 U. S. C. 106.)

NOTE: See § 6.21 as to reports of useless files.

§ 5.5 Report of Postmaster General to the President. The Postmaster General is required by long-established usage to make an annual report to the President of the transactions of the Post Office Department and of the operations and financial affairs of the Postal Service, with such recommendations as shall appear to him proper, in time for the President's consideration in preparing his annual message, and this report is to be printed in time for delivery to the Congress at the first meeting thereof.

§ 5.6 Failure to make returns or reports. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than \$1,000. (62 Stat. 796; 18 U. S. C. 2075.)

**PART 6—SUPPLY CONTRACTS: SERVICE PROPERTY:
TELEGRAMS**

<p>Sec. 6.1 Purchases and contracts for supplies and services. 6.2 Certain supplies to be advertised and contracted for by Secretary of Treasury. 6.3 Advertisements for proposals.</p>	<p>Sec. 6.4 Bidders to be notified of opening of bids. 6.5 Contracts. 6.6 Products of convict labor. 6.7 Signing of contracts.</p>
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Sec.	PURCHASES	Sec.	
6.8	Purchasing and the Purchasing Agent.	6.17	Unserviceable property and waste materials.
6.9	Delivery of supplies by contractor.	6.18	Sale of unsuitable airplanes and aviation material.
6.10	Industries in Federal penal and correctional institutions.	6.19	Gifts and bequests for library of Post Office Department.
6.11	Procurement by Public Printer for executive departments.	6.20	Archives and records of United States.
	PROPERTY	6.21	Preservation of Government records by Archivist.
6.12	Postmaster General to contract for envelopes for all Government departments.	6.22	Waste paper and twine.
6.13	Blank forms and supplies for money-order service.		PRINTING AND BINDING
6.14	Uniform canceling ink.	6.23	Printing, binding, and blank-book work.
6.15	Metric postal balances.		GOVERNMENT TELEGRAMS
6.16	Authority to turn over Army vehicles and airplanes for use of Postal Service.	6.24	Government telegrams; rates and priority.

§6.1 Purchases and contracts for supplies and services—(a)

How made. (1) Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed \$100, (2) when the public exigencies require the immediate delivery of the articles or performance of the service, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis. Except (1) as authorized by section 29 of the Surplus Property Act of 1944 [58 Stat. 781, as amended; 50 U. S. C., App., 1638], (2) when otherwise authorized by law, or (3) when the reasonable value involved in any one case does not exceed \$100, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising.

(2) Exemptions from section 3709, Revised Statutes, in other law in amounts of \$100 or less are hereby repealed.

(3) In the case of wholly owned Government corporations, this section shall apply to their administrative transactions only. (R. S. 3709, as amended; 41 U. S. C. 5.)

(4) All purchases and contracts for supplies or services shall continue to be made through the Purchasing Agent pursuant to existing law and procedure now established.

(b) **Stipulation forbidding convict labor.** All contracts which shall hereafter be entered into by officers or agents of the United States involving the employment

of labor in the States composing the Union, or the Territories of the United States contiguous thereto, shall, unless otherwise provided by law, contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by the courts of the several States, Territories, or municipalities having criminal jurisdiction. (E. O. 325-A, May 18, 1905.)

§ 6.2 Certain supplies to be advertised and contracted for by Secretary of Treasury—(a) Provision. Except as otherwise provided by law all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, upon such days as he may designate. * * * (Sec. 4, 36 Stat. 531; 41 U. S. C. 7.)

(b) Procurement and distribution. The Secretary of the Treasury, through the General Supply Committee established under the provisions of section 7 of this title, is hereby authorized and directed to purchase or procure and distribute supplies to meet the consolidated requirements of the executive departments and independent establishments of the Federal Government in Washington, District of Columbia, and of the municipal government of the District of Columbia: *Provided*, That the requirements of the field services of any department or establishment, when request is made by the head thereof, shall be included in such purchase or procurement and distribution of supplies. The supplies to be purchased in this manner shall be designated by the Secretary of the Treasury from those for which he is authorized under existing law to make term contracts or to include in the general schedule of supplies issued annually by the General Supply Committee. (Sec. 1, 45 Stat. 1341; 41 U. S. C. 7a.)

(c) Requisitioning and charging. Each executive department and independent establishment shall furnish from time to time, when called on to do so, estimates of its requirements for inclusion in purchases which it is proposed to have made by the Secretary of the Treasury, and there shall be reserved from proper appropriations sufficient amounts in each case to reimburse the general supply fund hereinafter created. The General Supply Committee shall charge the proportionate cost of supplies, including breakage, shrinkage, transportation, cost of handling by the Treasury Department, and inspection, and bill the same to each requisitioning department; and each requisitioning department and independent establishment shall reimburse said general supply fund out of its appropriation upon proper vouchers. (Sec. 2, 45 Stat. 1342; 41 U. S. C. 7b.)

NOTE: This law does not apply to supplies for the Postal Service. The General Supply Committee was abolished by Executive Order dated June 10, 1933, and its functions transferred to a Procurement Division, later changed to the Bureau of Federal Supply, in the Treasury Department.

§ 6.3 Advertisements for proposals—(a) Publication of. Advertisements shall be prepared and published prior to the beginning of each fiscal year, or before the expiration of an existing contract, inviting proposals for furnishing supplies.

(b) Exigency purchases. Whenever the public exigency requires the immediate purchase of any supplies, or the performance of any work, not covered by contract, such supplies or work shall be obtained in the open market after first inviting several bids, provided there is sufficient opportunity.

(c) Written authority required for publication. No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any such advertising, or publication, shall be paid unless there be presented, with such bill, a copy of such written authority. (R. S. 3828; 44 U. S. C. 324.)

(d) Delegation of authority to authorize publication. The head of any department may delegate to subordinate officials * * * (3) the authority vested in him by section 3828, Revised Statutes (44 U. S. C. 324), to authorize the publication of advertisements, notices or proposals. (Sec. 12, 60 Stat. 809; 5 U. S. C. 22a.)

(e) Rates for advertising. All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise. But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. (Sec. 1, 20 Stat. 216; 44 U. S. C. 322.)

NOTE: See §§ 97.12 to 97.14, inclusive, as to advertisement of mail lettings.

BIDS: CONTRACTS

§ 6.4 Bidders to be notified of opening of bids. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made. (R. S. 3710; 41 U. S. C. 8.)

§ 6.5 Contracts—(a) Term of—(1) One year limit for some items. * * * it shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made. (R. S. 3735; 41 U. S. C. 13.)

(2) **Certain postal equipment and supplies.** Section 13 of Title 41 shall not apply to, or include mail bags, mail locks and keys, postal cards, postage stamps, newspaper wrappers, or stamped envelopes. (See § 6.12.) (18 Stat. 286; 39 U. S. C. 809.)

(3) **Money-order supplies.** All blanks, blank books, and printed or engraved matter * * * for the transaction of the money-order business shall be obtained from the lowest responsible bidders * * * for a period of four years. (Sec. 2, 22 Stat. 527, as amended; 39 U. S. C. 715.) (See §§ 6.13 and 6.23.)

(4) **Free-delivery service supplies.** The Postmaster General may, if in his judgment the good of the service so requires, make contract for necessary supplies for the free-delivery service for a period not exceeding four years. (Sec. 1, 25 Stat. 844; 39 U. S. C. 164.)

(5) **Post route maps.** The Postmaster General may, in his discretion, cause the contract for printing post-route maps to be let for a term of four years. (Sec. 1, 28 Stat. 803; 39 U. S. C. 804.)

(6) **Certain enumerated supplies.** The Postmaster General is authorized to contract for a term not exceeding four years, for the supply of any or all articles enumerated under the head of "Supply Division" in the Act of April 21, 1902, chapter 563, 32 Statutes 113, when, in his judgment, it shall appear to be for the best interests of the service. (Sec. 1, 32 Stat. 114; 39 U. S. C. 803.)

(7) **Canceling machines; equipages for city delivery service.** The Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the rental of canceling machines, for the hire of the equipages for the City Delivery Service, for the collection service by means of boxes attached to street cars, and for the steamboat and other equipment necessary for the Detroit River Postal Service, * * *. (Sec. 1, 36 Stat. 1333; 39 U. S. C. 802.)

(8) **Leasing of quarters for vehicles.** The Postmaster General may, in his disbursement of this appropriation (appropriation for vehicle service), apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years. (54 Stat. 76.) (See §§ 26.2 and 105.5.)

NOTE: The preceding paragraph is a provision of the "Act making appropriations for the Post Office Department for the fiscal year ending June 30, 1941." A similar provision has been carried in the appropriation acts for a number of years past.

(b) **Authorization required.** No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, * * *. (R. S. 3732, as amended; 41 U. S. C. 11.)

NOTE: See § 17.1, forbidding contracts for future payments in excess of appropriations.

(c) Collusion among bidders. No contract for furnishing supplies to the Post Office Department or the Postal Service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than one hundred dollars nor more than five thousand dollars, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year. (Sec. 2, 37 Stat. 553; 39 U. S. C. 808.)

(d) Purchase of motortruck parts. Whenever motortruck parts are needed by the Post Office Department in the operation of motortrucks, the Postmaster General is hereby authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising, under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government. (46 Stat. 838; 39 U. S. C. 829.)

NOTE: The annual appropriation acts for vehicle service authorize the purchase and maintenance of tractors and trailers.

(e) Exchangeable items. In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, or any other article or item the exchange of which is authorized by law, the head of any department may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided*, That any transaction carried out under the authority of this section shall be evidenced in writing. (Sec. 203, 57 Stat. 195, as amended; 5 U. S. C. 118d-1.)

NOTE: See § 17.1 as to restrictions on purchase of passenger motor vehicles.

(f) Hire of vehicles. * * * Beginning with the fiscal year 1928, and thereafter, the Postmaster General may hire vehicles from postal employees, not filling supervisory positions, for use in the city delivery and collection service, and in the village delivery and collection service, either under an allowance or on a contract basis. (R. S. 3850, as amended; 39 U. S. C. 52.)

NOTE: See § 137.28 as to employees interested in contracts.

§ 6.6 Products of convict labor. No contract shall be entered into by the Post Office Department for purchase of material or supplies to be manufactured by convict labor. (Sec. 1, 33 Stat. 435; 5 U. S. C. 367.)

NOTE: See § 6.10 as to exception.

§ 6.7 Signing of contracts. Contracts made in the Post Office Department for the various classes of mail transportation may, upon order of the Postmaster General, be signed in the place and stead of the Postmaster General by the Assistant Postmaster General who is charged with the supervision of the mail transportation involved, and such officer shall attest his signature to such contracts by the seal of the Post Office Department. (Sec. 3, 19 Stat. 335, as amended; 39 U. S. C. 430.)

PURCHASES

§ 6.8 Purchasing and the Purchasing Agent—(a) Authority. There shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post Office Department, who shall * * * report direct to the Postmaster General; and who shall, under such regulations, not inconsistent with existing law, as the Postmaster General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the postal service. (Sec. 3, 33 Stat. 440; 5 U. S. C. 366.)

(b) Procedure. The purchasing agent, in making purchases for supplies necessary for the Post Office Department, shall advertise, as provided by law, and award contracts for such supplies to the lowest responsible bidder in pursuance of existing law. The purchasing agent shall have recorded in a book to be kept for that purpose a true and faithful abstract of all bids made for furnishing supplies to the Post Office Department, giving the name of the party bidding, the terms of the offer, the sum to be paid, and he shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by attorney, when the bids are opened, and shall have the right to examine and inspect all bids. All purchases, advertisements, and contracts for supplies for the Post Office Department shall be made by the purchasing agent in the name of the Postmaster General subject to his approval, * * *. There shall be separate proposals and separate contracts for each class of material furnished. These records shall be open at all times for the inspection of Congress, and for the inspection of those who may be interested in such contracts made, or to be

made, to furnish supplies to the Post Office Department. (Sec. 3, 33 Stat. 440; 5 U. S. C. 366.)

(c) Preference to domestic products. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. (Sec. 2, 47 Stat. 1520; 41 U. S. C. 10a.)

(d) Appropriations available for special clothing and equipment. Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks. (Sec. 13, 60 Stat. 809; 5 U. S. C. 118g.)

(e) Preparation of specifications. Specifications for supplies shall be prepared under the direction of the head of the bureau for which the supplies are to be purchased. The Purchasing Agent shall review such specifications carefully, and if he finds them unsatisfactory shall state his objections in writing to the said officer. If, after further consideration, the officer and the Purchasing Agent still disagree, each shall submit a written statement of his position to the Postmaster General through the Committee of Awards.

(f) Advertisements for proposals. The Purchasing Agent shall prepare and issue all advertisements for proposals for all supplies. When deemed advisable by the Purchasing Agent proposals shall be opened and examined by a committee composed of the Executive Assistant to the Postmaster General, the Fourth Assistant Postmaster General, and the Purchasing Agent, to be known as the Committee of Awards, which committee shall make a report suggesting such awards as in their judgment are desirable and proper. The committee, through the Purchasing Agent, shall request the attendance of any officers or employees who may give them information and assistance or with whom they desire to advise.

(g) Purchase of contract items. Orders for items under contract shall be drawn by the Purchasing Agent upon requisitions made by the superintendent, director, or chief of the division requiring the supplies, approved by the head of the bureau. The requisition shall state the appropriation to which the purchase is to be charged, the item number, quantity required, description of the article, unit

price, cost, and, when practicable, the estimated time the supply on hand will last; also that these supplies are necessary for the public service and that the available balance of the appropriation is adequate for the purchase. If the Purchasing Agent, because of his knowledge of market conditions, or for other than administrative reasons, doubts the advisability of the purchase at the particular time of the material requisitioned, he shall communicate immediately with the bureau officer, stating the reasons which lead him to believe that the purchase should not be made at that time, and in the event of a disagreement each shall submit a written statement of his position to the Postmaster General through the Committee of Awards. The order shall be sent to the contractor by the Purchasing Agent, the triplicate retained on file, and the duplicate attached to the contractor's invoice when prepared for payment.

(h) **Open-market purchases.** Requisitions for articles not under contract shall be made on the Purchasing Agent by the superintendent, director, or chief of the division requiring the supplies, approved by the head of the bureau. The Purchasing Agent, after ascertaining that there is no contract under which the purchase may be made, shall issue proposals and specifications and, when practicable, send them to three or more responsible dealers, so as to reach them at least three days prior to the date fixed for the opening of the bids. If samples are available, they shall accompany the specifications calling for proposals, or a statement shall be made as to where samples may be seen. Bids received by the Purchasing Agent and bidders' samples, if furnished, shall be submitted to the Committee of Awards, or to the officer making the requisition, who shall examine them, recommend an award, mark the accepted samples, and return bids and samples to the Purchasing Agent for his action. If a purchase is made, the order shall be drawn in the manner prescribed in paragraph (g). The approved bid shall be held by the Purchasing Agent to be attached to the contractor's invoice, and the accepted sample, if any, shall be forwarded to the board of inspection.

(i) **Purchase forms.** Forms prescribed by the Comptroller General shall be used for purchases for the Post Office Department and for the postal service. Two copies of the proper form shall accompany each order sent to the contractor, except where statements are rendered monthly or at other stated periods, in which case the invoice may be made to cover all orders during the period.

(j) **Board of inspection.** A board of inspection, appointed by and acting under the direction of the Postmaster General, shall, except as hereinafter provided, receive and inspect all supplies purchased which are delivered in Washington, reporting their findings in triplicate to the Purchasing Agent. Each copy of the report shall be signed by not less than two members of the board. The Purchasing Agent, after endorsing his action on the report, shall attach the original to the contractor's invoice, retain the duplicate on file, and return the triplicate to the board of inspection. The board shall retain custody of the articles until they are accepted or rejected by the Purchasing Agent. If accepted, the articles shall be turned over to the requisitioning officer, who shall give a receipt therefor. If rejected, they shall be disposed of under direction of the Purchasing Agent: *Provided*, That when inspections in the field are necessary the Purchasing Agent shall request the Postmaster General to designate one or more persons to perform this duty, and they shall report their findings in the same manner as prescribed for inspections made by the board of inspection in Washington. In emergent cases, when the requisitioning officer shows the necessity therefor, the Purchasing Agent may waive the inspection, and in

such cases he shall state the reasons for the waiver on the invoice when it is prepared for payment. The Purchasing Agent shall have the right to make an independent inspection, and for this purpose may ask the Postmaster General for any necessary assistance.

(k) Invoices. All invoices shall be received by the Purchasing Agent. Those for accepted supplies shall be properly prepared, certified for payment, and transmitted by him to the requisitioning officer, who will enter them on the Postmaster General's journal and then forward the invoice with the journal for payment. A copy of that portion of the journal authorizing payment for purchases shall be sent to the Purchasing Agent for his information.

(l) Rejected supplies. If supplies are rejected, the Purchasing Agent shall immediately notify the contractor, the requisitioning officer, and the board of inspection, giving the reasons therefor. If contractors fail to remove supplies within the time specified by the Purchasing Agent, the supplies may be sent to storage by the Purchasing Agent at the contractors' risk and expense.

(m) Accounts. The bureau officers shall be responsible for the appropriations under their control and shall keep an accurate account of the expenditures authorized thereunder. The bureau officers shall furnish the Purchasing Agent a statement of the balances of the appropriations under their jurisdiction out of which supplies are purchased as frequently as they are determined. The Purchasing Agent shall keep individual ledger accounts with contractors and such general accounts of expenditures for purchases as he may deem necessary.

(n) Correspondence. Correspondence with contractors and others from whom supplies are purchased shall be conducted by the Purchasing Agent. The Purchasing Agent shall also issue any necessary instructions to postmasters regarding inspection of supplies. Correspondence with postmasters and other postal officials in regard to supplies shall be conducted by the officer controlling the appropriation to which the supplies are chargeable.

(o) Supplies for the Department. All appropriations for supplies for the Post Office Department shall be under the control of the Chief Clerk and Director of Personnel of the Department, except the appropriation for post-route maps, which shall be under the control of the Fourth Assistant Postmaster General. The regulations hereinbefore prescribed shall govern purchases under these appropriations.

§ 6.9 Delivery of supplies by contractor. In making contracts for [postal cards], stamped envelopes, stamped paper, and all other supplies, the Postmaster General may require the contractor, under such regulations as he may prescribe, to make delivery at such points in the United States as he may direct, whenever, in his opinion, any such contract can be made at a saving to the Government. (Sec. 2, 28 Stat. 106; 39 U. S. C. 359.) (See §§ 6.5, 6.12, 8.7, and 8.10.)

§ 6.10 Industries in Federal penal and correctional institutions—(a) Conduct of. Any industry established under this chapter shall be so operated as not to curtail the production of any existing arsenal, navy yard, or other Government workshop.

Such forms of employment shall be provided as will give the inmates of all Federal penal and correctional institutions a maximum opportunity to acquire a knowledge and skill in trades and occupations which

will provide them with a means of earning a livelihood upon release.

The industries may be either within the precincts of any penal or correctional institution or in any convenient locality where an existing property may be obtained by lease, purchase, or otherwise. (62 Stat. 851; 18 U. S. C. 4123.)

(b) Purchase by Government agencies of products from. The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the Director of the Bureau of Federal Supply, Department of the Treasury, and the Director of the Bureau of the Budget, or their representatives. Their decision shall be final and binding upon all parties. (62 Stat. 851; 18 U. S. C. 4124.)

§ 6.11 Procurement by Public Printer for executive departments—(a) Certain office supplies. The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any executive department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the department or Government establishment requiring the same. (Sec. 1, 32 Stat. 481; 44 U. S. C. 227.)

(b) Paper and envelopes. The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing, as provided in sections 5 to 12, inclusive, of this title, and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose; paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (Sec. 1, 43 Stat. 592; 44 U. S. C. 225.)

PROPERTY

§ 6.12 Postmaster General to contract for envelopes for all Government departments—(a) Authority. The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for

use by the Post Office Department, the Postal Service, and other executive departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor. (34 Stat. 476; 39 U. S. C. 355.) (See § 6.5.)

(b) Envelopes, labels, and other articles bearing penalty indicia. All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within 60 days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year.

This * * * [act] shall take effect July 1, 1948 * * *. (Secs. 301, 309, 62 Stat. 1048, 1049; 39 U. S. C. 321i.)

NOTE: The act also authorizes the appropriation of such sums as may be necessary to carry out the provisions of the act. (See § 37.14 for other provisions of the act.)

§ 6.13 Blank forms and supplies for money-order service. [Except as provided in section 111 of Title 44, or otherwise provided by law], all blanks, blank books, and printed or engraved matter supplied to postmasters by the Postmaster General or used in his department for the transaction of the money-order business shall be obtained from the lowest responsible bidders for furnishing printed and engraved matter, respectively, under separate advertisements calling for proposals to furnish the same * * * upon such conditions as the Postmaster General may prescribe: *Provided*, That the Director of the Bureau of Engraving and Printing of the Treasury Department shall submit estimates of the cost of furnishing such printed and engraved matter as may be required for use in the money-order business, and shall furnish such printed and engraved matter whenever upon his estimates of cost the expenditure therefor will be less than upon proposals made as above provided for. (Sec. 2, 22 Stat. 527, as amended; 39 U. S. C. 715.)

NOTE: The omitted part shown by stars refers to term of contract and is included in § 6.5. See § 6.23.

§ 6.14 Uniform canceling ink. The Postmaster General may adopt a uniform canceling ink or other appliance for canceling stamps

which experiments and tests have proved or may prove to be the most practicable and the best calculated to protect the revenues of the department from the frauds practiced upon it, to be used in all the post offices where stamps are canceled, and he may distribute said canceling ink or other appliance in the same manner as other supplies are distributed to the different post offices in the United States. (Sec. 1, 20 Stat. 240; 39 U. S. C. 367.)

§ 6.15 Metric postal balances. The Postmaster General shall furnish to the post offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression. (R. S. 3880; 39 U. S. C. 810.)

§ 6.16 Authority to turn over Army vehicles and airplanes for use of Postal Service. The Secretary of the Army is authorized, in his discretion, to deliver and turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles, aeroplanes, and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service; and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, out of any appropriation available for the service in which such vehicles or aeroplanes are used. (Sec. 8, 40 Stat. 753, as amended; 39 U. S. C. 504.)

§ 6.17 Unserviceable property and waste materials—(a) Procedure for handling. Unserviceable property and waste materials accumulating in the department proper, the Washington, D. C., post office and the Mail Equipment Shops shall be handled in the following manner: Reports covering unserviceable property and waste materials shall be made to the Chief Clerk and Director of Personnel, describing the property, and when practicable, giving the record number of each piece. The board of inspection, or such special committee as may be designated by the Postmaster General, when so directed, shall make a careful inspection and report to the Postmaster General, with respect to each article, as to whether it should be condemned and sold or otherwise disposed of. If the report of the board or committee is approved by the Postmaster General, the Chief Clerk and Director of Personnel shall dispose of the property as recommended, keeping a record thereof in his files. The property condemned shall be in the custody of the Chief Clerk and Director of Personnel, who shall dispose of same in accordance with the law and Executive orders of the President.

(b) Waste paper. The Chief Clerk and Director of Personnel shall dispose of waste paper accumulating in the Washington, D. C., post office and Mail Equipment Shops in accordance with the law and Executive orders of the President.

(c) In motor-vehicle service. Unserviceable property and waste materials accumulating in the motor-vehicle service shall be disposed of as outlined in the rules and regulations for conducting Government-owned motor-vehicle service.

(d) In field service. Unserviceable property and waste materials not specified in paragraph (c) above or in § 6.22, accumulating in the field service, shall be disposed of in the following manner: Whenever sufficient unserviceable property or waste materials accumulate to justify inviting bids for its sale, a list thereof shall be prepared by the postmaster. The postmaster shall appoint a committee of three, to consist of supervisory employees when possible, who shall be required to make a careful inspection of each article and submit a report to the postmaster for approval as to whether it should be condemned or sold or otherwise disposed of. After approval of the report the postmaster shall prepare proposals inviting competitive bids covering unserviceable property and waste materials recommended to be disposed of. Copies of said proposals shall be distributed as widely as possible and mailed to all known dealers in the materials to be sold, etc. As much as possible shall be realized from such sales and the proceeds shall be accounted for as miscellaneous receipts. (See §§ 7.2 and 17.35 to 17.37, inclusive.)

(e) Surplus-property officer. The Chief Clerk and Director of Personnel of the Post Office Department is the surplus-property officer for the department and entire postal service. All surplus property accumulating in the department or field service shall be reported through proper channels to the Chief Clerk and Director of Personnel, who, under such rules and regulations as the Postmaster General may promulgate, shall issue the necessary instructions relative to the final disposition thereof.

§ 6.18 Sale of unsuitable airplanes and aviation material. The Postmaster General may sell under such rules and regulations as he may prescribe any airplanes, parts thereof, field equipment, tools, and other aviation material which have become unsuitable in the Postal Service or which will deteriorate and become unsuitable before it can be used. The proceeds of such sales shall be covered into the Treasury as "Miscellaneous receipts." (Sec. 1, 41 Stat. 1031; 39 U. S. C. 468.)

§ 6.19 Gifts and bequests for library of Post Office Department—(a) Authority to accept. The Postmaster General is hereby authorized to accept, receive, hold, and administer gifts and bequests of personal property, and loans of personal property other than money, from individuals or others for the benefit of the library of the Post Office Department, its collections, or its services. Gifts or bequests of money shall be deposited in the Treasury of the United States under the title "Library fund of the Post Office Department," and shall be subject to disbursement by the Postmaster General for the purposes in each case specified.

(b) For tax purposes deemed gift to United States. For the purpose of Federal income, estate and gift taxes, gifts and bequests accepted by the Postmaster General under the authority of this Act shall be deemed to be a gift or bequest to or for the use of the United States.

(c) Investment of funds. The Secretary of the Treasury is authorized, upon request of the Postmaster General, to invest or reinvest

the funds, or any part thereof, deposited in the Treasury pursuant to section 1 of this Act in securities of the United States Government or in securities guaranteed by the United States Government. The interest accruing from such securities shall be deposited to the credit of the library fund of the Post Office Department. (Secs. 1-3, 60 Stat. 924; 5 U. S. C. 393.)

§ 6.20 Archives and records of United States—(a) Powers of Archivist. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and where-soever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives or records as the National Archives Council * * * shall approve for such transfer, * * * *Provided*, That whenever the head of any agency shall specify in writing restrictions on the use or examination of records being considered for transfer from his custody to that of the Archivist that appear to him to be necessary or desirable in the public interest, the Archivist shall impose such restrictions on such of the records as are transferred to his custody; and restrictions so imposed shall not be removed or relaxed by the Archivist without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated: *And provided further*, That restrictions on the use or examination of records in the custody of the Archivist heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 18, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Archivist with the concurrence in writing of the head of the agency from which the material has been transferred or by the Archivist alone if the existence of that agency shall have been terminated. (Sec. 3, 48 Stat. 1122, as amended; 44 U. S. C. 300c.)

(b) Examination and use of records by Archivist and Archives employees. Whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the custody of the Archivist of the United States, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Archivist of the United States and to the employees of the National

Archives Establishment, respectively. (Sec. b, 62 Stat. 59; 44 U. S. C. 300f-1.)

(c) **Authority to make certifications or determinations as to records.** Any officer of the United States Government who is authorized to make certifications or determinations on the basis of records in his custody is hereby authorized to make certifications or determinations on the basis of records that have been transferred by him or his predecessors to the custody of the Archivist of the United States. (Sec. c, 62 Stat. 59; 44 U. S. C. 300h-1.)

§ 6.21 Preservation of Government records by Archivist—(a) Report to Archivist. The head of each agency of the United States Government shall submit to the Archivist of the United States, * * * , (1) lists of any records in the custody of the agency that have been photographed or microphotographed * * * and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. (Sec. 3, 57 Stat. 381; 44 U. S. C. 368.)

(b) **Report of Archivist to Congress—(1) Of lists submitted by agencies.** The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him * * * : *Provided*, that the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency. (Sec. 4, 57 Stat. 381, as amended; 44 U. S. C. 369.)

(2) **Of recommendations for preservation or disposal.** The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have

sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. (Sec. 4, 57 Stat. 381, as amended; 44 U. S. C. 369.)

(c) When joint Congressional committee extends preservation period. If the joint committee (of Congress) reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the * * * agency * * * or agencies having such records in their custody of the action of the joint committee and * * * such agency or agencies shall cause such records to be disposed of * * *: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 4 of this Act [par. 2 (b) of this section] shall be permissive and not mandatory. (Sec. 6, 57 Stat. 381, as amended; 44 U. S. C. 371.)

(d) When joint Congressional committee fails to take action. If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the * * * agency * * * or agencies having in their custody records covered by such lists or schedules to cause * * * such records * * * to be disposed of * * *. (Sec. 7, 57 Stat. 382, as amended; 44 U. S. C. 372.)

(e) Disposal by precedent. Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time * * * and without listing or scheduling them. (Sec. 8, 57 Stat. 382; 44 U. S. C. 373.)

(f) Records pertaining to claims or Government accounts. Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted * * * until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States. (Sec. 9, 57 Stat. 382; 44 U. S. C. 374.)

(g) Records deemed a menace. Whenever the Archivist and the head of the agency that has custody of them shall jointly determine

that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary * * * (Sec. 10, 57 Stat. 382; 44 U. S. C. 375.)

(h) Disposal in wartime. At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within 6 months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. (Sec. 11, 57 Stat. 382; 44 U. S. C. 376.)

(i) Moneys from sale of records. All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of [sections 366–380 of this title] this Act shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency. (Sec. 14, 57 Stat. 383; 44 U. S. C. 379.)

(j) Scope of provisions. The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of [sections 366–380 of this title] this Act. (Sec. 15, 57 Stat. 383; 44 U. S. C. 380.)

(k) Definition of "records." When used in * * * [this act], the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes,

extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in [sections 366-380 of this title] this Act. (Sec. 1, 57 Stat. 380; 44 U. S. C. 366.)

(l) **Action regarding accumulated postal records.** Whenever there shall be in any post office, field office of the Railway Mail Service, Air Postal Transport, or Post Office Inspection Service an accumulation of records which are not needed in the transaction of current business and are without preservation value as prescribed in paragraph (a) of this section, the following action shall be taken:

(1) **Those listed with specific retention periods.** Records which are listed in the Manual of Instructions for Postal Personnel with specific retention periods shall be disposed of promptly upon a determination (1) that the specified retention period has expired, and (2) that further retention is not required under paragraphs (f) and (o) of this section. These determinations shall be made by the respective postmasters, division general superintendents of the Railway Mail Service, regional superintendents of the Air Postal Transport, and inspectors in charge; in case of doubt, inspectors in charge shall be consulted by the others mentioned.

(2) **Those listed with indefinite retention periods.** Records which are listed in the Manual of Instructions for Postal Personnel with indefinite retention periods or which are not listed in the Manual shall not be disposed of until the following steps have been taken: (1) a letter is secured from the proper bureau or office of the Department specially authorizing the reporting of such records accumulated within specified periods, and (2) this letter is submitted to the inspector in charge and his authorization for disposal of such records is received.

(m) **Review of reports by inspectors in charge.** Such reports shall be reviewed by inspectors in charge and if it is found that the records listed therein are no longer needed, the reports shall be transmitted to the department for reference to the National Archivist. Inspectors in charge shall report in like manner any records on hand in their offices which should be disposed of.

(n) **Disposition of records when authorized.** Disposition of records authorized for disposal shall be made, subject to the provisions of paragraphs (f) and (o) of this section, by:

(1) **Sale as waste paper,** provided that unless the said records shall have been treated in such a manner as to destroy their record content, any contract for sale of them shall contain a provision prohibiting their resale as records or documents. (See § 6.22 as to obtaining of competitive bids, etc.)

(2) **Destruction,** if profitable sale cannot be effected or if necessary to prevent disclosure of information that might be prejudicial to the interests of the Government or of individuals.

(3) **Transfer,** without cost to the United States Government, to any person or organization whose request, made through the Postal Establishment or directly to the National Archives, has been approved by the Archivist of the United States.

(o) **Records of legal action by or against United States.** When there has arisen an action at law or equity either by or against the United States involving the Postal Service, or any prosecution under the laws of the United States, all files and records in post offices, field offices of the Railway Mail Service, Air Postal

Transport, or of the Post Office Inspection Service relating to the cause of action shall be retained until otherwise instructed.

NOTE: See Manual of Instructions for Postal Personnel for description of files and records to be retained and the periods of retention.

§6.22 Waste paper and twine—(a) Preservation and sale of. Postmasters shall carefully preserve all waste paper, which shall include dead and unclaimed domestic printed matter (see § 43.46), facing slips that have been used (see § 43.2), and all other useless paper and all waste twine, including remnants of twine unfit for use (see § 41.14). As much as possible shall be realized from this waste matter, competitive bids being procured¹ if feasible. All proposals, except as provided for in paragraph (b) of this section, for the sale of such material accumulated in Federal buildings in which post offices are located and in classified stations and branches thereof, and also in post offices and classified stations and branches thereof located in leased quarters, shall be procured and sent to the Fourth Assistant Postmaster General, Division of Federal Building Operations, by the custodians of the Federal buildings and by the postmasters of post offices located in leased quarters. When practicable such waste material should be sold before the expiration of the quarter and the proceeds accounted for as postal funds. (See §§ 7.2 and 17.35 to 17.37, inclusive.) Form 1096 (Revised) should be used for the purpose of giving and securing a receipt for moneys collected and deposited. Waste paper and twine shall not be sent free in the mails to a purchaser and mail bags shall not be used to store or carry it away. If, after exhausting every resource, a profitable market cannot be found, such waste material shall be disposed of, without expense to the Department if practicable. Undeliverable printed matter such as picture cards, newspapers, magazines, and other periodical publications, falling within the term "waste paper," for which no sale can be effected, may, if suitable for the purpose, be delivered by postmasters, on application therefor, to the proper local municipal authorities for distribution to hospitals, asylums, or other charitable or reformatory institutions.

NOTE: For a list of dealers in paper stock communicate with the local chamber of commerce or board of trade, or those of nearby cities. Sales should be made in the neighborhood of post offices, if possible.

(b) Magazines and periodicals. At offices designated by the First Assistant Postmaster General, and under instructions issued by him, such undeliverable magazines and periodicals as may be deemed suitable shall be segregated from publications subject to disposal as waste, and sold to the highest bidder as magazines and periodicals. Complete records of such sales shall be kept and the funds resulting therefrom shall be deposited by postmasters as part of the postal revenue and accounted for under "Miscellaneous Receipts" of the monthly and quarterly report, with a separate supporting schedule. A quarterly report of the magazine sales shall be transmitted to the Bureau of the First Assistant Postmaster General.

PRINTING AND BINDING

§ 6.23 Printing, binding, and blank-book work—(a) To be done at Government Printing Office. All printing, binding, and blank-book work for Congress, the Executive Office, the judiciary, and every executive department, independent office, and establishment of the

Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District. (Sec. 87, 28 Stat. 622, as amended; 44 U. S. C. 111.)

(b) Only as authorized by law. No printing or binding shall be done at the Government Printing Office unless authorized by law. (Sec. 86, 28 Stat. 622; 44 U. S. C. 116.)

(c) Within appropriation and by requisition. No printing shall be done for the executive departments in any fiscal year in excess of the amount of the appropriation, and none shall be done without a special requisition, signed by the chief of the department and filed with the Public Printer. (Sec. 89, 28 Stat. 622, as amended; 44 U. S. C. 213.)

(d) Form and style of work. The forms and style in which the printing or binding ordered by any of the departments shall be executed, and the material and the size of type to be used, shall be determined by the Public Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (Sec. 51, 28 Stat. 608; 44 U. S. C. 216.)

(e) Certain reports not to be printed. The following reports required by law to be made to Congress shall not be printed unless the printing be recommended by the head of the department making the same, and ordered by concurrent resolution of Congress, namely: Report of contracts for conveying the mails, report of fines and deductions in the Post Office Department, * * *. (Sec. 4, 28 Stat. 205, as amended; 44 U. S. C. 223.)

(f) Power of Joint Committee on Printing. The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications. (Sec. 2, 28 Stat. 601, as amended; 44 U. S. C. 4.)

GOVERNMENT TELEGRAMS

§6.24 Government telegrams; rates and priority—(a) Statutory status. The prior statutory requirement that certain telegraph companies give preferential rates and priority to telegrams between the several departments of the Government and their officers and agents was repealed as of July 26, 1947, by section 1 of Public Law 193, approved July 16, 1947. (See 61 Stat. 327; 47 U. S. C., Sup., 1-6, note.)

(b) Authority of Federal Communications Commission. Nothing in this Act shall limit the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended to prescribe charges, classifications, regulations,

and practices, including priorities, applicable to Government communications. (Sec. 2, 61 Stat. 327; 47 U. S. C., Sup., 1-6, note.)

PART 7—POSTAL REVENUES AND OTHER PUBLIC FUNDS: SOURCES AND DISPOSAL OF

Sec.	SOURCES OF REVENUE	Sec.	DISPOSAL OF FUNDS AND PROPERTY UPON CHANGE OF POSTMASTERS
7.1	Revenues to be deposited in Treasury or designated depositories.	7.18	Amount to be remitted.
7.2	Miscellaneous receipts.		TEMPORARY DEPOSITS IN BANKS
	CARE OF PUBLIC FUNDS	7.19	Temporary deposits in banks.
7.3	Safety of public money.	7.20	Funds placed in safety deposit vaults.
7.4	Care of public funds and property.		TREATMENT OF DEPOSITS BY DEPOSITARIES
7.5	Confiscation and transmittal of counterfeit money and securities.	7.21	Keeping of accounts by depositories.
7.6	Disbursing officers to deposit funds with Treasury.	7.22	Opening of remittances at depository offices.
7.7	Exchange of funds by disbursing officer or agent of Government.	7.23	Payment of postal revenues into the Treasury.
7.8	Postmasters and others to pay over moneys to designated depositories.	7.24	Deposit of surplus funds by depository offices.
7.9	Deposits.	7.25	Bringing deposits into the Treasury.
7.10	Preparation of remittances.	7.26	Depositories to make returns of deposits and payments.
7.11	Acceptance of checks and drafts.		DISPOSAL OF FUNDS AND PROPERTY UPON CHANGE OF POSTMASTERS
7.12	Credits for deposits.	7.27	Disposal of property upon change of postmasters.
7.13	Penalty for failure to pay over balances.	7.28	Disposal of funds upon change of postmasters.
7.14	Depositories for postal funds.		
7.15	Remittances not to be sent to Department.		
7.16	Depositing of surplus funds.		
7.17	Transfer of money.		

SOURCES OF REVENUE

§7.1 Revenues to be deposited in Treasury or designated depositories.

Revenues from all sources except so much of the receipts at post offices as may be needed to pay the authorized expenditures thereof, shall be deposited in the Treasury or designated depositories for the use of the Post Office Department.

NOTES: The revenues of the Postal Service are derived from—

- (a) Postage.
- (b) Box rents.
- (c) Money-order and postal-note fees.
- (d) Dead letters and undeliverable matter.
- (e) Fines and penalties.
- (f) Balances from foreign countries.
- (g) Miscellaneous.
- (h) Unpaid money orders more than one year old.
- (i) Excess of profit accruing from postal-savings deposits or investment of postal-savings funds.

Money-order funds are not part of the postal revenues, although the net proceeds of the money-order business ultimately become part of postal receipts.

See § 76.1, as to money-order funds; § 17.22, as to expenditures by postmasters out of receipts of office; § 27.11, as to key-deposit funds; § 18.47, as to fines and penalties; § 18.8, as to manner of keeping accounts.

§7.2 Miscellaneous receipts. Unclaimed money in dead letters for which no owner can be found; all money taken from the mail by

robbery, theft, or otherwise, which may come into the hands of any agent or employee of the United States, or any other person whatever; all fines and penalties imposed for any violation of the postal laws, except such part as may by law belong to the informer or party prosecuting for the same; and all money derived from the sale of waste paper or other public property of the Post Office Department, shall be deposited in the Treasury, under the direction of the Postmaster General, as part of the postal revenue. And the Postmaster General shall cause to be placed to the credit of the Treasurer of the United States, for the service of the Post Office Department, the net proceeds of the money-order business; and the receipts of the Post Office Department derived from this source during each quarter shall be entered by the bureau of accounts in the Post Office Department in the accounts of such department, under the head of "revenue from money-order business." (R. S. 4050, as amended; 39 U. S. C. 782.)

NOTE: See § 18.47, as to collection of fines, penalties, and forfeitures, and payment of half to informer; § 17.18, as to money stolen from the mails; § 6.22, as to sale of waste paper and twine by postmasters; § 6.17 as to unserviceable property and waste material.

CARE OF PUBLIC FUNDS

§ 7.3 Safety of public money—(a) Provision. Postmasters shall keep safely without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster General to be transferred or paid out. All money collected on mail delivered at their respective offices shall be deemed to be public money in the possession of the postmasters within the meaning of this section. (R. S. 3846, as amended; 39 U. S. C. 46.)

(b) Regulations applicable to various funds. The regulations relative to the care of public funds shall apply to money-order, postal-note, key-deposit, and postal-savings funds as well as postal funds. (See §§ 27.11, 27.12, 76.1, and 76.2.)

NOTE: See § 130.12 as to punishment for misappropriating public funds or property; § 130.16 as to penalty for violation of above section.

§ 7.4 Care of public funds and property—(a) Funds to be segregated. Postmasters shall exercise all possible care for the protection of the public funds and property in their custody. Public funds shall be kept entirely separate from all other moneys in the possession of the postmaster and shall not be mingled with personal funds.

(b) Under lock when office is closed. During business hours money and stamps shall be kept in places inaccessible to the public and concealed from view. Funds and stamps left in a post office at night, or when the office is closed temporarily during the day, shall be kept in locked iron safes or in vaults, if such have been provided; otherwise they shall be kept in strong drawers or other fixed receptacles, which shall be fastened with good locks. Money and stamps shall not be left at night or when the office is closed temporarily during the day in tin or iron boxes even though locked, nor in cash drawers secured by finger-combination locks.

Funds and stamps shall not be hidden about the office or elsewhere. The doors and windows of the office shall be made as secure as possible.

(c) **Safes to be completely locked; combinations.** At night or when the office is left without occupants iron safes with combination locks shall be carefully and completely locked with the full combination on the outer doors and on the inner burglar-proof chest, if there is one. Available burglar-proof chests shall be used to their capacity for the safeguarding of money, stamps, and other accountable property in order of greatest value and consistent with the maintenance of individual responsibility. No credit will be allowed for losses from safes fastened only with a "day lock" or "day combination." A postmaster upon taking charge of his office shall immediately change the combination on every safe therein, except that at first-class offices operating under the Two-Division Plan only those safe combinations known to the former postmaster shall be changed; and where an employee knowing the combination of a safe or vault is separated from the service, or where at any time a safe is procured, either new or second-hand, the postmaster shall immediately change the combination. Failure to make such change shall be considered as prima facie evidence of contributory negligence on the part of the postmaster in any case where claim is made for credit for money or other property stolen from such safes which have been opened without resort to violence.

(d) **Furnishing and use of safes in contract stations.** Clerks in charge of contract stations shall provide safes, or in lieu of a safe, strong drawers or other fixed receptacles, which shall be fastened with good locks, in accordance with the terms of their contracts. If a safe has been provided, all funds and stamps, with the exception of a small working supply for the convenience of the public, outside of the usual business hours, shall be placed in the safe at night and the safe carefully and completely locked. Such working supply of stamps and change, not exceeding \$10, need not be placed in the safe at night, provided it is kept in a strong drawer or other fixed receptacle securely fastened with a good lock. Whenever during the course of a day's business a considerable amount of funds has accumulated, the greater portion thereof shall be taken from the cash drawers and placed in the safe, or in the fixed receptacle provided in lieu of a safe, instead of leaving it in the cash drawers until closing time.

(e) **Stamp stock and funds not to remain in cabinet.** Stamp stock and funds derived from the sales thereof belonging to the fixed credit of clerks shall not be allowed to remain in stamp cabinets over night, or between Saturday and Monday, or any other time after a tour of duty has ended. If the vault is of a size that will not accommodate the cabinets, an individual stamp drawer or metal box equipped with a lock shall be provided in the vault or in the safe for each clerk, where such receptacle shall be placed at the end of his tour of duty.

NOTE: See § 9.1 as to reimbursement for losses.

§7.5 **Confiscation and transmittal of counterfeit money and securities—(a) Transmittal to Treasury.** Pursuant to Treasury Regulations issued under authority of 18 U. S. C. 286 (now revised, 18 U. S. C. 492), signed by the Acting Secretary of the Treasury on July 13, 1948, all United States post offices are authorized to take possession of and deliver to the Treasury Department, through the Secret Service Division, all counterfeit obligations and other securities and coins of the United States or of any foreign government which shall be presented at such post offices. Accordingly, postmasters and postal employees to whom counterfeit currency, coins, obligations, and other securities of the United States or of any foreign government, except counterfeit postage stamps, are presented

shall confiscate such counterfeits and shall promptly transmit same, by ordinary mail, to the nearest field office of the Secret Service Division of the Treasury Department (see following list) with a brief statement of facts and, if possible, the name and address of the person presenting the counterfeits or a description thereof. Field offices of the Secret Service Division of the Treasury Department are located in the following cities:

Albuquerque, N. Mex.	Indianapolis, Ind.	Phoenix, Ariz.
Atlanta, Ga.	Jackson, Miss.	Pittsburgh 30, Pa.
Baltimore 3, Md.	Jacksonville, Fla.	Portland 7, Oreg.
Birmingham, Ala.	Kansas City, Mo.	Providence, R. I.
Boston 4, Mass.	Little Rock, Ark.	Richmond 3, Va.
Buffalo, N. Y.	Los Angeles 53, Calif.	Sacramento, Calif.
Charlotte 1, N. C.	Louisville 1, Ky.	St. Louis, Mo.
Chicago 80, Ill.	Memphis 1, Tenn.	St. Paul 1, Minn.
Cincinnati 2, Ohio	Miami, Fla.	Salt Lake City 10, Utah
Cleveland 14, Ohio	Milwaukee, Wis.	San Antonio 6, Tex.
Columbia, S. C.	Nashville 2, Tenn.	San Francisco 1, Calif.
Columbus 16, Ohio	Newark 1, N. J.	Seranton 1, Pa.
Dallas 1, Tex.	New Haven 1, Conn.	Seattle 4, Wash.
Denver 1, Colo.	New Orleans 11, La.	Spokane 5, Wash.
Detroit 26, Mich.	New York City 8, N. Y.	Springfield, Ill.
El Paso, Tex.	Oklahoma City, Okla.	Utica 1, N. Y.
Grand Rapids 1, Mich.	Omaha 1, Nebr.	Washington 25, D. C.
Houston 14, Tex.	Philadelphia 6, Pa.	

Mail should be addressed as follows:

United States Secret Service,
Treasury Department,

(City and State)

(b) Counterfeit stamps to be transmitted to inspector in charge. Counterfeit postage stamps shall be confiscated and promptly transmitted to the inspector in charge of the division in which the post office is located with a brief statement of facts and, if possible, the name and address of the person presenting such counterfeit postage stamps. (See §§ 130.24 to 130.26, inclusive.)

(c) Receipt form. A receipt in substantially the following form shall be given to persons from whom counterfeits are confiscated in accordance with the provisions of the above regulations:

UNITED STATES POST OFFICE

RECEIPT FOR COUNTERFEITS AND CONTRABAND PROPERTY

-----, 19-----

(Place) (Date)

Received from ----- the following
counterfeit or contraband property:

----- Counterfeit -----
----- Counterfeit -----

Signed -----
(Postmaster)

A duplicate of the receipt shall be retained by the postmaster and filed with the receipt which will be furnished him by the Secret Service Division of the Treasury Department.

§7.6 Disbursing officers to deposit funds with Treasury. Except as otherwise provided by law it shall be the duty of every disbursing officer having any public money intrusted to him for disbursement,

to deposit the same with the Treasurer * * * of the United States * * *, and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury * * *. (R. S. 3620, as amended; 31 U. S. C. 492.)

§ 7.7 Exchange of funds by disbursing officer or agent of Government. No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par * * *. (R. S. 3651; 31 U. S. C. 543.)

§ 7.8 Postmasters and others to pay over moneys to designated depositaries. All postmasters and other persons employed in the Postal Service who collect or receive moneys of any description connected with the business or operations of the Postal Service shall, as often as provided by law or as directed by the Postmaster General, pay over all such moneys, not otherwise legally expended, to their designated depositaries.

NOTE: See § 7.16 as to deposits of postal funds by postmasters; § 7.11, 7.21, and 7.22 as to treatment of deposits by depositaries; § 76.15 as to remittances of money-order funds; § 76.19 as to depositaries for money-order funds.

§ 7.9 Deposits—(a) Character of. Deposits of postal funds may be made in United States currency or coin, Treasury checks or other kinds of Government paper, paid money orders, or paid postal notes. (See par. (c) concerning bank checks.)

(b) Paper that may be cashed; endorsement for deposit. A postmaster may cash with postal funds disbursing postmasters' checks, pension checks, Post Office Department warrants, Postal Savings System checks, and other kinds of Government paper, provided they are received from responsible persons whose endorsement on said paper the postmaster is willing to guarantee. When a check drawn on the Treasurer of the United States is cashed by a postmaster he shall immediately endorse it to the order of his central accounting postmaster; the Federal Reserve Bank or branch or authorized Government depositary located in his city; or the bank in which he makes temporary deposits of postal funds in accordance with § 7.19, so that it may not be negotiated by any other person.

(c) Bank drafts used to remit surplus funds. Such paper, as well as checks and drafts issued by or drawn on national or State banks or trust companies, may be used by postmasters to remit their surplus postal funds, provided they

can make satisfactory arrangements with their depositaries to receive them at par. Postmasters will be held liable on their official bonds for any losses of Government funds resulting from fault or negligence on their part.

(d) **What shall not be included in deposits.** Postmasters in making deposits shall not use postage stamps, foreign coins and notes, or mutilated coins and paper, or bank checks and drafts other than those issued by national or State banks or trust companies.

(e) **Money orders used to remit surplus funds.** Money orders paid by district postmasters shall be treated as cash, and such orders shall be used to remit their surplus funds.

NOTE: See § 7.11 as to treatment of drafts, etc., by depositaries; § 76.15 as to remittance of money-order funds.

§ 7.10 Preparation of remittances—(a) Requirements. Postmasters shall make remittances of surplus funds when possible by checks or drafts as provided by paragraph (c) of § 7.9, but when such paper is not available remittances of currency or coin shall be sent by registered mail, and there shall be (in addition to the person preparing the remittance) at least one reliable witness to the preparation and dispatch thereof.

(b) **Cash remittances.** Cash remittances shall be made in paper currency of the highest denominations obtainable, and when coin is included in a remittance it shall be securely wrapped and enclosed in a strong envelope. Remittances shall not be delayed to secure notes of large denominations or to exchange coin for notes. When remittances which include coin are dispatched by catcher-pouch service the coin shall be enclosed in coin bags, which will be furnished by the depositary upon application.

(c) **Counting and witnessing.** The notes or coin comprising the remittance shall be counted by the postmaster or assistant who prepares such remittance in the presence of the witness, who shall also count them.

(d) **Form of remittance letter.** Remittance Letter, Forms 3044-D and 3044-E shall be used by postmasters at direct accounting offices when postal funds are remitted and Forms 1842-D and 1842-E by postmasters at district offices.

(e) **Statement of denominations of currency.** When currency is included in a remittance, the number of bills of each denomination should be listed on the remittance letter.

(f) **Signature of witness.** The witness shall sign both the original and copy of the remittance letter, the latter of which shall be kept on file in the post office.

(g) **Package to be registered and dispatched in presence of witness.** The remittance and letter shall be included in an envelope sufficiently strong to hold the contents, sealed, and prepared for registration in accordance with § 58.14. They shall be continuously under the observation of the witness from the time the money is counted until the package is placed in the pouch and the pouch locked and delivered to the mail carrier or other person authorized to receive the same.

(h) **When no witness available.** When no one can be secured to witness the preparation and dispatch of a remittance, the postmaster shall make a record of the fact on the remittance letter, and the copy retained in the office, giving the reasons therefor.

(i) **When instructions not complied with.** When a postmaster fails to comply with the foregoing instructions and the money is lost in transit, he shall be

required to make good the amount unless the facts relating to the remittance satisfactorily establish his exemption from blame.

(j) **Deposit of funds for different periods.** A deposit of postal funds may not be made covering more than one quarter. If, at the beginning of a new quarter, surplus funds are accumulated before the final deposit for the preceding quarter is made, separate remittance letters should be prepared for the funds applicable to each quarter.

(k) **When one postmaster deposits for another.** When a postmaster makes a deposit for another postmaster, he shall so state, as a separate certificate is required for each.

§ 7.11 **Acceptance of checks and drafts—(a) Responsibility.** The Treasurer of the United States, Government depositaries, and depository postmasters may accept checks and drafts issued by or drawn on national or State banks or trust companies, Post Office Department warrants, pension checks, checks of disbursing postmasters, and other kinds of Government paper, provided satisfactory arrangements are made for the acceptance of such drafts, checks, and other paper at the risk and cost of remitting postmasters.

(b) **When collection cannot be made.** When a draft cannot be collected, notice shall be sent immediately to the postmaster making the deposit, and to the Third Assistant Postmaster General, Division of Finance.

(c) **Exchange to be deducted from deposit.** When exchange must be paid for the collection of any draft, it should be deducted from the amount of the deposit.

(d) **Inquiries, to whom made.** All inquiries concerning the use of drafts and Government paper for the deposit of postal funds shall be addressed to the Third Assistant Postmaster General, Division of Finance.

NOTE: See § 76.20 as to money-order funds; §§ 76.15 and 76.22 as to remittances of money-order funds by means of drafts.

§ 7.12 **Credits for deposits—(a) Rendering of postal accounts.** Postmasters shall take credit in their quarterly accounts for postal deposits. Postal accounts of direct-accounting offices shall be rendered to the Comptroller, Bureau of Accounts, promptly at the close of each quarter and not delayed awaiting the receipt of duplicate certificate of deposit. Certificates shall be examined on receipt, and if any error is found therein immediate notice shall be sent to the depository, in order that the necessary correction may be made.

(b) **Failure to receive acknowledgment of remittance, or error in certificate.** When an acknowledgment of the receipt of a registered package containing a remittance and a certificate of deposit are not received in due time from the depository, or any difficulty arises in correcting errors in a certificate, the facts shall be reported to the Third Assistant Postmaster General, Division of Finance, in the case of postal funds; and a report shall also be made to the inspector in charge of the division where the post office is located in case the receipt of a remittance is not acknowledged.

§ 7.13 **Penalty for failure to pay over balances.** Postmasters who fail to make deposits according to instructions, or pay over balances on demand of post office inspectors or other duly authorized representative of the Government, shall be liable to removal.

NOTE: See §§ 130.12 and 130.17 as to penalty for embezzlement of and failure to promptly remit postal funds.

§ 7.14 **Depositaries for postal funds.** The Treasurer of the United States, and such Government depositaries as may be specially designated by the Postmaster

General, and postmasters at such post offices as may be specially designated by the Postmaster General, shall be depositaries for postal funds.

NOTE: See §§ 76.18, 76.23, and 76.24 as to depositaries and depository offices for money-order funds.

§7.15 Remittances not to be sent to Department. Postmasters shall not remit surplus funds to the Post Office Department or the General Accounting Office. Money sent in this manner shall be at the risk of the remitting postmaster, and may be returned.

§7.16 Depositing of surplus funds—(a) Central-accounting offices as depositaries. Central-accounting postmasters are designated as sole depositaries for surplus postal funds for direct-accounting and district offices in the respective territories served. Central-accounting postmasters shall deposit their surplus postal funds as directed by the Third Assistant Postmaster General.

NOTE: Central-accounting post offices are listed in the *Manual of Instructions for Postal Personnel*.

(b) Washington, D. C., and Guam, Guam, post offices. The postmaster at Washington, D. C., shall deposit funds with the Treasurer of the United States. The postmaster at Guam, Guam, shall deposit surplus funds in the Bank of Guam to the credit of the account of the Treasurer of the United States.

(c) Dates of deposits. Direct-accounting postmasters shall deposit surplus postal funds on the 1st and 16th day of each month, except in instances where authority has been granted them to make salary payments at later dates pursuant to paragraph (b) of § 17.24. In such cases remittances of surplus funds shall be made not later than the authorized salary payment dates.

(d) District offices to deposit with central-accounting offices. Postmasters at second-class offices shall deposit surplus funds with the central-accounting office whenever the amount on hand during the quarter equals \$200; postmasters at third-class offices whenever the amount on hand equals \$100, and postmasters at fourth-class offices whenever the amount on hand equals \$50. In making such deposits postmasters at second-class offices may retain coin or currency not to exceed \$25, postmasters at third-class offices not to exceed \$15, and postmasters at fourth-class offices not to exceed \$10, when the remainder of the remittance consists of checks and paid money orders and the necessity of registering the remittance will thus be avoided, except at the end of the quarter, when, unless the postmaster has an authorized reserve, all surplus funds shall be deposited. Postmasters at district offices may retain such sums as may be required to meet any authorized disbursements of the office, which are due to be made within 15 days, except at the close of each quarter, when the exact amount due to balance the account shall be remitted. Remittances of cash shall consist of even dollars only and not include fractions of a dollar except at the end of a quarter. Small coins may be used, if necessary, in making remittances, but should amount to even dollars. When drafts, checks, paid money orders, etc., are used in making remittances the total of the remittance need not necessarily be in even dollars.

(e) Authorized reserve. At those district offices where the business requires that a sum of cash be kept on hand, the Third Assistant Postmaster General may authorize a "reserve" in such amount as he may determine. The postmaster to whom a "reserve" is granted may retain from deposit the amount thereof. In determining the amount of surplus funds on hand, the postmaster may deduct from the actual cash balance the authorized "reserve", and, if the

surplus so ascertained is sufficient to require deposit as outlined in paragraph (d) of this section, the necessary remittance shall be made.

(f) **Dispatching of remittances.** Whenever possible, remittances shall be prepared and dispatched after the close of business each day and, if a remittance is in the form of cash, it shall be registered. When funds subject to remittance are received after the dispatch of the last mail they shall be forwarded on the succeeding day on the last mail available that day, together with all the surplus funds that have accrued up to that time. Postmasters at offices of the second class who remit surplus funds by means of checks drawn against official checking accounts may retain until the next business day the funds which accumulate after the last opportunity to deposit in bank. Such accumulated funds shall be available for use in the transactions of the office until the latest opportunity to deposit on the first succeeding day on which the bank is open, and the remainder, if any, shall then be deposited with all surplus accruing up to that time.

(g) **Failure to make deposit at stated time.** Any postmaster who fails to deposit his surplus funds at the designated time shall be held liable for any loss that may result from such delay. To facilitate replacement in the event of loss, postmasters should keep adequate records of checks or drafts included in remittances or deposits.

(h) **Deposit of other than postal funds.** The regulations relative to the deposit of surplus funds and preparation and dispatch of remittances shall apply to money-order funds, except where a regulation applies specifically to postal funds only, and as provided in §§ 76.14 to 76.17, inclusive, relating to money-order funds.

NOTE: See §§ 76.18 to 76.24, inclusive, as to depositaries and treatment of deposits therein; § 7.2 as to deposit of money paid to postmaster on account of penalty or forfeiture.

§ 7.17 Transfer of money. The Postmaster General may transfer money belonging to the postal service between the Treasurer and designated depositaries, at his discretion, and as the safety of the public money and the convenience of the service may require. (R. S. 3641, as amended; 31 U. S. C. 523.)

NOTE: Whenever the postal revenues are insufficient to meet the current expenses, the Postmaster General makes a requisition upon the Treasurer, pursuant to the appropriations provided to meet such deficiencies, and the amount is placed to the credit of the Post Office Department. All expenditures for the postal service not settled directly by postmasters are made by warrants drawn by the Postmaster General and countersigned by the Comptroller General, which are paid by the Treasurer or Government depositaries. (See § 17.15.)

§ 7.18 Amount to be remitted—(a) When amount due not known. When a postmaster does not know the actual balance due on account of postal funds, an amount sufficient to cover all contingencies shall be deposited, and if there is any excess, proper credit shall be given on the account for the succeeding quarter. Deposits shall not be delayed awaiting a statement of account from the General Accounting Office.

(b) **When statement of disallowances or errors received.** On receipt of a statement from the General Accounting Office disallowing items or correcting errors in an account and requiring a deposit of the balance shown by the statement, such deposit shall be made promptly, except where a claim is pending as provided in § 9.2 (c).

NOTE: See § 76.15 as to money-order funds.

TEMPORARY DEPOSITS IN BANKS

§ 7.19 Temporary deposits in banks—(a) When no depositary in locality. Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no * * * designated depositary, may deposit the same temporarily, at his own risk and in his official capacity, in any national or State bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described. (R. S. 3847, as amended; 39 U. S. C. 47.)

(b) Depositary to be used when available. In places where a national bank, State bank, or trust company has been designated by the Treasury Department as a depositary of public funds, such bank shall be used by the postmaster to the exclusion of all others in making temporary deposits of postal funds.

NOTE: Designated depositaries are required to pledge collateral with the Treasury Department as security for deposits, and postmasters are thereby protected against loss of such deposits.

(c) Not to be carried in personal account. When temporary deposits of postal funds are made in banks they shall not be carried in a personal account of the postmaster, but shall be deposited in an account in the name of "Post Office Department, by _____, Postmaster."

(d) Regular remittances to depositaries. When temporary deposits are maintained by postmasters in national or State banks, regular remittances shall be made to their depositaries as provided in §§ 7.8, 7.9, 7.10, 7.12, 7.15, 7.16, and 9.2 (d).

(e) No funds for bank service charges. Funds are not appropriated to pay service charges made by banks for any reason whatever.

(f) Verification of checking accounts. Every postmaster carrying checking accounts in local banks shall, at least once each quarter, obtain from the banks statements of his checking accounts, verify the balance on deposit, and ascertain what checks drawn by him on such accounts remain unpaid.

(g) Unpaid checks. The amounts of all checks drawn by postmasters against their checking accounts with local banks remaining unpaid ONE full fiscal year from June 30 after the dates thereof shall be withdrawn as soon as possible after July 1 of each year and taken up in the postmaster's quarterly account under the receipt item "Outstanding Liabilities—Postal Service Checks," and deposited as surplus postal funds. A list of such checks shall be forwarded in duplicate with the postal account for the June quarter of each year, together with any checks unpaid for 1 full fiscal year from July 1, after their dates, which have been returned as undeliverable, uncalled for, etc. The list shall give the number and date of check, name and address of payee, by whom drawn, on what bank, for what purpose, and amount. A copy of such list shall be retained by the postmaster as part of his office records and a copy shall be furnished the bank with a notice to stop payment on the checks listed thereon. The foregoing shall not apply to checks of postmasters drawn on the Treasurer of the United States.

(h) Outstanding checks when change in postmaster occurs. When a change in postmaster occurs, the outgoing postmaster shall reconcile all checking ac-

counts and prepare a list of all outstanding checks, including those of his predecessor or predecessors as of that date, which shall be turned over to his successor. The incoming postmaster shall preserve the list of outstanding checks and subsequently take the same action thereon as provided in paragraph (g) of this section for his own checks.

(i) **Payment of old checks.** When a check, the amount of which has been carried to "Outstanding Liabilities—Postal Service Checks," or a check drawn by a postmaster on the Treasurer of the United States which is more than ten years old is presented for payment, the payee or owner claiming payment thereof shall be instructed to forward the check and the claim to the General Accounting Office, Claims Division, Washington 25, D. C., for settlement.

NOTE: "Public money" includes postal, money-order, and other funds.

See § 76.13 as to temporary deposit of money-order funds at offices where there are designated depositaries; § 17.23 as to use of checks in payment of expenses of offices, and checking accounts with the Treasurer of the United States.

§7.20 **Funds placed in safety deposit vaults—(a) At risk and expense of postmaster.** Any postmaster may, at his own risk and expense, place any public funds and property in his custody in any bank located in the town, city, or county in which the postmaster resides, for safekeeping; that is to say, such funds and property may be kept in a receptacle under the depositing postmaster's exclusive control, and the receptacle placed in a safe-deposit vault of such bank, or otherwise intrusted to it for safekeeping, at the risk and expense of the depositing postmaster. Under no circumstances shall such funds or property specially deposited in any bank for safekeeping be used by the bank or become a part of its assets, or be mingled with its regular deposits. Nothing in this section shall be so construed as to affect the claim of any postmaster to credit or reimbursement on account of loss resulting from burglary, fire, or other unavoidable casualty.

(b) **Regular remittances to depositaries.** All postmasters shall make regular remittances to their designated depositaries, as provided by §§ 7.8, 7.9, 7.10, 7.12, 7.15, 7.16, and 9.2 (d).

NOTE: See § 130.18 as to punishment of private banker who receives regular deposit of public funds.

TREATMENT OF DEPOSITS BY DEPOSITARIES

§ 7.21 **Keeping of accounts by depositaries—(a) Postal funds account.** Every depositary shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. (R. S. 3642; 31 U. S. C. 524.)

NOTE: This, of course, applies only to the Treasurer and Government depositaries.

(b) **Issuance of certificates of deposit; care of funds.** Postmasters at depositary post offices shall keep accurate accounts of all remittances received and issue certificates of deposit therefor on the forms provided by the Department; and the same rules in regard to the care of such funds shall be observed as in the case of other funds of the office. (See § 7.5.)

(c) **To be used same as regular receipts.** All deposits shall be treated in the same manner as the regular receipts of the depositary post office, and when such

receipts are not sufficient to meet the authorized expenditures of the office so much of the deposits as may be necessary shall be utilized for that purpose.

NOTE: The regulations concerning depositories for postal funds apply to depositories for money-order funds, except where the regulation applies specifically to postal funds, and as provided in §§ 76.18 to 76.24, inclusive, relating to money-order depositories; and distinctions must be carefully observed.

See § 7.24 as to remittances of surplus funds by depository offices; § 17.36 as to entry of deposits in postal accounts; § 7.26 as to reports of deposits to Comptroller, Bureau of Accounts, Post Office Department.

(d) Certificates not to cover different quarters. Certificates shall not include deposits covering different quarters; in such cases separate certificates shall be issued specifying the quarters or periods within a quarter for which deposit is made.

(e) When funds and remittance letter differ. When a remittance is less or more than the amount stated in the remittance letter, certificates shall be issued for the actual amount of the deposit.

(f) Deposit by one postmaster for another. When one postmaster makes a remittance for another, the certificate shall be issued in the name of the postmaster for whom the deposit is made. (See § 7.10.)

(g) When certificate issued for less than deposit. When it is found that a certificate has been issued for a less amount than the deposit, an additional certificate shall be issued for the difference.

NOTE: See § 76.21 as to money-order funds.

(h) Business to be handled same day as received. The amount of all deposits which reach depository post offices during business hours shall appear in the account for that day, and the certificates of deposit shall be issued and mailed the same day, unless otherwise specifically authorized by the Third Assistant Postmaster General, Division of Finance.

§ 7.22 Opening of remittances at depository offices—(a) Procedure. Postmasters at depository offices shall designate two or more employees two of whom shall take part in opening each registered package containing a remittance in currency, and shall examine and count the contents, and compare the same with the remittance letter. If any discrepancy is found in the amounts, it shall be noted on the letter and envelope over the initials of two witnesses. If the discrepancy is other than minor, or there is evidence of rifling or serious irregularity, or if after correspondence with the remitting postmaster minor discrepancies cannot satisfactorily be adjusted, a report together with all related papers should be sent to the inspector in charge of the division in which the remitting postmaster is located.

(b) Counterfeit money. When a remittance contains any apparently counterfeit notes or coins, they shall be submitted to the nearest field office of the Secret Service Division of the Treasury Department with a brief statement of facts.

NOTE: See § 7.5 for list of cities where field offices of the Secret Service Division of the Treasury Department are located.

(c) Postmasters to be promptly notified of errors. Postmasters making remittances shall in all cases be promptly notified by the depository of any errors in the same and such errors shall be clearly specified; but no portion of a deposit shall be returned except that imperfect money orders, redeemed savings stamps, negotiable paper, or similar items which cannot be credited in the form submitted may be returned for necessary corrections, endorsements, and so forth. The amount of the certificate of deposit shall be reduced accordingly.

(d) Irregularities as to time of mailing. Whenever a postmaster fails to for-

ward a remittance on the same day the remittance letter is dated or it is evident from the registry records or the time in transit that a remittance was not actually made on the date named in the letter, or when a remittance or the letter accompanying the same is not prepared in accordance with the instructions in § 7.10, the depository postmaster shall direct the attention of the offending office to the irregularities involved with a view to corrective action. Where an office is guilty of repeated offense of the same character the depository postmaster shall report the facts to the inspector in charge of the division in which the remitting postmaster is located.

§ 7.23 Payment of postal revenues into the Treasury. The postal revenues and all debts due the Post Office Department shall, when collected, be paid into the Treasury of the United States under the direction of the Postmaster General, and the Treasurer, or designated depository receiving such payment shall give the depositor a duplicate receipt therefor, to be retained by him in his office as a voucher, and shall forward the original to the Bureau of Accounts in the Post Office Department, to be placed to the credit of the depositor in audit of his accounts by the General Accounting Office. (R. S. 407, as amended; 5 U. S. C. 380.)

NOTE: The postal revenues are generally collected in depository post offices under the provisions of § 7.8, and by such depositories are remitted to the Treasurer, or Government depository (§ 7.24). Only one certificate of deposit is issued in case of deposits of money-order funds (see § 76.21).

See § 76.15 as to deposit of money-order funds.

§ 7.24 Deposit of surplus funds by depository offices. Postmaster at central-accounting offices shall deposit daily all surplus postal funds accruing at their offices in such Government depositories as may be designated by the Postmaster General.

§ 7.25 Bringing deposits into the Treasury. All deposits on account of the Postal Service shall be brought into the Treasury by warrants of the Postmaster General, countersigned by the Comptroller General of the United States; and no credit shall be allowed for any deposit until such warrant has been issued. (R. S. 408, as amended; 5 U. S. C. 381.)

§ 7.26 Depositories to make returns of deposits and payments. * * * Each depository * * * shall make returns to the * * * Post Office Department of all moneys received and paid by him, at such times and in such forms as shall be directed by the * * * Postmaster General. (R. S. 3644; 31 U. S. C. 526.)

NOTE: Depositories of money-order funds are required to make and forward to the Comptroller, Bureau of Accounts, transcripts of all deposits, as provided in § 76.21.

DISPOSAL OF FUNDS AND PROPERTY UPON CHANGE OF POSTMASTERS

§ 7.27 Disposal of property upon change of postmasters—(a) Inventories. Whenever a change of postmasters occurs, inventories shall be made of the public property in the post office. The several classes of property shall be listed separately as follows:

(1) Postage stamps, books of stamps, coils of stamps, special-delivery stamps, special-handling stamps, postage-due stamps, stamped envelope, air letter sheets, postal cards, international reply coupons, internal revenue stamps, migratory-bird hunting stamps, and United States savings stamps.

(2) Money-order funds and blank forms; postal-note stock and fixed credit receipts for same; postal-savings funds and accountable stock, including blank certificates; and United States savings bond funds and blank savings bonds.

(3) All other public property including mail keys, mechanical machines and firearm equipment, furniture and equipment belonging to or leased by the United States, post office records, copies of Postal Laws and Regulations and of the Official Postal Guide, postmarking and dating stamps and ink and pads therefor, unused printed forms and blank books, and all other supplies.

(b) **Transfer of all accountable items.** When a change of postmasters occurs, the outgoing postmaster shall deliver to the incoming postmaster all of the accountable items on hand in accordance with the inventories as specified in preceding paragraph 1, and complete certificates on appropriate forms which will be provided for the purpose. The certificates when completed shall be signed by both outgoing and incoming postmasters, detached and forwarded as indicated on the various forms. Receipts for public property or items not listed on the transfer certificates shall be retained in the files of the post office.

(c) **At third- and fourth-class post offices.** An incoming postmaster at a third- or fourth-class post office shall render to the outgoing postmaster receipt in duplicate on Form 1087 for all undelivered registered, insured, and c. o. d. articles on hand. The original receipt shall be delivered to the outgoing postmaster and the duplicate retained for the files of the office. Report shall be made to the Third Assistant Postmaster General, Division of Registered Mails, of any irregularities noted in connection with undelivered registered, insured, and c. o. d. articles turned over by the outgoing postmaster. Listing of registered, insured, and c. o. d. mail on Form 1087 is not necessary at first- and second-class offices in connection with receipts between incoming and outgoing postmasters.

NOTE: See §§ 76.28, 76.29, and 86.8 as to disposition of money-order and postal-savings funds and supplies on change of postmaster.

(d) **Upon discontinuance of an office.** When an office is discontinued, the above inventories shall be made and the property and supplies delivered to the postmaster designated by the department to receive the same, duplicate receipts being given, which shall be treated as provided in the case of a change of postmasters. Property and supplies shall not be returned to the department, but the postmaster designated to receive the property shall forward mail keys by registered mail to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, and shall at the same time transmit a letter giving the name of the discontinued office, the county and State in which located, and the numbers stamped on the mail keys which are inclosed.

§ 7.28 **Disposal of funds upon change of postmasters—(a) At first-class offices.** When a postmaster at a first-class post office goes out of office, the full amount of postal funds due to the Government, according to his own account, and without waiting to ascertain the exact balance on a final settlement by the General Accounting Office (see § 18.19), shall be deposited with his designated depository and not transferred nor paid to his successor. At first-class post offices, except central accounting and Washington, D. C., the outgoing postmaster shall turn over to his successor all internal-revenue, migratory-bird hunting, and United States savings stamps supplies on hand and cash sufficient to make up

the amount of the fixed credits charged to his office. He shall render a final United States savings bond report showing stock and cash transferred to the incoming postmaster. At central accounting post offices and Washington, D. C., the outgoing postmaster shall render final reports in the savings bond and savings stamp accounts showing stock and cash turned over to his successor.

(b) **At second-, third-, or fourth-class offices.** When a postmaster at a second-, third-, or fourth-class post office goes out of office, he shall turn over to his successor all postage, internal-revenue, migratory-bird hunting, and savings stamp supplies on hand and cash sufficient to make up the amount of the fixed credits charged to his office. He shall also forward to his central accounting postmaster all funds due the Government to balance his final postal account, except that any authorized postal reserve fund may be transferred to the incoming postmaster, and shall render a United States savings bond account showing accountable stock and cash transferred to his successor.

(c) **Key-deposit funds.** Key-deposit funds shall be held by a postmaster in trust (not as a part of the regular funds of the office) and shall be transferred to his successor who shall give him a receipt therefor.

NOTE: See § 27.12 as to treatment of key-deposit funds; §§ 18.19, 18.27, 76.28, and 76.29 as to disposition of money-order funds on change of postmasters.

PART 8—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

Sec.	Sec.
<p>GENERAL PROVISIONS: POSTAGE STAMPS, ENVELOPES, ETC.</p> <p>8.1 Postage stamps, authority to prepare.</p> <p>8.2 Special-delivery and special-handling stamps, authority to issue.</p> <p>8.3 Books and coils of stamps.</p> <p>8.4 Postage-due stamps.</p> <p>8.5 Adoption of improvements in stamps and stamped envelopes.</p> <p>8.6 Living persons not to be portrayed on stamps.</p> <p>8.7 Postage stamps and stamped envelopes.</p> <p>8.8 Unlawful pledging or sale of stamps.</p> <p>8.9 Acceptance of coin or currency.</p> <p style="text-align: center;">STAMPED ENVELOPES</p> <p>8.10 Stamped envelopes.</p> <p>8.11 Letter-sheet envelopes.</p> <p>8.12 Distribution of stamped envelopes and postal cards.</p> <p style="text-align: center;">SPECIAL-REQUEST ENVELOPES</p> <p>8.13 Special-request envelopes.</p> <p>8.14 Printing on stamped envelopes by Department.</p> <p>8.15 Special-request envelopes rejected by purchaser.</p> <p style="text-align: center;">POSTAL CARDS</p> <p>8.16 Postal cards.</p> <p>8.17 Postal cards for circulation in foreign mails.</p>	<p>REQUISITIONS FOR STAMPED PAPER STOCK</p> <p>8.18 Stocking of stamps and stamped paper in post offices.</p> <p>8.19 Requisitions for stamps and stamped paper.</p> <p>8.20 Shipments of stamps and stamped paper to be registered; exception.</p> <p>8.21 Verification of shipments upon receipt.</p> <p>8.22 Error in requisition for stamped envelopes.</p> <p style="text-align: center;">ACCOUNTING</p> <p>8.23 Postmaster's stamp account.</p> <p>8.24 Accounting for excess revenue on stamped envelopes.</p> <p style="text-align: center;">REDEMPTION OF STAMPED PAPER</p> <p>8.25 Redemption of stamps or stamped paper.</p> <p>8.26 Redemption shipments.</p> <p style="text-align: center;">INTERNAL-REVENUE STAMPS</p> <p>8.27 Internal-revenue stamps.</p> <p style="text-align: center;">MIGRATORY-BIRD HUNTING STAMPS</p> <p>8.28 Hunting stamp for taking migratory waterfowl.</p> <p style="text-align: center;">UNITED STATES SAVINGS BONDS</p> <p>8.29 United States savings bonds and Treasury savings certificates.</p> <p style="text-align: center;">UNITED STATES SAVINGS STAMPS</p> <p>8.30 United States Savings stamps.</p>

GENERAL PROVISIONS: POSTAGE STAMPS, ENVELOPES, ETC.

§ 8.1 Postage stamps, authority to prepare. The Postmaster General shall prepare postage stamps of suitable denominations which, when attached to mail matter, shall be evidence of the payment of the postage thereon. (R. S. 3914; 39 U. S. C. 351.)

NOTE: See §§ 42.7 and 130.23 as to restrictions against use of stamps not valid for payment of postage; § 8.8 as to unlawful sale of same by postmasters.

§ 8.2 Special-delivery and special-handling stamps, authority to issue. The Postmaster General is authorized to provide and issue special-delivery and special-handling stamps of such denominations as he may consider necessary. (Sec. 1, 46 Stat. 1469; 39 U. S. C. 276a.)

NOTE: See Manual of Instructions for Postal Personnel or Official Postal Guide for denominations of special-delivery and special-handling stamps; § 53.1 as to special-delivery service and § 34.78 as to special-handling service.

§ 8.3 Books and coils of stamps—(a) Books. Books containing postage stamps interleaved with nonadhesive paper, shall be issued and supplied to postmasters, for sale to the public. Such books shall be charged to postmasters and sold to purchasers at their postage value and 1 cent additional for each book.

(b) Coils. Postage stamps, of denominations determined by the department, shall be issued in coils of such sizes as may be required to meet the public demand and shall be charged to postmasters and sold to the public at the cost of coiling, in addition to the postage value of the stamps.

NOTE: See Manual of Instructions for Postal Personnel or Official Postal Guide for description and prices of stamp coils.

§ 8.4 Postage-due stamps. * * * [Postage-due] stamps [for the collection of postage on insufficiently paid matter] shall be of such special design and denomination as the Postmaster General may prescribe, and * * * shall in no case be sold by any postmaster nor received by him in prepayment of postage. (Sec. 26, 20 Stat. 361, as amended; 39 U. S. C. 275.)

NOTE: See §§ 43.8 to 43.11, inclusive, and 130.15 as to use of postage-due stamps.

§ 8.5 Adoption of improvements in stamps and stamped envelopes. The Postmaster General may, from time to time, adopt such improvements in postage stamps and stamped envelopes as he may deem advisable; and when any such improvement is adopted it shall be subject to all the provisions herein respecting postage stamps or stamped envelopes. (R. S. 3917; 39 U. S. C. 360.)

§ 8.6 Living persons not to be portrayed on stamps. No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living. (R. S. 3576; 31 U. S. C. 413.)

NOTE: Postage stamps, stamped envelopes, and postal cards are securities of the United States. See 18 U. S. C. 8.

See § 130.30 as to penalty for issuing or circulating business or professional cards, etc., in likeness of securities of the United States; §§ 130.23 and 130.25 as to offenses in connection with postage stamps, etc.

§ 8.7 Postage stamps and stamped envelopes—(a) Placing on sale. Postage stamps and stamped envelopes shall be furnished by the Postmaster General to all postmasters, and shall be kept for sale at all post offices; and each postmaster shall be held accountable for all such stamps and envelopes furnished to him. (R. S. 3918; 39 U. S. C. 361.)

(b) Not to be used for official correspondence. Postage stamps, postal cards, and stamped envelopes furnished for sale to the public shall not be used by postmasters to mail requisitions for supplies to the department nor for official correspondence. When a postmaster's supply of official penalty envelopes is exhausted, he should use a plain, unstamped envelope, indorsed with ink, as prescribed by § 37.9.

(c) Precaution in handing to purchasers. To prevent the spread of disease, postmasters and post-office employees who sell postage stamps shall hand them to purchasers in such manner that the gummed surface will not come in contact with the base of the stamp window.

(d) Signing of receipts for stamp purchases. Postmasters, or clerks acting for them, shall sign receipts for money paid them for postage stamps and other stamped paper, provided the receipts are prepared in advance by the purchasers and presented at the time of purchase.

NOTE: The term "stamped paper" applies to adhesive stamps of all kinds, and postal cards, as well as to stamped envelopes.

§ 8.8 Unlawful pledging or sale of stamps—(a) Prohibitions. Whoever, being a postmaster or Postal Service employee entrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, uses or disposes of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledges or hypothecates the same, or sells or disposes of them except for cash; or sells or disposes of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sells or disposes of stamped envelopes for a larger or less sum than is charged therefor by the Post Office Department for like quantities; or sells or disposes of postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or for the purpose of increasing the emoluments, or compensation of the postmaster or any employee of a post office or station thereof, or the allowances or facilities provided therefor, induces or attempts to induce any person to purchase at such post office or any station thereof, or from any employee of such post office, postage stamps, stamped envelopes, or postal cards; or sells or disposes of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post Office Department, shall be fined not more than \$500 or imprisoned not more than one year, or both. (62 Stat. 783; 18 U. S. C. 1721.)

NOTE: See § 137.31 as to unusual sales of stamped paper; § 42.3 as to diverting postal business from other post offices.

(b) **Fraction of cent.** When the price of envelopes or wrappers sold includes a fraction of a cent, postmasters shall require payment of the entire cent.

NOTE: See § 8.24 as to accounting for "excess revenue" accruing from this source; §§ 130.23, 130.25, and 130.26 as to penalty for unlawful use, counterfeiting, etc., of stamps, etc.; § 42.3 as to soliciting mailing of matter.

§8.9 **Acceptance of coin or currency—(a) Foreign or mutilated.** Postmasters shall not accept foreign money or mutilated money. (See § 71.4 as to acceptance of Canadian money in money-order transactions.)

(b) **Supply of money to make change for purchases.** Postmasters should provide themselves with a sufficient amount of minor coins and bills of small denomination to enable them to make change for purchases of stamped paper. When a postmaster is unable to make change, the purchaser must tender the exact amount of his purchase.

STAMPED ENVELOPES

§ 8.10 **Stamped envelopes—(a) Providing and pricing of.** The Postmaster General shall provide suitable letter and newspaper envelopes, with such watermarks or other guards against counterfeits as he may deem expedient, and with postage stamps with such device and of such suitable denominations as he may direct, impressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage stamps impressed thereon; * * *. (R. S. 3915, as amended; 39 U. S. C. 354.)

NOTE: See § 8.14 as to restrictions on printing.

(b) **Not to be sold at less than cost.** No stamped envelopes or newspaper wrappers shall be sold by the Post Office Department at less (in addition to the legal postage) than the cost, including all salaries, clerk hire, and other expenses connected therewith. (Sec. 14, 19 Stat. 82; 39 U. S. C. 362.)

NOTE: The issuance of newspaper wrappers has been discontinued.

§ 8.11 **Letter-sheet envelopes.** The Postmaster General may * * * furnish for public use a letter-sheet envelope, on which postage stamps of the denominations in use on ordinary [stamped] envelopes shall be placed * * * and also * * * furnish for public use a double-letter envelope, on which stamps of the denominations in use may be placed, and with the arrangement for the address [that it may be forwarded and returned] * * * said letter sheet and * * * double envelope to be issued under such regulations as the Postmaster General may prescribe. No money shall be paid for royalty or patent on any of the articles named. (Sec. 32, 20 Stat. 362; 39 U. S. C. 358.)

NOTE: No double-letter envelopes are now issued.

§ 8.12 **Distribution of stamped envelopes and postal cards.** An agency shall be maintained at the place of manufacture of stamped envelopes, to oversee their production and attend to their distribution. Subagencies for the distribution of

stamped envelopes, and postal cards shall be maintained under the supervision of postmasters at centrally located points to be designated by the Postmaster General.

SPECIAL-REQUEST ENVELOPES

§ 8.13 **Special-request envelopes—(a) Requisitions for.** Postmasters shall make requisitions for special-request envelopes, on Forms 3202 (direct and central accounting) and 3202-D (district accounting), promptly upon receiving orders therefor. All orders shall be subject to acceptance by the department.

(b) **Advance deposit by purchaser—(1) Requirement.** Postmasters shall require the purchaser to deposit with his order the difference between the schedule and the postage value of the envelopes, and shall collect the postage value when the envelopes are delivered to purchaser. The advance deposits shall be held as trust funds pending delivery of the envelopes. Purchasers shall withdraw special-request envelopes from the post office promptly upon receipt of notice from the postmaster that delivery of order has been made.

(2) **Receipt.** A receipt on Form 3202-A shall be given the purchase for advance deposits on stamped envelopes.

(3) **Disposition of money.** The postmaster shall be held accountable for advance deposits upon orders for stamped envelopes in the same manner and to the same extent as for other receipts of the post office; but such deposits shall not be transmitted to the postmaster's depository or central-accounting postmaster before he receives the stamped envelopes from the department. Upon delivery of such envelopes to purchasers, direct and central-accounting postmasters shall include the amount of their postage value and of the advance deposit made for them with proceeds from the sales of other stamp supplies, and remit the same with the next deposit of postal funds.

(c) **Remittance by postmaster.** Upon receipt of special-request and office-request envelopes, district postmasters shall remit the full value thereof to their central-accounting postmasters, using Form 1208 as a remittance letter. Such remittance should be mailed on the same day the envelopes are received, and under no circumstances later than the day following. Cash may be temporarily withdrawn from fixed credit funds to make the remittance pending delivery of the envelopes to the purchaser and collection of the balance due.

NOTE: See § 7.10 as to preparation of remittances.

§ 8.14 **Printing on stamped envelopes by Department—(a) Restrictions.** * * * no stamped envelope or any other envelope furnished or sold by the Government shall contain any lithographing or engraving, nor any printing nor advertisement except that the usual request for return of the letter to the writer may be printed thereon. (R. S. 3915, as amended; 39 U. S. C. 354.)

(b) **What may be printed.** No advertisement or special device of any kind nor the names of addressees shall be printed on stamped envelopes by the department. The matter to be printed shall be limited to (1) a request to return after a given number of days; (2) the name of the purchaser (individual, firm, corporation, institution, association, or society); (3) rural-delivery route, post-office box number or street address, or the names of intersecting streets (specifying which corner), the name of a building may be included in the return card if room number and street address are given; (4) the name of post office or branch post

office, county and State. Any portion of the foregoing except the name of the post office and State and the local address of the purchaser, if the post office has carrier service, may be omitted, if desired. The name of a branch post office or of an independent station may be substituted for that of the principal post office, at the option of purchaser. The form of return-request for the stamped envelopes shall be, "After 5 days, return to," the number of days to be not less than 3 nor more than 30. (See §§ 43.43 and 43.44.)

(c) **Name disclosing business.** A name indicating or incidentally disclosing the nature of the purchaser's business or vocation may be printed on stamped envelopes if it be certified by the postmaster in writing on his requisition therefor that such name is used under corporate charter, copartnership agreement, or other articles of organization so designating the concern, or that it is the name under which the purchaser is actually doing business with the public.

(d) **Name and title of officer.** The name and title of an officer of a firm, corporation, institution, association, or society may be printed when so desired; for example, "Joe Doe, treasurer, Washington Educational Association."

(e) **Professional titles.** Such titles as "M. D.," "D. D. S.," "Rev.," "LL. D.," etc., may be printed when they are clearly for purposes of identification and not for advertisement.

(f) **Branch or department of business.** The name of a branch or department of the purchaser's business may be printed only when other branches or departments are located at the same post-office address, making it necessary to include such printing to insure the return of undeliverable letters to the writer, and when such branch or department is shown as a part of the return card, the postmaster shall explain in writing the necessity for including it.

(g) **Only matter necessary for return if undeliverable.** Any matter not needed to secure the return of undeliverable letters to the writer shall not be printed by the department in the return card on stamped envelopes.

(h) **Place of purchase.** Special-request envelopes shall be purchased and delivered only through the post office or branch post office to which the card directs their return.

(i) **No variation from prescribed style.** No variation shall be made in the location of the return card in the upper left corner of the envelope, or in the style or size of type, the color of ink, or the form of request adopted by the department. The name of the post office or branch post office shall be spelled, and the name of State abbreviated, only as they appear in the Official Postal Guide.

(j) **Requisitions to be accompanied with copy for printing.** All requisitions shall be accompanied with a legible copy of the return card desired. If obtainable, a printed letterhead or business card of the purchaser should be attached to his first requisition. The postmaster should preserve and attach to his next requisition for the same printing the slip of paper bearing the printed return card which is furnished with each box of special-request envelopes. (See § 8.15 as to responsibility for errors.)

(k) **No printing on postal cards.** Return cards shall not be printed by the department on newspaper wrappers or postal cards.

(l) **Private printing.** Purchasers may have stamped envelopes printed in any manner they desire by a private printing office and at their own expense, but a space shall be reserved for the postmark. (See § 35.10 as to space for address and § 36.4 as to objectionable matter on envelopes.)

(m) **Return request.** Requisition for 1-cent, 1½-cent, 2-cent, and precanceled envelopes intended for inclosing third-class matter shall include the pledge, "Return

postage guaranteed," unless the request line is omitted. When 1-cent envelopes are desired for local use at a post office not having city, village, or rural delivery service, the guarantee pledge will be omitted if the requisition is indorsed "For first-class matter only," or other information given to the effect that the envelopes are to be used for first-class matter at the drop-letter rate.

(n) **Name and address without return request.** If the name and address of the purchaser are desired without a request to return, the words "After — days, return to" on Forms 3202 and 3202-D, and on the printer's slip, shall be eliminated.

(o) **Office-request envelopes.** Office-request envelopes for general sales shall bear in the upper left corner a request to return, blank lines for the name and local address of the purchaser, and the printed post office address.

§ 8.15 **Special-request envelopes rejected by purchaser—(a) Procedure.** When return-card stamped envelopes are rejected by the purchaser because of misprint or error in the card, because of wrong denomination, size, color, quality, or variety of envelopes, or because of defective manufacture, at direct and central accounting post offices, the postmaster shall immediately submit a letter of explanation to the Third Assistant Postmaster General, Division of Stamps, giving the date of the department's invoice, and hold the envelopes in the post office for instructions. If additional envelopes are desired the report shall be accompanied with a new requisition on Form 3202, indorsed "To replace rejected envelopes invoiced (date)." District postmasters shall return such rejected return-card stamped envelopes to their central accounting postmasters with a letter of explanation, including the date of department's invoice. A new requisition on Form 3202-D, indorsed "To replace rejected envelopes invoiced (date)" shall be sent with the report to the central accounting postmaster if replacement is desired. The central accounting postmaster shall submit a report thereof to the department and hold the rejected envelopes for instructions.

(b) **Redemption.** When responsibility for the furnishing of rejected return-card stamped envelopes rests with the department or the contractor, redemption shall be made at the invoiced value of the envelopes. If the error was made by the purchaser, redemption shall be made at postage value only. If the postmaster is responsible for the error he shall be given credit in his account at postage value only, but shall allow the purchaser full value in redemption.

(c) **Mispacked envelopes.** When mispacked return-card stamped envelopes (those bearing the card of another purchaser) are received in a shipment, a report giving date of invoice, description of the mispacked envelopes, and stating whether they are in lieu of or in excess of those invoiced, shall be made by letter to the Third Assistant Postmaster General, Division of Stamps, by direct and central accounting postmasters, who shall hold the mispacked envelopes for instructions. District postmasters who receive mispacked envelopes shall forward them immediately, with a letter of explanation, to their central accounting postmasters, who will make a report thereof to the department and hold the envelopes for instructions.

(d) **Envelopes not to be mailed to stamped envelope agent without authority.** Postmasters shall not send stamped envelopes, printed or unprinted, to the United States stamped envelope agent without authority from the department.

POSTAL CARDS

§ 8.16 **Postal cards—(a) Authorization.** To facilitate letter correspondence, and to provide for the transmission in the mails, at a

reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster General is authorized and directed to furnish and issue to the public, with postage stamps impressed upon them, "postal cards," manufactured of good stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster General, and when so used shall be transmitted through the mails at a postage charge of one cent each, including the cost of their manufacture. (R. S. 3916; 39 U. S. C. 356.)

(b) **Double postal cards.** The Postmaster General may * * * furnish for public use a double postal card, on which shall be placed two one-cent stamps, said card to be so arranged for the address that it may be forwarded and returned, and to be sold for two cents apiece; * * * said * * * double postal card * * * to be issued under such regulations as the Postmaster General may prescribe. (Sec. 32, 20 Stat. 362; 39 U. S. C. 358.)

§ 8.17 **Postal cards for circulation in foreign mails—(a) Authorization.** The Postmaster General may furnish and issue to the public postal cards with postage stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention * * * at a postage charge of two cents each, including the cost of their manufacture. (Sec. 1, 21 Stat. 179; 39 U. S. C. 357.)

(b) **Double foreign cards.** Single postal cards and postal cards with paid reply shall be prepared and issued to the public for circulation in the mails exchanged with foreign countries in such denominations as may be required to conform to the provisions of the Universal Postal Union Convention and other conventions, such cards to be sold at the face value of the stamps impressed thereon.

REQUISITIONS FOR STAMPED PAPER STOCK

§ 8.18 **Stocking of stamps and stamped paper in post offices—(a) Provisions.** Postmasters shall keep on hand a supply of postage stamps of every kind, books of stamps (see § 8.5), postage-due and special-delivery stamps, stamped envelopes, postal cards, and international reply coupons, sufficient to meet the public demands and the legitimate needs of the service.

(b) **Requisitions to maintain supply.** Requisitions shall be made sufficiently in advance so that the stock of stamp supplies will not become exhausted. Requisitions from direct and central accounting post offices should be for three to six months' supply if storage space is available; but care shall be taken not to exceed the amount that can be given adequate protection.

NOTE: See §§ 7.4 and 7.20 as to care of postage stamps.

(c) **When requisitions may be made.** Except as may be otherwise provided, postmasters of the first class may make requisition at any time during the quarter; postmasters at second- and third-class district post offices shall make

two requisitions and postmasters at fourth-class district post offices shall make one requisition each month to restore the fixed credits. Requisitions for special-request envelopes shall be forwarded on the same day the order is taken from purchaser.

(d) **Invoices.** An itemized invoice shall be furnished with each supply of postage stamps and other stamped paper issued to postmasters, and shall be preserved as a post-office record.

(e) **Date of charge to postmaster.** All stamped paper supplied to direct and central accounting post offices shall be charged to postmasters in the accounts of the Post Office Department in the quarter in which the invoice is dated, even though the stock reaches the postmaster after the close of that quarter.

(f) **Stamped paper not to be loaned.** Stamped paper shall not be loaned by one postmaster to another.

(g) **Temporary purchases from other offices.** If stamp supplies become exhausted, temporary purchases may be made from another post office. Postmasters shall not include such supplies in their quarterly stamp or postal account, and the amount thereof shall not be included in the business of their offices. The selling postmaster shall report such sales to the First Assistant Postmaster General. (See § 137.31.)

(h) **Checks not to be taken from other postmasters.** Postmasters shall not accept checks from other postmasters in payment of stamp stock to be held uncashed until the supplies are replaced.

NOTE: See §§ 17.35, 17.36, and 17.37 as to keeping account of stamps received and sold.

§ 8.19 **Requisitions for stamps and stamped paper—(a) Making of.** Requisitions for postage stamps of all kinds, books of stamps, postage-due, special-delivery, and United States savings stamps, stamped envelopes ("ordinary," "special request," or "office request"), postal cards, and international reply coupons, shall be made by direct and central accounting postmasters on the Third Assistant Postmaster General, Division of Stamps, on Forms 3201, 3201-A, 3201-B, and 3202. Telegraphic requisitions are objectionable. If deemed advisable, the department may furnish more or less stamped paper than the amount for which requisition is made by the postmaster. District postmasters shall draw requisitions on their central-accounting postmasters, using Form 017-FC. (See Manual of Instructions for Postal Personnel for printed envelopes.)

(b) **Signing of.** Requisitions and stamp accounts shall be signed legibly, in writing and with ink, by the postmaster himself when possible, and exactly as his bond is signed. In the absence of the postmaster, or after his death or suspension and pending the appointment of a new postmaster or of an acting postmaster, the postmaster's assistant or bondsman should sign, writing his own name and title in full under those of the postmaster.

NOTE: See §§ 137.7, 24.8, and 24.9.

(c) **For unusual quantities.** When requisition is made for an unusually large supply of postage stamps or other stamped paper to fill a special order, the postmaster shall give the name and business address of the purchaser, and state where the matter originated and is to be mailed.

(d) **Supplies not furnished postmasters until commissioned.** No postmaster shall be supplied with stamped paper until his commission shall have been duly issued.

NOTE: See § 135.24 as to postmasters holding over.

§ 8.20 Shipments of stamps and stamped paper to be registered; exception. Shipment of postage stamps and other stamped paper shall be made to postmasters by official registered mail, except that original sealed cases of stamped envelopes and postal cards may, when so authorized by the Third Assistant Postmaster General, be sent as ordinary mail.

§ 8.21 Verification of shipments upon receipt—(a) Counting and witnessing. Packages of stamps, books of stamps, or other stamped paper shall, immediately upon receipt, be opened by the postmaster in the presence of a disinterested witness and the contents counted jointly.

(b) Shortages and excesses—(1) At direct- or central-accounting offices. If the value of the stamped paper received at direct- or central-accounting post offices is short or in excess of the invoice, the postmaster shall make immediate report of the facts, upon his oath of office, in a letter attested by the witness to the count and addressed to the Third Assistant Postmaster General, Division of Stamps, stating the registry or shipping number and enclosing the invoice. When such reports relate to postal cards or stamped envelopes, the postmaster shall send with his report the end of the packing box. The shipment, with the packing box or wrappers, shall be held by the postmaster for instructions. A requisition for a new supply, if needed, pending investigation of the reported discrepancy, should be fastened to his report.

(2) At district offices. If the stamped paper received at a district post office is short or in excess of invoice, a report as outlined in paragraph (b) shall be made by the district postmaster to the central-accounting postmaster who supplied the stock. The district postmaster shall hold the shipment, with the packing box and wrappers, for instructions.

NOTE: See § 8.15 as to treatment of irregularities in printed stamped envelopes furnished, and § 8.26 as to stamped paper damaged on receipt.

§ 8.22 Error in requisition for stamped envelopes. If an error is made by a postmaster in a requisition for ordinary stamped envelopes, credit shall be allowed at postage value only, when the envelopes are returned to the Post Office Department; and the envelopes shall not be returned until permission has been granted by the Third Assistant Postmaster General.

ACCOUNTING

§ 8.23 Postmaster's stamp account—(a) Items included. Postmasters at direct and central-accounting post offices shall render to the Third Assistant Postmaster General, Division of Stamps, promptly at the close of each quarter, a stamp account, embodying: (a) The amount of stamps and other stamped paper on hand at beginning of the quarter; (b) the amount of stamped paper received during the quarter from the department or by transfer from other postmasters; (c) the amount of stamped paper on hand at close of quarter; (d) the amount of stamped paper redeemed by the department; (e) the amount of stamped paper transferred to other post offices; (f) amount of dead-letter bills; (g) amount of stamped paper sold during the quarter.

(b) Invoices to be listed. The postmaster shall list in chronological order in the space provided therefor on his quarterly stamp account the total value of all invoices for postage stamps and other stamped paper received by him.

(c) Certificate of correctness by postmaster. The postmaster shall certify to the correctness of his stamp account, and mail it in an official "penalty" envelope addressed plainly, "Third Assistant Postmaster General, Division of Stamps, Washington 25, D. C.," and bearing the words "Stamp account" in large, plain

letters in the lower left corner. No papers not relating to the stamp account shall accompany it.

NOTE: See § 18.10 as to quarterly account.

(d) Postmasters to supply superintendents, clerks, and carriers. Postmasters shall issue to superintendents and clerks in charge of stations and branches, wholesale and retail stamp clerks, rural carriers, and star-route carriers a sufficient supply of postage stamps and other stamped paper to meet the public demand. Postmasters shall take fixed credit receipts for stamp supplies so issued, and carry the supplies in their records as stock on hand. Money received from the sale of stamped paper to the public shall be used by superintendents, clerks in charge of stations and branches, wholesale and retail stamp clerks, and rural carriers, to purchase additional stamp stock from the postmaster. Superintendents and clerks in charge of stations and branches, wholesale and retail stamp clerks, rural carriers, and star-route carriers shall replenish their fixed credits each day, except that post office clerks with stocks of less than \$100 may replenish their credits whenever the accumulated funds amount to one-fourth of the credit. Requisition shall be submitted as late in the day, or as near the end of a clerk's tour of duty, as possible and shall include substantially all cash on hand in order that the funds may be given the best possible protection. Inventories of the stamped paper and cash held by employees to whom stamp supplies are entrusted shall be taken by postmasters at irregular intervals, not less frequently than once each month at the main office and classified stations and branches, and once each quarter at contract stations and branches, and the credits shall be adjusted immediately after such inventories. Upon discontinuance of the service of such an employee, stamped paper and cash to the full amount of the credit allowance shall be returned to the postmaster.

(e) Central-accounting postmasters to supply district postmasters—(1) Readjustment of fixed credit. Central-accounting postmasters may readjust the fixed credits allowed district postmasters, in amounts suitable to the needs of the respective offices in multiples of \$50. If the amount of the fixed credit is to be reduced, the district postmaster shall return the excess to the central-accounting postmaster in cash or postage-stamp stock; and if increased, the central-accounting postmaster shall furnish the district postmaster with the amount of the increase in postage-stamp stock. The district postmaster shall sign and forward to the central-accounting postmaster a new fixed-credit receipt for the amount of the new fixed credit and the central-accounting postmaster shall return the old receipt. The amount of all fixed-credit receipts shall be included by the central-accounting postmaster in his records as postage-stamp stock on hand.

(2) Remittance and purchase of new stock. All money received by a district postmaster from the sale of postage-stamp stock shall be remitted to the central-accounting postmaster for the purchase of new stock as directed below:

(3) Fourth-class offices, when to requisition. Postmasters at fourth-class offices the names of which begin with the letters A to L shall submit their stamp requisitions between the 1st and 15th of each month, and at offices the names of which begin with the letters M to Z between the 16th and last day of each month, except the last month of each quarter.

(4) Second- and third-class offices, when to requisition. Postmasters at second- and third-class offices shall submit two stamp requisitions each month—one between the 1st and 15th and the other between the 16th and last day of each month, except the last month in each quarter.

(5) When not to requisition. Except in cases of emergency, requisitions shall

not be submitted between the 26th and last day, inclusive, of the last month in each quarter.

(6) **Preparation of remittance containing currency or coin.** When currency or coin is included in a remittance the remittance shall be prepared as directed in § 7.10, and dispatched by registered mail.

(f) **Quarterly accounts of district postmasters.** Postmasters at district post offices shall render a quarterly account to their central-accounting postmasters promptly after the close of the quarter. This account shall include a record of stamp transactions for the period covered.

§ 8.24 **Accounting for excess revenue on stamped envelopes—(a) Method of determining.** Postmasters shall charge themselves in their quarterly postal accounts with the difference between the invoice value of stamped envelopes and the amount received from their sale. This difference consists of the gain accruing in fractions of a cent from the sale of envelopes singly or in odd lots and may be ascertained, whenever an inventory is taken, by deducting the amount for which the postmaster is accountable to the department or central-accounting postmaster from the amount of cash received from the sale of postage-stamp supplies since the previous inventory.

(b) **At branch offices.** Branch post offices, postal stations, and stamp clerks having a fixed credit for stamp supplies may ascertain this difference by adding the value of stamp supplies and cash on hand at the time of inventory and deducting therefrom the amount of such fixed credit.

(c) **Rural and star route carriers.** Rural and star-route carriers shall account to the postmaster daily for the envelope excess when the stamp fixed credit is replenished.

REDEMPTION OF STAMPED PAPER

§ 8.25 **Redemption of stamps or stamped paper—(a) To public.** Postage stamps, special-handling stamps, and special-delivery stamps, whether affixed to envelopes or not, shall not be redeemed from the public or exchanged for other postage stamps, stamped envelopes, air letter sheets, or postal cards, except as provided in paragraph (g). Stamps removed from embossed stamped envelopes, air letter sheets, or postal cards shall not be redeemed or accepted in payment of postage.

(b) **Damaged in post office.** Postage stamps, stamp books, postage-due stamps, special-delivery stamps, special-handling stamps, international reply coupons, stamped envelopes, air letter sheets, postal cards, and internal revenue stamps, damaged in the post office may be returned for redemption and credit, but shall be accompanied with a statement setting forth fully the time when, and manner in which, they were damaged.

(c) **Rate and conditions of redemption to public.** Uncanceled, unserviceable, and spoiled stamped envelopes and air letter sheets in a substantially whole condition, without a printed return card or address thereon, and postal cards without printing thereon, may be redeemed from any responsible person in postage stamps or other stamped paper at the postage value only of the stamped envelopes, 75 percent of the face value of the postal cards, and 90 percent of the face value of the air letter sheets.

NOTE: Substantially whole condition of stamped envelopes as defined by the Department means that they shall not be mutilated to any greater extent than that necessary to remove the contents therefrom. Postal cards and air letter sheets are only acceptable in their entire condition as originally sold.

(d) **Printed stamped paper.** Stamped envelopes and air letter sheets bearing a printed return card or address and postal cards with printed matter of the

purchaser thereon may be redeemed as provided in the preceding paragraph, but only from the person who purchased them at a post office or whose printing appears thereon, unless special authorization therefor is obtained from the department.

(e) **Matter not redeemable.** Postal cards, stamped envelopes, and air letter sheets received for reply purposes, parts or pieces of cards, and postal cards treated by bronzing, enameling, or other process of coating shall not be redeemed.

(f) **Fraction of cent.** When the redemption value of stamped envelopes, newspaper wrappers, or postal cards includes a fraction of a cent, such fraction shall accrue to the department.

(g) **Errors in sale or purchase.** When, through inadvertence, a postmaster sells damaged or unserviceable postage stamps, international reply coupons, stamped envelopes, air letter sheets, or postal cards, or when a patron through error purchases postage stamps of the wrong denomination, or stamped envelopes of the wrong color, quality, size, or denomination, or postal cards of the wrong size, postmasters may exchange such stamped paper at full value, provided that it is presented for exchange by the original purchaser thereof within a reasonable time after the sale, not to exceed two business days. Errors made by purchasers in ordering special request envelopes shall be adjusted to redemption at postage value, in accordance with § 8.15.

§ 8.26 **Redemption shipments—(a) By direct- and central-accounting postmasters.** Postmasters at direct- and central-accounting post offices shall make shipments of stamped envelopes, air letter sheets, postal cards, and international reply coupons redeemed from the public and postage stamps and other stamped paper damaged in transit or made unsalable after receipt at post offices to the Third Assistant Postmaster General, Division of Stamps, by official registered mail, for credit. Redemption shipments shall be prepared and dispatched as directed in the Manual of Instructions for Postal Personnel.

(b) **By district postmasters.** Stamped paper redeemed by district postmasters or damaged in their possession shall be forwarded to their central-accounting postmasters by official registered mail once every six months, or oftener if necessary, in exchange for other stamped paper.

(c) **Stamped paper found damaged on receipt.** Where any portion of a shipment of stamps or other stamped paper received on requisition is found to be damaged or defective, except misprinted special-request envelopes (see § 8.15), the postmaster shall, if direct or central accounting, submit a report of the facts to the Third Assistant Postmaster General, Division of Stamps, and, unless otherwise instructed, include the unsalable stock in the next regular redemption shipment. If additional stock is needed, a requisition shall be submitted on the proper form, indorsed "To replace damaged stamped paper received on invoice of ———." Stamped paper received by district postmasters in unsalable condition shall be returned to the central-accounting postmaster with a statement of the facts, for replacing with new stock.

(d) **Stamped paper damaged in transit.** When a shipment of postage stamps or other stamped paper damaged in transit with loss of contents is received at a direct- or central-accounting post office, the postmaster shall make an immediate report of the facts, upon his oath of office, to the Third Assistant Postmaster General, Division of Stamps, stating the registry or shipping number and date of invoice. A requisition for additional stock, if needed, shall be submitted. A district postmaster receiving a shipment damaged in transit with loss of contents shall submit an immediate report to his central-accounting postmaster.

(e) **Stamped paper damaged by fire or otherwise.** Postage stamps or other

stamped paper made unfit for use by fire or other unavoidable casualty while in the custody of postmasters shall, in the case of direct- and central-accounting post offices, be forwarded by official registered mail to the Third Assistant Postmaster General, Division of Stamps, accompanied with an itemized list of the number of each denomination and variety. Postmasters at district-accounting post offices shall forward such stock in the same manner to their central-accounting postmasters, who shall furnish other stamped paper of equal value in exchange.

(f) **When value cannot be determined.** When postage stamps or other stamped paper returned by postmasters in accordance with the foregoing paragraph are damaged so the value cannot be determined, a full statement of the facts in connection with the damaged condition of the stock shall accompany the shipment.

(g) **Postmaster not to take credit without authority.** Postmasters shall not take credit for redeemed, damaged, or spoiled stamped paper returned to the department until authorized.

NOTE: See § 41.16 as to disposition of stamp supplies exposed to infection.

INTERNAL-REVENUE STAMPS

§ 8.27 Internal-revenue stamps—(a) Sale through post offices. The Commissioner [of Internal Revenue] shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive [internal-revenue] stamps to be distributed to and kept on sale by the various postmasters in the United States in all post offices of the first and second classes and such post offices of the third and fourth classes as are located in county seats. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections. (53 Stat. 201; 26 U. S. C. 1817.)

(b) **Provisions for supply and sale.** Postmasters at all post offices of the first and second classes and at such post offices of the third and fourth classes as are located in county seats shall keep on hand for sale a suitable quantity of adhesive internal-revenue stamps sufficient to meet the demands of the public. In the large cities having branches and stations suitable "fixed credits" shall be issued to the superintendent or clerk in charge of stations and branches and accounted for in the same manner that "fixed credits" of postage stamps are issued and accounted for.

(c) **Postal employees not to advise or instruct.** Postmasters and postal employees shall not, in their official capacity, attempt to advise or instruct taxpayers or purchasers of adhesive internal-revenue stamps on matters connected with the administration of the internal revenue laws, but shall limit their activities to selling the stamps to the public at post offices required by law and these regulations to keep them for sale.

(d) **Not to be redeemed from public.** Postmasters shall not redeem, repurchase, or exchange any adhesive internal-revenue stamps from any person, firm, company, bank, or corporation.

(e) **Redemption of unsold damaged stamps or unsalable stamps.** Adhesive internal-revenue stamps, furnished to a central-accounting postmaster and to the Postmaster at Washington, D. C., by the Department, which may become damaged or unsalable but which have not been redeemed, purchased, or received in exchange from the public, shall be redeemed at face value by the Department and credits issued therefor, by the Third Assistant Postmaster General, Division of Stamps. Stamps furnished to all other post offices by a central-accounting postmaster on a fixed credit, which may have become damaged or unsalable but which have not been redeemed, purchased, or received in exchange from the public, shall be sent to the central-accounting postmaster in lieu of cash for the purchase of salable stamps.

(f) **Issuance—(1) By central accounting postmasters.** Central-accounting postmasters shall issue to the postmaster at all post offices of the first and second classes and to the postmaster at such post offices of the third and fourth classes as are located in county seats within their respective central-accounting jurisdiction a sufficient supply of adhesive internal-revenue stamps in amounts suitable to the needs of the respective offices in multiples of \$10: *Provided*, That the amount of the fixed credit furnished to any postmaster under authority of this paragraph shall in no case, without special written authorization of the Third Assistant Postmaster General, exceed the following limitations:

First-class post offices with annual postal receipts of \$1,000,000 or more, \$5,000.

First-class post offices with annual postal receipts of \$500,000 or more, but less than \$1,000,000, \$3,000.

First-class post offices with annual postal receipts of \$200,000 or more, but less than \$500,000, \$1,000.

First-class post offices with annual postal receipts less than \$200,000, \$500.

Second-class post offices, \$300.

Third-class post offices and fourth-class post offices located in county seats, \$100.

(2) **Changes in fixed credits.** Central-accounting postmasters may increase the fixed credits allowed to other postmasters as the needs of the service may require within the limits herein prescribed in the same manner prescribed for postage-stamp stock in paragraph (e) (1), § 8.23, but shall not decrease the fixed credit after it has been established at any post office without prior written authority of the Department in each instance.

(3) **By postmasters to superintendents and clerks.** Postmasters shall issue to superintendents and clerks in charge of stations and stamp clerks a sufficient supply of adhesive internal-revenue stamps to meet the public demand and such fixed credits shall be accounted for in the same manner prescribed for postage stamp fixed credits in paragraph (d), § 8.23, but shall be issued on a separate receipt and shall under no circumstances become, or be accounted for, as a part of the postal fixed credit of such superintendent or clerk.

(g) **Remittance of funds—(1) By postmasters; exceptions.** All money received by a postmaster (except at central-accounting post offices and at Washington, D. C.) from the sale of adhesive internal-revenue stamps shall be remitted to the central-accounting postmaster for the purchase of new stock at least once each month between the fifteenth and twenty-fifth days of the month and at any other

time during the month that the cash on hand received from the sale of adhesive internal-revenue stamps shall amount to \$500, or, if the fixed credit is less than \$1,000, whenever the cash on hand from the sale of such stamps shall amount to one-third of the fixed credit.

(2) **By central-accounting and Washington, D. C., postmasters.** The central-accounting postmaster and the postmaster at Washington, D. C., shall deposit twice monthly to the credit of the Postmaster General, in such manner as the Third Assistant Postmaster General may direct, all cash received from the sale of adhesive internal-revenue stamps.

(h) **Account of internal-revenue transactions.** The postmaster at the central-accounting post office and at Washington, D. C., shall render a monthly account of all internal-revenue stamp transactions to the Third Assistant Postmaster General, Division of Stamps, where such accounts shall be audited and posted, and thereafter with the bank receipts pertaining thereto, transmitted to the General Accounting Office as vouchers to the Postmaster General's quarterly account current of internal-revenue stamp transactions.

(i) **Funds not to be used for other purposes.** Funds received from the sale of adhesive internal-revenue stamps at post offices other than central-accounting offices shall not be diverted or used for any purpose whatever, except to replenish established fixed credits in such stamps: *Provided*, That funds from current sales at a central-accounting post office may be used to reimburse a postmaster or former postmaster for excess or erroneous deposits made on a previous account, or to adjust discrepancies in fixed credits or pay claims allowed by the Postmaster General under § 9.1, when specifically authorized by the Third Assistant Postmaster General in writing in each instance.

(j) **Safety of funds and stamps.** All postal laws and regulations relating to the safety of public funds and postage stamps, not inconsistent with any specific provision of this section, shall apply to, and be binding upon, all postmasters and employees of the Postal Service in handling, and safeguarding, and accounting for adhesive internal-revenue stamps and funds.

NOTE: Postmasters and postal employees are accountable under their official bonds for all internal-revenue stamps and funds in their custody.

(k) **To be accounted for according to Department instructions.** Internal-revenue stamps shall be supplied to postmasters and accounted for in accordance with detailed instructions of the Third Assistant Postmaster General, who shall prepare and render in the name of the Postmaster General a quarterly account of the transactions of the Department in adhesive internal-revenue stamps and funds to the Comptroller General through the Commissioner of Internal Revenue and a signed duplicate of such account shall, with the various postmasters' monthly accounts and bank receipts, be transmitted to the General Accounting Office, Postal Accounts Division.

MIGRATORY-BIRD HUNTING STAMPS

§ 8.28 **Hunting stamp for taking migratory waterfowl—(a) Authorization.** No person over 16 years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State

institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. * * * (Sec. 1, 48 Stat. 451, as amended; 16 U. S. C. 718a.)

NOTE: Pursuant to Reorganization Plan No. II, these duties of the Secretary of Agriculture were transferred to the Secretary of the Interior.

(b) Issuance and sale by post offices—(1) Provisions. The stamps required by section 718a shall be issued and sold by the Post Office Department under regulations prescribed by the Postmaster General: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postmaster General shall direct. For each such stamp sold under the provisions of this section there shall be collected by the Post Office Department the sum of \$1. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Each such stamp shall expire and be void after the 30th day of June next succeeding its issuance * * *. No stamp sold under section 718a shall be redeemable by said Department in cash or in kind. (Sec. 2, 48 Stat. 451, as amended; 16 U. S. C. 718b.)

(2) Disposal of surplus stamps. Hereafter all migratory bird hunting stamps provided for in sections 718-718h of this title not sold at the end of the fiscal year for which issued shall be turned over to the Philatelic Agency and therein placed on sale until disposed of or until the Congress otherwise provides: *Provided*, That such stamps shall be usable as migratory bird hunting stamps only during the fiscal year for which issued. (Sec. 1, 55 Stat. 356; 16 U. S. C. 718i.)

(c) Not transferable. No person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(d) Mutilation, imitation, or counterfeiting. No person shall alter, mutilate, imitate, or counterfeit any stamp authorized by section 718-718h of this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving. (Sec. 5, 48 Stat. 452, as amended; 16 U. S. C. 718e.)

(e) Distribution through central-accounting postmasters. Migratory-bird

hunting stamps shall be issued to all central-accounting postmasters for distribution to and sale at all post offices of the first and second classes, and at post offices of the third and fourth classes where there is a demand for such stamps, as directed by the Third Assistant Postmaster General.

(f) **Deposit of funds.** All migratory-bird hunting stamps shall be accounted for and all moneys received from the sale thereof shall be deposited in the Treasury of the United States by postmasters at such times and in such manner as directed by the Third Assistant Postmaster General.

(g) **Accounts.** All accounts of postmasters for migratory-bird hunting stamps and funds from the sale thereof and signed bank receipts covering deposits of such funds shall be sent to the Third Assistant Postmaster General, who shall cause such accounts and receipts to be audited, and who shall after such audit has been completed, render in the name of the Postmaster General, a quarterly account current to the Comptroller General of the United States, on such form as he may approve covering the receipt and disposition of all fees collected by the Post Office Department for migratory-bird hunting stamps. Said account current shall have as supporting vouchers the accounts received from the central-accounting postmasters and their supporting subvouchers.

(h) **Officials and employees accountable for under bond.** All postmasters and postal officials and employees shall be accountable under their official bond for all stamps and funds in their custody under this regulation.

(i) **Correspondence.** All correspondence in connection with the issuance, distribution, and accounting of stamps and funds under this regulation shall be addressed to the Third Assistant Postmaster General, Division of Stamps.

UNITED STATES SAVINGS BONDS

§ 8.29 **United States savings bonds and Treasury savings certificates—(a) Issuance—(1) Authorization.** The Secretary of the Treasury, with the approval of the President, is authorized to issue, from time to time, through the Postal Service or otherwise, United States savings bonds and United States Treasury savings certificates, * * *

(2) **Savings stamps.** The Secretary of the Treasury may, under such regulations and upon such terms and conditions as he may prescribe, issue, or cause to be issued, stamps, or may provide any other means to evidence payments for or on account of the savings bonds and savings certificates authorized by this section, * * *.

(b) **Handling by postal employees.** At the request of the Secretary of the Treasury the Postmaster General, under such regulations as he may prescribe, shall require the employees of the Post Office Department and of the Postal Service to perform, without extra compensation, such fiscal agency services as may be desirable and practicable in connection with the issue, delivery, safekeeping, redemption, or payment of the savings bonds and savings certificates, or in connection with any stamps or other means provided to evidence payments. (Sec. 6, 49 Stat. 21, as amended; 31 U. S. C. 757c.)

(c) **Denominations; sale; publicity; requisitions; accountability.** United

States Savings bonds, issued by the Secretary of the Treasury in denominations of \$25, \$50, \$100, \$200, \$500, and \$1,000 maturity value, and in registered form only, shall be offered for sale at post offices of the first, second, and third classes and at such branches, stations, and fourth-class offices as the Third Assistant Postmaster General shall select and designate for the purpose. Postmasters at designated savings-bond offices shall encourage the sale of savings bonds; they shall post conspicuously one or more placards calling the attention of the public to the advantages and availability of the bonds, shall keep on hand for discriminating distribution a supply of descriptive booklets, and shall maintain, at all times, an adequate supply of bonds for sale to the public. Requisitions for bonds (Form 911) shall be submitted by postmasters at first class offices to the Third Assistant Postmaster General, Division of Postal Savings, and by postmasters at second- and third-class offices and designated offices of the fourth class to their respective central-accounting postmasters. Postmasters will be held accountable for all savings bonds sent them. Postmasters may order bond stock in emergencies by telegram. All telegrams addressed to the Post Office Department concerning savings bonds shall be sent "Official business, collect, special bill." Official messages between postmasters concerning savings bonds shall be sent "Official business, charge Post Office Department, special bill." Postmasters shall advise the branch of the telegraph company transmitting the message to refer the bill to its Washington, D. C., office for collection.

(d) **Adequate supply to meet public demands.** Central-accounting postmasters shall see that their district-accounting postmasters have on hand for sale an adequate supply of bonds to meet local demands. Ordinarily, about a 3 months' supply, but not less than five bonds of each of the three lower denominations, should be furnished district-accounting offices at one time. Shipments of bonds shall be accompanied by an invoice (Form 912), the instructions on which shall be carefully observed. The same procedure shall be followed in shipping bonds to branches and stations, such shipments being limited ordinarily to a month's supply.

(e) **Form to be used in purchasing.** Purchasers of savings bonds shall apply on Form 920, on which shall be stated, by denominations, the number of bonds applied for, the amount of the purchase, and the name and address to be inscribed on the face of the bond. Postmasters will assist in the preparation of this form, being guided, with respect to the form of registration, by the instructions in Treasury Department Circular No. 530, Sixth Revision, or as later amended or revised. Postmasters shall accept lists in lieu of individual Forms 920 from business concerns, schools, or associations applying for bonds to be issued in the name of their employees or members. Postmasters shall keep on hand a supply of Treasury Department forms for use by those who desire to order savings bonds by mail direct from the Treasurer of the United States. Central-accounting postmasters shall requisition mail-order forms from the Third Assistant Postmaster General, Division of Postal Savings. All other postmasters shall requisition them from their respective central-accounting postmasters.

(f) **Instructions for issuing.** In the issuance of bonds postmasters shall strictly observe the instructions in the Manual of Instructions for Postal Personnel. No erasures or alterations are authorized. When an error is made in inscribing on a bond the name and address of the owner or the month and year of issue the bond shall be treated as spoiled and a new bond issued in its stead. (See pars. (h) and (i).) No attempts should be made to correct the error on the original bond. If a minor error is made in inscribing the original registration

stub of an issued bond, and the inscription on the bond is correct (without alteration or correction), the error on the stub may be corrected; but, in such cases, the postmaster, if district accounting, shall submit with the original stub (but not attached to it) a signed memorandum showing the corresponding inscription exactly as it appears on the bond and stating that no alteration or correction appears thereon. If direct accounting, the postmaster shall annotate the stub according to wordings authorized by the Department. Postmasters are not authorized to receive any money from applicants for bonds unless the bonds are available for immediate delivery.

(g) Forms of payment acceptable. The provisions of §§ 8.9 and 71.4, defining what may be accepted for the purchase of money orders, shall be applicable to the purchase of savings bonds. Government checks not more than one full fiscal year old may be accepted from responsible persons whose endorsement thereon the postmaster is willing to guarantee. Personal checks, cashier's checks, bank drafts, or other commercial paper may be accepted at the risk of the postmaster, but delivery of the bonds so purchased shall be withheld until the check or draft has cleared. Postmasters shall observe the procedure outlined in the article concerning the acceptance of checks in payment of savings bonds in the Manual of Instructions for Postal Personnel. If a postmaster is unwilling to accept responsibility for a check or draft presented for the purchase of bonds, he shall inform the patron that the Department does not require the general acceptance of checks, but that the Treasury Department and Federal Reserve banks will accept them in the purchase of savings bonds applied for by mail.

(h) When error made by postmaster in issuing—(1) If bond returned during month of issue. If a postmaster has made an error in issuing a bond and the error is discovered and the bond returned to the postmaster during the month of issue, the postmaster, on positive identification of the presenting party, shall treat the bond and registration stubs as spoiled and issue a new bond in its stead. Both district and direct accounting postmasters shall forward the spoiled bonds and the corresponding original registration stubs with their monthly reports, Form 904.

(2) If bond returned after month of issue. If a bond is returned to the postmaster after the month of issue for correction of the postmaster's error, or if a bond recalled by the Department is returned during or after the month of issue, or if a bond is returned at any time for correction of an error other than the postmaster's, the postmaster shall complete transmittal letter, Form 922, in triplicate, give one copy to the owner of the bond as a receipt, and forward the bond with the original Form 922 to the Third Assistant Postmaster General, Division of Postal Savings.

(3) If bond issued under pay-roll deduction plan. If the returned bond was issued under the pay-roll deduction plan of a business concern and the error was made by the group agent, the bond and transmittal letter, Form 922, shall be accompanied with the group agent's signed statement that the error was made by him. The name or date as it should have been shown on the firm's application or list shall be stated. The group agent's employer or an executive official of the organization should endorse the group agent's statement substantially in the form:

I, _____ certify that _____
 (Name, official title, and name of concern) (Name of group agent)
 whose signature appears above has been designated group agent in connection with the pay-roll allotment plan (or other plan) in this organization for the purchase of United States savings bonds.

(4) **If bond returned by mail for correction.** If a bond is returned by mail to a postmaster for correction, the envelope in which it was mailed shall be submitted to the Third Assistant Postmaster General, Division of Postal Savings, with the bond and the Third Assistant Postmaster General shall reimburse the owner for the postage and registry fee.

(i) **Bonds spoiled or damaged before or during issue.** Any bonds which may be spoiled or damaged before or in the process of issue shall be invalidated by writing or stamping the word "Spoiled" or "Damaged" and the name of the post office across the face of the bond. A similar notation shall be made on the original and duplicate stubs. District postmasters shall forward spoiled or damaged bonds and the corresponding original registration stubs to the central-accounting postmaster for credit. Direct-accounting postmasters shall forward spoiled or damaged bonds and original stubs with monthly reports (Form 904).

(j) **Postmaster accountable under his bond.** Each postmaster is accountable to the department under his official bond for all money received by him from the sale of United States savings bonds, in the same manner that he is accountable for any other money or property of the Government entrusted to his care as postmaster, and, in addition to the purchase price, he may be held accountable for the increase in value of savings bonds issued when deposits or remittances are not made promptly.

(k) **Report of superintendents at branches and stations.** Superintendents at savings-bond branches and stations shall prepare reports on Form 914 for each day in which savings-bond business is transacted and promptly submit them, together with original stubs of sold bonds, original stubs and bonds that have been spoiled, and the proceeds of sales, to their main offices. Postmasters may require the superintendents of branches and stations to submit "No business" reports on Form 914 or Form PS 621-B for days, other than Sundays and holidays, when no savings-bond business is transacted.

(l) **Depositing and remitting of funds, and accounting.** Central-accounting postmasters shall deposit the proceeds of savings-bond sales and savings-bond funds received from other postmasters, except that part represented by canceled savings stamps, with the Treasurer of the United States through Federal Reserve banks and branches and United States depository banks, for credit of the Postmaster General, United States Savings Bond account, using the appropriate symbol number. The postmaster at Washington, D. C., shall deposit surplus savings-bond funds direct with the Treasurer of the United States. Treasury Department Form 5560, in quadruplicate, shall be prepared to cover each deposit. Postmasters at other first-class offices, and postmasters at second-, third-, and fourth-class offices, shall remit savings-bond funds daily to their respective central accounting postmasters, using Form 990, but no remittance of less than \$50 need be made except on the last day of the month in closing the account when all savings-bond funds on hand, including canceled savings stamps, shall be disposed of. Postmasters at first-class offices that have not been furnished special perforating equipment for canceling savings stamps or that have such equipment but have been instructed to discontinue its use and postmasters at second-, third-, and fourth-class offices shall remit savings-bond funds represented by canceled savings stamps once each month or oftener according to the volume of business or as may be specifically directed by the central accounting postmaster. To facilitate replacement in the event of loss, postmasters shall keep adequate records of checks or drafts included in remittances or deposits. Central accounting postmasters shall receipt for each remittance received from

direct and district accounting postmasters on Form 990, and the remittances from direct and district accounting postmasters shall be recorded separately on the daily reports, Forms 940-A and 940-C/A, of the Superintendent of Money Orders and the Auditor. Credit for bonds sold at district offices, as indicated by their remittances, shall not be taken in the savings-bond forms account of the daily reports at central-accounting offices until the monthly reports on Forms 904 and 905 are received, at which time the stock disposed of at those offices shall be credited in the forms account and the reported bond sales debited in the cash account. The charge for the total of the month's remittances received from district offices as recorded on Forms 940-A and 940-C/A shall be offset by a credit adjustment entry of the amount with the notation "Cash received from district accounting offices transferred to bond sales." Postmasters at first-class offices that are authorized to use special perforating equipment for canceling savings stamps shall send canceled savings stamps representing savings-bond funds to the Register of the Treasury, Chicago Branch, Merchandise Mart, Chicago 54, Ill., by official registered mail, accompanied by certificate of deposit, Treasury Department Form 5560, in quadruplicate, and an advice of shipment, Form 976. (See § 8.30.) Both direct and district accounting postmasters shall carefully observe the instructions in the Manual of Instructions for Postal Personnel concerning the disposition to be made of savings-bond receipts. If a remittance contains currency, coin, or canceled savings stamps, it must be registered and sent by the last authorized registered dispatch for the day. At offices where remittances are regularly made by bank draft or official check, funds accumulated after banking hours may be held until the next day, unless the safeguarding facilities are inadequate, in which case a special registered remittance of accumulated funds shall be made if an authorized registered dispatch is available.

(m) Loss of bonds or funds. The loss or destruction of savings bonds or funds shall be immediately reported to the inspector in charge of the division in which the office is located, as provided in § 25.12, and, in addition thereto, reports shall be immediately forwarded to the Third Assistant Postmaster General, Division of Postal Savings (to the central-accounting postmaster in the case of district offices), giving the serial numbers and denominations of the bonds lost or destroyed. The report shall show the date and manner of the loss or destruction and contain a certification of the postmaster to the effect that the bonds referred to have not been sold or issued by him, and that in case of their recovery at any future date they will be immediately returned to the department. (See also §§ 9.1 and 9.2.)

(n) Filing and retention of applications and stubs. Postmasters shall record the serial numbers of sold bonds on the purchasers' applications, Form 920, or opposite the respective names on lists of group purchases. The applications, Form 920, shall be filed alphabetically, and where the volume is large, each month's applications may be filed separately. The duplicate stubs shall be filed in numerical sequence. The duplicate stubs shall be retained 1 year from the date the bonds are issued or spoiled, and the applications shall be retained until 6 months after the bonds have matured.

(o) Reports—(1) Of district postmasters. Immediately after the close of business on the last day of each month district postmasters shall prepare reports on Form 904, in duplicate, showing their savings-bond business for the entire month, and on Form 905, in triplicate, showing by denominations the inclusive serial numbers of bonds sold, spoiled, or damaged during the month covered by the report. They shall retain one copy of both Form 904 and Form 905 and shall

forward to their respective central-accounting postmasters by ordinary mail one copy of Form 904 and two copies of Form 905, together with the original registration stubs of all bonds sold during the month, and the original stubs and bonds that have been spoiled or damaged. The envelope or label shall be plainly marked "Form 904 for _____" and no savings-bond funds nor canceled savings

(month)

stamps shall be included in this dispatch. If no business was transacted during the month, a report on Form 904 shall be submitted showing the stock balances and with the notation "No business transacted" written across the cash account. Central accounting postmasters shall examine the reports on Forms 904 and 905 to see that they correctly reflect the business transacted at each district office as indicated by the original stubs received with the reports and, by reference to the remittance letters on file or the schedule of remittances, Form 989, shall ascertain whether the exact proceeds of bonds reported sold have been received. They shall promptly notify and instruct district postmasters with respect to any overage or shortage in remittances and also with respect to any other consequential errors or discrepancies in the reports. District postmasters who consistently delay their monthly reports or fail to dispose of their savings-bond funds as provided in paragraph (1) of this section shall be reported to the inspector in charge of the district.

(2) **Of direct-accounting postmasters.** Direct-accounting postmasters shall prepare and forward to the Savings Bond Examiners (Postal Section), Merchandise Mart, Chicago 54, Ill., monthly United States savings-bond reports on Form 904 as soon as practicable after the close of the month for which the account is rendered. An abstract (Form 905), in duplicate, shall be prepared showing the quantity and serial numbers of all United States savings bonds sold, spoiled, or damaged during the month covered by the account. An individual abstract shall be submitted for the main office and each branch and station authorized to sell savings bonds. This abstract, together with the original registration stubs listed thereon and all spoiled or damaged bonds, shall be forwarded with the account current (Form 904) by ordinary mail. These accounts and vouchers must not be forwarded by registered mail. A copy of the account current (Form 904) and of each abstract (Form 905) shall be retained.

(3) **Of central-accounting postmasters.** The account current of a central-accounting postmaster shall include all bond stock held at branches, stations, and assigned district offices and shall reflect all business transacted thereat. Amounts due from branches, stations, or district offices on account of sales shall be included in the amount reported as cash on hand. An individual abstract, Form 905, a recapitulation thereof on Form 917, and supporting original registration stubs and spoiled or damaged bonds shall be submitted for the main office, each branch, station, and district office. In addition, central-accounting postmasters shall report on Form 991, by offices, listed alphabetically, the total of the remittances received from other first-class post offices on account of the sale of United States savings bonds. The total of such remittances shall be appropriately debited in their accounts current. The report on Form 991 with monthly schedules of remittances, Form 989, must be submitted as soon as possible after the close of each month, using special envelope, Form 908. It shall not be enclosed with the account current.

(p) **Invoices and credits for shipments by central-accounting postmasters.** Bond stock shipped by central-accounting postmasters to first-class offices when so directed by the Third Assistant Postmaster General shall be invoiced on Form

912 which shall be prepared in quintuplicate—two copies to be forwarded with the monthly account current, Form 904, and the remaining copies to be disposed of in accordance with the instructions on the form. Central-accounting postmasters shall take credit in their records and on line 22 of the monthly account current for all bond stock shipped to first-class offices and shall submit with the account current, in addition to the copies of the invoices, a schedule showing the number of bonds of each denomination shipped and the total value thereof, by offices.

(q) **Safekeeping of bonds.** Postmasters generally will assist owners in arranging with Federal Reserve Banks for the safekeeping of bonds, but shall not act as safekeeping agents. For this purpose they shall keep on hand application forms for safekeeping (Form P. D. 1423).

NOTE: Any bond issued by a postmaster in response to a mail order, according to a list tendered by a business firm, school, or association, or when issued by such concern and submitted to a post office for verification and authentication may be sent by the postmaster, if the purchaser so desires, to the Treasurer of the United States or Federal Reserve Bank for safekeeping by official mail. The postmaster should enclose with the bond a statement that it is being forwarded for safekeeping in accordance with the wish of the purchaser. It is not necessary to include completed requests for safekeeping (Form P. D. 1423). This authorization does not apply to bonds purchased through window transactions.

(r) **Certification of bonds for payment—(1) Procedure.** United States savings bonds shall not be paid at any post office, but postmasters generally shall assist holders in securing payment at, or before, maturity. Any postmaster may certify to the request for payment on the back of a savings bond, provided he is positive that the person presenting the bond is the person whose name is inscribed on the face of the bond, and there is no evidence thereon of erasure or alteration. Registered owners of savings bonds who are unable to sign their names to requests for payment may sign by mark. In all such cases, however, the signatures shall be witnessed by at least one disinterested witness in addition to the certifying officer. The postmaster shall require positive identification as he will be held fully responsible therefor. The postmaster shall advise the applicant for payment to forward the bond, the request for payment on the back thereof having been properly executed, to the Treasurer of the United States, Washington, D. C., or to any Federal Reserve Bank. Savings bonds shall not be transmitted for payment as official matter, but shall be sent at the expense and risk of the owners, who should be encouraged to send the bonds by registered mail.

(2) **Signature to certification.** For the purpose of certification, the personal signature of the postmaster, the acting postmaster, or the post office inspector in charge of the post office is necessary: *Provided*, That at any post office, classified branch or station, any supervisor, or clerk temporarily in charge of the office, or any clerk or carrier specially designated in writing by the postmaster, may certify to the request for payment. If an official other than the postmaster, acting postmaster, or post office inspector in charge of the post office certifies to the request for payment, he shall certify in the name and title of the postmaster, followed by his own signature and official title. The specially designated clerk or carrier shall sign as "Designated Clerk" or "Designated Carrier."

(s) **Issuance of instructions.** Detailed instructions relative to the United States savings bonds issued to, and sold through, the Postal Service and concerning accounting for the proceeds of such sales shall be issued by the Third Assistant Postmaster General, Division of Postal Savings.

UNITED STATES SAVINGS STAMPS

§8.30 **United States Savings stamps—(a) Authorization.** The authority of the Postmaster General contained in section 6 of the Act of June 25, 1910, as

amended (39 U. S. C. 756), and section 22 (c) of the Second Liberty Bond Act, as amended, to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States.

NOTE: By agreement between the Postmaster General and the Secretary of the Treasury the liability for outstanding postal-savings stamps of all series, including the so-called Defense Savings stamps and War Savings stamps, and the accountability for unsold savings-stamp stock charged to postmasters were transferred to the Treasury Department as of the close of business September 30, 1942.

(b) Sale through post offices. Savings stamps furnished by the Secretary of the Treasury in such denominations as he may determine shall be offered for sale at all post offices. Postmasters shall put them on sale at any classified branch or station where there is a demand and may put them on sale at contract branches and stations. Superintendents and clerks in charge of stations and branches, including contract stations and branches, and main office clerks and rural carriers who have been assigned savings-stamp credits shall replenish their fixed credits each day, except that employees with savings-stamp stocks of less than \$100 may replenish their credits whenever the accumulated funds amount to one-fourth of the credit.

(c) Postmasters to encourage purchase of. Postmasters shall encourage the sale of savings stamps; they shall keep an adequate supply on hand; they shall post conspicuously placards and window displays calling the attention of the public to the availability of the stamps; and shall have on hand, for distribution without cost to stamp purchasers and, in reasonable quantities, to persons engaged in promoting savings-stamp sales, albums, cards, or other devices furnished by or with the approval of the Secretary of the Treasury to which savings stamps may be affixed after purchase. They shall see that proper service is provided at post-office windows so that the public is served without unnecessary delays or inconvenience and, if needed, shall make any extensions of night and Saturday afternoon service; but where additional clerk hire will be involved, the postmaster shall first apply to the First Assistant Postmaster General, Division of Post Office Clerical Service, for the necessary allowance.

(d) Denominations; requisitions; fixed credits. Savings stamps in denominations of 10 cents, 25 cents, 50 cents, and \$1 are printed in sheets of 100; and \$5 stamps, in sheets of 25. The 10-cent and 25-cent stamps are also bound in books which are packaged in lots of 10. Books of 50 10-cent saving stamps sell for \$5 and books of 40 25-cent saving stamps, for \$10. Postmasters at central accounting offices and Washington, D. C., shall submit requisitions for savings stamps to the Third Assistant Postmaster General, Division of Stamps, using Form PS 311-B. The requisitions shall be for full sheets, and if stamp books are ordered, for lots of 10 or multiples of 10 books. Postmasters at other first-class offices and at offices of the second, third, and fourth classes are granted fixed credits in savings stamps and shall send their requisitions to their respective central accounting postmasters, using the combined remittance letter and requisition, Form PS 311-F/C, ordinarily once a month; but if the fixed credit

is for \$100 or less, it need not be replenished until the accumulated funds equal one-fourth of the credit. With the approval of their central accounting postmaster, they shall order savings stamps in lots of 10 or multiples of 10, except the \$5 stamp which may be ordered as needed. They shall apply to their respective central accounting postmasters direct to increase or decrease savings-stamp credits. Credits in savings stamps shall ordinarily be the equivalent of a 4 months' supply except that no credit shall be for an amount less than \$5. They shall be receipted for on Form 3367 and each such receipt shall be modified to show that it covers savings stamps and shall be prepared in duplicate. The office having the fixed credit shall sign both copies, return the original to the central accounting office, and retain the duplicate. Postmasters having fixed credits must have on hand at all times the full amount of their assigned credits either as savings-stamps stock, canceled savings stamps, cash, or other representation of value. Window clerks and superintendents or clerks in charge of branches and stations shall be assigned fixed credits in savings stamps which shall be receipted for on Form 3367-B, suitably modified.

(e) Opening and counting of stock upon receipt. Packages of savings stamps shall, on receipt, be opened and counted jointly by the postmaster or his authorized representative and a witness. The postmaster shall subject the stock to such detailed verification as will establish to his satisfaction whether the stock received corresponds with the accompanying invoice. If the quantity does not agree with the invoice, Form PS 515 or PS 311-F/C, the postmaster shall make immediate report of the discrepancy, with the invoice attached, to the Third Assistant Postmaster General, Division of Stamps, if a central accounting office or Washington, D. C., or to the central-accounting postmaster if on a fixed credit for savings stamps, and hold the shipment intact and carefully preserve the wrapper. In case of shortage the correctness of the report shall be certified by the postmaster on his official oath and attested by the witness.

(f) Accountability of postmasters. Postmasters shall be held accountable for all savings stamps sent them for sale and shall retain in their personal custody the supply of savings stamps not in use at the window or shall designate some official or clerk, other than the clerk engaged in window work, who shall be responsible for safeguarding the savings-stamp stock. Savings stamps shall not be loaned or sold by one postmaster to another. They shall, in all cases, be obtained by requisition as provided in paragraph (d) of this section. Upon receipt of savings stamps at a central accounting office or Washington, D. C., the postmaster shall immediately charge himself with the face value thereof, regardless of their condition.

(g) Damaged stamps. If savings stamps are received at a central accounting office or at Washington, D. C., in a damaged condition or become damaged by fire or otherwise while in the possession of the postmaster, they shall be sent to the Third Assistant Postmaster General, Division of Stamps, for redemption. An itemized statement of the quantity returned and a full explanation of the cause of the damage shall be prepared in duplicate. The original shall accompany the returned stamps, which shall be counted, prepared for mailing, and dispatched in the presence of a witness; and the duplicate shall be retained by the postmaster, but credit shall not be taken until formal authorization is received from the Third Assistant Postmaster General. If the value of the stamps cannot be ascertained from an examination of them, they shall nevertheless be forwarded, and the postmaster shall be informed of their redemption value if it can be determined.

The postmaster at an office having savings stamps on a fixed credit shall return damaged stamps to the central accounting office in exchange for new stock.

(h) **Report of loss or destruction of stamps or funds.** The loss or destruction of savings stamps or savings-stamp funds, including canceled savings stamps, shall be immediately reported to the inspector in charge of the district in which the office is located, as provided in § 25.12, and to the Third Assistant Postmaster General, Division of Postal Savings, if the loss occurred at a central accounting office or at Washington, D. C., or to the central accounting postmaster in the case of offices having fixed credits. The report shall show the date and manner of the loss or destruction, contain a description of the items involved, and whether the loss was such that it can be established that the stamps will never be presented for redemption. (See also §§ 9.1 and 9.2.) Requisitions to replace savings stamps that have been lost, destroyed, or rendered unserviceable for any other reason shall be made in the usual manner except that the requisition shall be plainly marked "To replace stock lost or damaged."

(i) **Care of stamps and records.** Savings stamps and records shall be kept in good condition and be given the same protection as is required by § 7.4 for postage stamps and postal records.

(j) **Savings-stamp albums.** The savings-stamp albums furnished or approved by the Treasury Department for mounting savings stamps shall be requisitioned by postmasters at first- and second-class offices from the Fourth Assistant Postmaster General, Division of Equipment and Supplies, and by postmasters at third- and fourth-class offices from their designated supply offices. Postmasters shall keep in touch with local committees and organizations promoting savings-stamp sales and maintain an adequate supply of albums.

(k) **Depositing and remitting of funds.** Central accounting postmasters shall deposit the proceeds of savings-stamp sales and savings-stamp funds received from other postmasters, except that part represented by canceled savings stamps, with the Treasurer of the United States through Federal Reserve banks and branches and United States depository banks, for credit of the Postmaster General, United States Savings Stamp Account, Symbol No. 42030. The postmaster at Washington, D. C., shall deposit surplus savings-stamp funds direct with the Treasurer of the United States. Treasury Department Form 6815, prepared in quadruplicate to cover each deposit, shall be used in connection with such deposits. So far as practicable, postmasters at offices having fixed credits in savings stamps shall dispose of all savings-stamp cash on hand when replenishing fixed credits. To facilitate replacement in the event of loss, postmasters shall keep adequate records of checks and drafts included in remittances or deposits.

(l) **Payment and cancellation of savings stamps.** Savings stamps are transferable and payable to bearer at any post office and at any branch or station authorized to sell them. Postmasters shall not be required to identify the persons presenting the savings stamps for payment as the owners thereof. Savings stamps affixed to stamp albums, savings cards, or other authorized devices may be accepted in payment for United States Savings bonds, postal-savings certificates, or may be exchanged for cash. They shall be canceled and rendered unfit for further negotiation as soon as practicable after acceptance. The canceling shall be effected by perforating or by imprinting with a canceling stamp and nonwashable black ink. Perforating shall be confined to those offices of the first class that have been authorized to cancel savings stamps with special perforating equipment furnished for the purpose. At stations or branches of an office using such special perforating equipment, redeemed savings stamps may be canceled by rubber stamp before

they are transmitted to the main office. Redeemed stamps must be thoroughly canceled, but they should not be so defaced or mutilated as to make verification difficult. Postmasters shall stamp surrendered albums or cards with their post office dating stamp and shall enter the value of the stamps and the purpose for which they were surrendered (bonds or cash) in the upper right-hand corner on the back cover page. Savings stamps exchanged for postal-savings certificates or other savings stamps shall be classified as surrendered for cash. Postage stamps shall not be accepted as savings stamps, and postmasters shall promptly report to the inspector in charge of the division any attempt to cash counterfeit savings stamps. When savings stamps that have been torn, burned, or badly mutilated are presented, the postmaster shall accept at face value of the whole stamp one or more fragments identifiable as constituting clearly more than one-half of the same stamp. If the fragment or fragments are not so identifiable, the holder shall be advised to send them, and if affixed to an album the entire album, to the Treasurer of the United States, Washington 25, D. C. If stamps are presented that have adhered and the holder is unable to separate them and determine their value (which he may do by soaking them in warm water), he shall likewise be advised to forward them to the Treasurer of the United States for redemption.

(m) **Funds and credits for payment of stamps.** Postmasters shall use savings-stamp or savings-bond funds when paying for savings stamps surrendered for cash, but if no such funds are available, any other official funds may be used. If additional funds are needed, postmasters who have been granted a credit with the Treasurer of the United States should draw on that credit and other postmasters should apply to their central accounting postmasters on Form 1847 for an advance of postal funds. Postmasters at central accounting offices and Washington, D. C., shall send canceled savings stamps to the Register of the Treasury, Chicago Branch, as deposits for credit either to the Postmaster General's savings-stamp account, using Treasury Department Form 6815, or to the Postmaster General's savings-bond account, using Treasury Department Form 5560 for this purpose, or both. Postmasters at other first-class offices that are authorized to use special perforating equipment shall send canceled savings stamps to the Register of the Treasury, Chicago Branch, as deposits for credit only to the Postmaster General's savings-bond account, using Treasury Department Form 5560, prepared in quadruplicate to cover each deposit; and at the close of each month shall include with any type of remittance to the central-accounting office redeemed savings stamps in excess of the amount that can be taken into the savings-bond account. Postmasters at other first-class offices and at second-, third-, and fourth-class offices may include canceled savings stamps with any type of remittance to their central accounting office. If the postmaster at a central accounting office or at Washington, D. C., needs additional savings-stamp funds to reimburse other official accounts, he shall requisition the amount needed from the Third Assistant Postmaster General, Division of Postal Savings. The requisition should be submitted before the end of the month and should call for an amount sufficient to insure complete reimbursement. Any portion of the amount not needed for reimbursement purposes may be retained for use in the following month.

(n) **Reports.** Postmasters at central accounting offices and Washington, D. C., shall prepare daily reports, Forms 983-A and 983-C/A, in which shall be entered all receipts and disbursements of savings-stamp funds and all transactions in savings-stamp stock, and at the close of the month shall prepare an account current, Form 974, by entering after the several items the total of the business

recorded for the corresponding items in the daily records and shall forward it to the Third Assistant Postmaster General, Division of Postal Savings, by ordinary mail. The records and account current of a central accounting postmaster shall include in the stock account the amount of all savings-stamp fixed credits at other offices in his district, branches, and stations. Postmasters at first-class offices that are authorized to send canceled savings stamps to the Register of the Treasury, Chicago Branch, shall submit to the Third Assistant Postmaster General, Division of Postal Savings, a report on Form 979-A showing the total value of savings stamps so disposed of during the month and, separately, the value exchanged for bonds and the value surrendered for cash. Central accounting postmasters, when completing Form 979-A, shall report all the stamp sales of their accounting district, showing the sales of their main office, branches, and stations and those of offices having fixed credits as two separate items. The postmaster at Washington, D. C., shall also complete Form 979-A to show the savings-stamp sales of his main office, branches, and stations.

(o) **Sale by rural carriers.** Postmasters from whose offices rural-delivery service is operated shall extend to rural carriers, on routes where there is a demand for savings stamps, a reasonable credit in such stamps, and rural carriers shall carry for sale to their patrons an adequate supply of such stamps.

(p) **Sales to business houses, institutions, groups.** Postmasters shall sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale, but shall not extend any savings-stamp credits outside of the Postal Service. The provisions of §§ 8.9 and 71.4, defining what may be accepted for the purchase of money orders, shall be applicable to the purchase of savings stamps. Government checks may be accepted from responsible persons whose endorsement thereon the postmaster is willing to guarantee. Personal checks, cashier's checks, bank drafts, or other commercial paper may be accepted at the risk of the postmaster, but delivery of the stamps so purchased shall be withheld until the check or draft has cleared. Postmasters shall likewise furnish free to any concern purchasing savings stamps for resale a supply of albums in reasonable quantities.

(q) **Telegrams.** All telegrams addressed to the Post Office Department concerning savings stamps shall be sent "Official business, collect, Government rate, special bill." Official messages between postmasters concerning savings stamps shall be sent "Official business, Government rate, charge Post Office Department, special bill." Postmasters shall advise the branch of the telegraph company transmitting the message to refer the bill to its Washington, D. C., office for collection.

(r) **Issuance of instructions.** Detailed instructions relative to savings stamps issued to and sold through the Postal Service and concerning the accounting for the proceeds of such sales shall be issued by the Third Assistant Postmaster General, Division of Postal Savings.

PART 9—LOSSES OF FUNDS AND STAMPED PAPER

Sec.		Sec.
9.1	Investigations of and claims for losses of funds or valuable paper.	9.2 Claims for credit.

§ 9.1 **Investigations of and claims for losses of funds or valuable paper—(a) Provisions.** The Postmaster General may investi-

gate all claims of postmasters, Navy mail clerks, assistant Navy mail clerks, Coast Guard mail clerks, assistant Coast Guard mail clerks, Army mail clerks, and assistant Army mail clerks for the loss of any funds or valuable paper which they may have in their official custody, resulting from burglary, fire, or other unavoidable casualty, and for the loss occurring after April 1, 1924, by bank failure of any such funds deposited in National or State banks, and if he shall determine that such loss resulted from no fault or negligence on the part of such officers or employees, may pay to them or credit them with the amount so ascertained to have been lost or destroyed, and may also credit them with the amount of any remittance of such funds or valuable paper made by them in compliance with the instructions of the Postmaster General, which shall have been lost or stolen while in transit by mail to the office designated as a depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor, or to the postmaster at any other post office, and authorized shipments of postage and other stamp stock or valuable paper lost while in transit by mail from one such officer or employee to another such officer or employee, or to or from the Post Office Department, and such funds remitted after April 1, 1924, in compliance with instructions of the Postmaster General in the form of drafts or checks which have been returned unpaid or dishonored by reason of the closing of the banks issuing such drafts or checks: *Provided*, That in all cases of bank failure the postmaster shall first file with the receiver of the insolvent bank a claim for the full amount of the funds involved and assign such claim to the Postmaster General, who shall receive all dividends accruing in any such case. No claim exceeding the sum of \$10,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster General, and an appropriation made therefor. All such claims must be presented within six months from the time the loss occurred: *Provided further*, That in the case of claims of Navy mail clerks, assistant Navy mail clerks, Coast Guard mail clerks, assistant Coast Guard mail clerks, Army mail clerks, assistant Army mail clerks, and postmasters outside the continental United States the limitation shall be two years as to claims for losses occurring while the United States is at war: *Provided further*, That the provisions of this Act, as regards Army mail clerks and assistant Army mail clerks, shall be applicable to claims which have arisen or may arise at any time subsequent to the Act of August 21, 1941 (55 Stat. 656), authorizing the designation of Army mail clerks and assistant Army mail clerks, and likewise shall, in the case of Coast Guard mail clerks and assistant Coast Guard mail clerks, be applicable to claims which have arisen or may arise at any time

subsequent to the Act of July 11, 1941 (55 Stat. 586), authorizing the designation of Coast Guard mail clerks and assistant Coast Guard mail clerks.

(b) Statutory limitations. The provisions of this Act shall not be applicable to claims for losses cognizable under the Government Losses in Shipment Act (act of July 8, 1937, 50 Stat. 479, as amended; 5 U. S. C., 1940 edition, sec. 134–134h), nor to claims for losses by Army mail clerks and assistant Army mail clerks relating to stamps which were supplied to them by the War Department and not by the Post Office Department, nor to the funds received through the sale of such stamps, nor to claims for losses by Navy mail clerks and assistant Navy mail clerks relating to stamps which were supplied to them by the Navy Department and not by the Post Office Department, nor to the funds received through the sale of such stamps. (Secs. 1 and 2, 22 Stat. 29, as amended; 39 U. S. C. 49.)

NOTE: See § 76.29 as to unadjusted claims upon change of postmasters. For purposes of paragraph 1 the state of war existing prior to July 25, 1947, was terminated on that date by section 3 of the act of July 25, 1947. (Public Law 239, 80th Cong., 1st sess.; 61 Stat. 451.)

(c) Government evidences of indebtedness held by Department while agent for Treasury. All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the Post Office Department or Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe: *Provided, however,* That no postmaster, Navy mail clerk, or assistant Navy mail clerk having the custody or possession of such stamps, securities, obligations, or funds at the time of the loss, destruction, or damage shall be relieved of any liability to the United States or receive credit in his accounts for such loss, destruction, or damage under the provisions of the Act of March 17, 1882, as amended (U. S. C., 1934 edition, title 39, sec. 49), until the Postmaster General and the Secretary of the Treasury have jointly determined that such loss, destruction, or damage resulted from no fault or negligence on the part of such postmaster, Navy mail clerk, or assistant Navy mail clerk. (Sec. 2, 53 Stat. 1358; 5 U. S. C. 134b-1.)

(d) Allowance of relief for certain physical losses or deficiencies. The General Accounting Office is authorized, after consideration

of the pertinent findings and if in concurrence with the determinations and recommendations of the head of the department or independent establishment concerned, to relieve any disbursing or other accountable officer or agent or former disbursing or other accountable officer or agent of any such department or independent establishment of the Government charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge, if the head of the department or independent establishment determines (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. This act shall be applicable only to the actual physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers, and shall not include deficiencies in the accounts of such officers or agents resulting from illegal or erroneous payments. (Sec. 1, 61 Stat. 720; 31 U. S. C. 82a-1.)

§ 9.2 Claims for credit—(a) At direct-accounting and central-accounting offices. At direct-accounting or central-accounting offices all claims for credit on account of losses by burglary, fire, or other unavoidable casualty, and correspondence concerning the same shall be addressed to the Solicitor for the Post Office Department, who shall furnish the necessary blanks for making such claims.

NOTE: See § 25.12 as to reporting losses by burglary, fire, or other unavoidable casualty.

(b) When value cannot be ascertained. In case the value of stamps or other stamped paper damaged by fire or other unavoidable casualty cannot be ascertained the damaged supplies shall be sent as provided in § 8.26 to the Third Assistant Postmaster General, Division of Stamps, who shall determine their value, if possible, and notify the postmaster and the Solicitor.

(c) Inventory after casualty. Immediately after a fire, burglary, or other similar casualty the postmaster shall count all Government funds, postage stamps, and other stamped paper remaining in his possession and make and keep a complete inventory of the same.

(d) When claim pending for direct-accounting postmaster. A postmaster at a direct-accounting office who has suffered loss of money, postage stamps, or other stamp supplies through any cause, and has made claim for credit or reimbursement, shall not be required to deposit immediately the amount or the value of the supplies. The amount of the loss may remain outstanding until his claim is settled, provided the total balance of the loss shall be entered as a credit item in each quarterly postal account until his claim is settled. The claim pending shall be indicated by marking out "Allowances by Solicitor." In the postal account in which credit is finally claimed as the result of settlement of the claim the amount allowed shall be so shown, and the disallowed balance shall be deposited.

(e) At district offices. At a district office the postmaster should promptly notify the central-accounting postmaster of the particulars of the loss and the

amounts of both stamp stock and cash lost, rendering separate reports for each. He should file his claim with the Solicitor and the inspector in charge shall also be notified. The central-accounting postmaster shall promptly forward to the district postmaster stamp stock and cash equal to the amount of the loss. The district postmaster shall sign an "emergency claim pending receipt" to cover the amount furnished, which receipt shall include the certificate acknowledging his accountability for the additional stamps and cash furnished him, and agreeing to account for them in cash or stamps to the central-accounting postmaster if his claim is subsequently disallowed by the Postmaster General.

AND ACCOUNTS

PART II—ESTIMATES

§ 101. The President shall submit to Congress a Budget for each regular session of Congress, which shall set forth in summary and in detail the estimated needs of the Government for the ensuing fiscal year, and shall be included in the Budget without revision.

§ 102. The President shall submit to Congress a Budget for each regular session of Congress, which shall set forth in summary and in detail the estimated needs of the Government for the ensuing fiscal year, and shall be included in the Budget without revision.

§ 103. The President shall submit to Congress a Budget for each regular session of Congress, which shall set forth in summary and in detail the estimated needs of the Government for the ensuing fiscal year, and shall be included in the Budget without revision.

§ 104. The President shall submit to Congress a Budget for each regular session of Congress, which shall set forth in summary and in detail the estimated needs of the Government for the ensuing fiscal year, and shall be included in the Budget without revision.

§ 105. The President shall submit to Congress a Budget for each regular session of Congress, which shall set forth in summary and in detail the estimated needs of the Government for the ensuing fiscal year, and shall be included in the Budget without revision.

Title Two

ESTIMATES, APPROPRIATIONS, DISBURSEMENTS, AND ACCOUNTS

Part
15 Estimates
16 Appropriations

Part
17 Disbursements and accounts
18 Settlement of accounts: Legal proceedings: Compromises

PART 15—ESTIMATES

Sec.
15.1 Transmittal of Budget to Congress.
15.2 Transmittal of supplemental or deficiency estimates to Congress.
15.3 Form of estimates.
15.4 (Section number reserved.)

Sec.
15.5 Estimates or requests for appropriations to be submitted only at request of Congress.
15.6 Designation of departmental budget officers.
15.7 Submission of departmental estimates to Bureau of Budget.
15.8 Departmental estimates to be submitted as prescribed by President.

§ 15.1 Transmittal of Budget to Congress. The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail: * * * Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision; * * * (Sec. 201, 42 Stat. 20; 31 U. S. C. 11.)

§ 15.2 Transmittal of supplemental or deficiency estimates to Congress. The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget. (Sec. 203, 42 Stat. 21; 31 U. S. C. 14 (a).)

§ 15.3 Form of estimates—(a) For appropriations and expenditures. Except as otherwise provided * * * [by law], the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 14 of this title, and the notes and other data submitted therewith, shall conform to the requirements of existing law. (Sec. 204, 42 Stat. 21; 31 U. S. C. 581 (a).)

NOTE: See § 17.17.

(b) For lump-sum appropriations. Estimates for lump-sum appropriations contained in the Budget or transmitted under section 14 of this title shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character otherwise required by law. (Sec. 204, 42 Stat. 21; 31 U. S. C. 581 (b).)

§ 15.4 (Section number reserved.)

§ 15.5 Estimates or requests for appropriations to be submitted only at request of Congress. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (Sec. 206, 42 Stat. 21; 31 U. S. C. 15.)

§ 15.6 Designation of departmental budget officers. (a) The head of each department and establishment shall designate an official thereof as Budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such Budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work. (Sec. 214, 42 Stat. 23; 31 U. S. C. 22.)

§ 15.7 Submission of departmental estimates to Bureau of Budget. The head of each department and establishment shall revise the departmental estimates and submit them to the bureau [of the Budget] on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such esti-

mates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (Sec. 215, 42 Stat. 23; 31 U. S. C. 23.)

§ 15.8 Departmental estimates to be submitted as prescribed by President. The departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (Sec. 216, 42 Stat. 23; 31 U. S. C. 24.)

PART 16—APPROPRIATIONS

<p>Sec. 16.1 Withdrawals from Treasury; accounting for public money. 16.2 Appropriations out of revenues. 16.3 Construction of laws restricted if involving appropriations. 16.4 Total amount in an appropriation act.</p>	<p>Sec. 16.5 Unexpended balances of appropriations. 16.6 Claims under exhausted or unavailable appropriations. 16.7 Payments based on metered readings for overlapping periods. 16.8 Authority for cost ascertainment.</p>
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§ 16.1 Withdrawals from Treasury; accounting for public money. * * * No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. * * * (Constitution, Art. I, Sec. 9.)

§ 16.2 Appropriations out of revenues. The money required for the Postal Service in each year shall be appropriated by law out of the revenues of the service except as otherwise provided by law. (R. S. 4054, 39 U. S. C. 786.)

NOTE: The money required by the Post Office Department as well as the postal service in the fiscal year 1923 and subsequent fiscal years has been appropriated out of the revenues of the service. Postal appropriation acts have contained provisions that if the revenues were insufficient to meet the appropriations, a sum equal to such deficiency was appropriated out of the money in the Treasury not otherwise appropriated.

§ 16.3 Construction of laws restricted if involving appropriations. No act of Congress passed after June 30, 1906, shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. (Sec. 9, 34 Stat. 764; 31 U. S. C. 627.)

§ 16.4 Total amount in an appropriation act. The total amount appropriated in the various paragraphs of an appropriation Act shall

be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (Sec. 1, 29 Stat. 148; 31 U. S. C. 670.)

§16.5 Unexpended balances of appropriations—(a) Use of. Except as otherwise provided by law, all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. (R. S. 3690; 31 U. S. C. 712.)

(b) Carried to surplus fund and covered into Treasury. After the 1st day of July, in each year, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury. * * * (Sec. 5, 18 Stat. 110, as amended; 31 U. S. C. 713.)

(c) Special deposit account for unpaid checks—(1) Transfer of amounts to. With the exception of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, the amounts of all original and substitute checks drawn on the Treasurer of the United States, including those drawn by wholly owned and mixed-ownership Government corporations, or drawn by authorized officers of the United States on designated depositaries, which have not been paid prior to the close of the fiscal year next following the fiscal year in which the checks were issued, shall be transferred from the account of the drawer or the account then available for the payment thereof to a special-deposit account or accounts on the books of the Treasurer of the United States.

(2) Payment of original or substitute checks therefrom. With the exception of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, any original or any substitute checks heretofore or hereafter drawn on the Treasurer of the United States, including those drawn by wholly owned and mixed-ownership Government corporations, or drawn by authorized officers of the United States on designated depositaries which have not been paid prior to the close of the fiscal year next following the fiscal year in which the checks were issued and checks issued in payment of claims settled by the General Account-

ing Office on account of any of such checks shall be payable from the special-deposit account or accounts established pursuant to this section: *Provided*, That in the following classes of cases any original or substitute check shall be payable from the special-deposit account or accounts only after settlement by the General Accounting Office: (1) Where the check is drawn on a designated depository, (2) where the owner or holder of the check has died or is incompetent, (3) where on presentation of the check for payment the Treasurer of the United States is on notice of a doubtful question of law or fact, and (4) where the check is over ten years old: * * * (Sec. 1, 61 Stat. 308; 31 U. S. C. 132.)

NOTE: The amounts of Treasury checks which are not paid prior to the close of the fiscal year next following the fiscal year in which the checks were issued will be transferred out of the Treasury symbol checking accounts at the instance of the Reconciliation and Clearance Division of the General Accounting Office and without any action on the part of or reports from postmasters to whom the Treasury symbol checking accounts are assigned.

§ 16.6 Claims under exhausted or unavailable appropriations.

It shall be the duty of the General Accounting Office to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 713 of this title that may be brought before them within a period of five years. * * * : *Provided*, That nothing in this section shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (Sec. 4, 20 Stat. 130, as amended; 31 U. S. C. 714.)

§ 16.7 Payments based on metered readings for overlapping periods. Hereafter, in making payments for commodities or services the quantity of which is determined by metered readings, such as gas, electricity, water, steam, and the like, and for telephone services, where the period covered by the charge begins in one fiscal year or allotment period and ends in another, the entire amount of the payment may be regarded as a charge against the appropriation or allotment current at the end of such period. (See § 17.30.) (50 Stat. 119, as amended; 31 U. S. C. 668a.)

§ 16.8 Authority for cost ascertainment. The Postmaster General is authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually and pay the cost thereof out of the departmental and field appropriations of the several bureaus of the Department supervising or conducting the studies. (Sec. 214, 43 Stat. 1069, as amended; 39 U. S. C. 826.)

PART 17—DISBURSEMENTS AND ACCOUNTS

Sec.	RESTRICTIONS ON EXPENDITURES	Sec.	RECOVERED MONEYS
17.1	Use of appropriations.	17.19	Recovered moneys.
17.2	Restrictions as to membership fees and expenses in attending conventions.	17.20	Moneys received at Post Office Department.
17.3	Advances of public money.	17.21	Payments by postmasters.
17.4	Compensation for extra services or discharge of another's duties forbidden.	17.22	Designation of postmasters as disbursing officers.
17.5	Extra compensation or perquisites forbidden.	17.23	Form of payments.
17.6	Lump-sum appropriations not available for increased salaries.	17.24	Salary payments at first-, second-, and third-class post offices.
17.7	Expenditures of appropriations for contingent expenses.	17.25	Railway Mail Service salaries and travel allowances.
17.8	Exchange and disposal of office machines.	17.26	Duplicates or substitutes for checks lost, stolen, destroyed, mutilated, or defaced.
	POST OFFICE DEPARTMENT DISBURSEMENTS	17.27	When warrant or check may be made payable to assignee.
17.9	Duties and accounts of Superintendent, Division of Finance and Disbursing Officer.	17.28	Duplicate check or draft for transfer of postal funds.
17.10	Requisitions for funds from Treasury.	17.29	Claims for balances due deceased postal employees or creditors.
17.11	Certification of pay rolls.	17.30	Business of each quarter to be kept separate.
17.12	Payments by check of Superintendent, Division of Finance and Disbursing Officer.		RECORDS AND ACCOUNTS AT POST OFFICES
17.13	Post-route and rural-delivery maps.	17.31	Records at post offices.
	POSTAL SERVICE DISBURSEMENTS	17.32	Accounting for receipts at post offices.
17.14	Disbursements, how made.	17.33	Accounts of city delivery service.
17.15	Payments by warrants.	17.34	Commissions from public telephones in lobbies.
17.16	Designation of officers and employees to sign warrants.	17.35	Records and accounts at first-class post offices.
17.17	Payments to be certified by General Accounting Office.	17.36	Postal records and accounts.
17.18	Restoration of stolen money or property.	17.37	Records and postal accounts at district post offices.
		17.38	False returns by postmasters.
		17.39	Claims for credit for postage-due stamps.

RESTRICTIONS ON EXPENDITURES

§ 17.1 Use of appropriations—(a) Restricted to objects specified. Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others. (R. S. 3678; 31 U. S. C. 628.)

(b) Contingent, incidental, or miscellaneous funds. No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S. 3682; 31 U. S. C. 674.)

(c) Control of contingent fund expenditures. (1) Except as otherwise provided no part of the contingent fund appropriated to any department, bureau, or office, shall be applied to the purchase of any articles except such as the head of the department shall deem necessary and proper to carry on the business of the department, bureau, or office, and shall, by written order, direct to be procured. (R. S. 3683; 31 U. S. C. 675.)

(2) The head of any department may delegate to subordinate officials * * * (2) the authority vested in him by section 3683 of the Revised Statutes (31 U. S. C. 675) to direct the purchase of articles from contingent funds; * * * (Sec. 12, 60 Stat. 809; 5 U. S. C. 22a.)

(d) Expenditures in excess of appropriations forbidden. No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on

account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month. (R. S. 3679, as amended; 31 U. S. C. 665.)

(e) Annual apportionment of contingent funds. In addition to the apportionment required by section 665, of this title, the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (Sec. 6, 37 Stat. 414; 31 U. S. C. 669.)

(f) Restrictions on printing for Executive Departments. No head of any Executive Department, or of any bureau, branch, or office of the Government shall cause to be printed, nor shall the Public Printer print, any document or matter except that which is authorized by law and necessary to the public business; and executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business. (Sec. 94, 28 Stat. 623; 44 U. S. C. 219.)

(g) Restrictions on printing not related to departmental business. No book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless the same shall have been expressly authorized by Congress. (Sec. 1, 33 Stat. 1249; 44 U. S. C. 219a.)

(h) Restrictions on illustrations. No part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or

Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business. (Sec. 1, 33 Stat. 1213; 44 U. S. C. 118.)

(i) Private telephone service or tolls. Except as otherwise provided by law, no money appropriated by any Act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed. * * * (Sec. 7, 37 Stat. 414, as amended; 31 U. S. C. 679.)

(j) Public distribution of Government publications. No money appropriated by any Act shall be used for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. Nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives. (Sec. 92, 28 Stat. 623, as amended; 44 U. S. C. 95.)

(k) Restriction on purchase or hire of motor vehicles. * * * Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other

than those for the use of the President of the United States, the secretaries to the President, or the heads of the executive departments enumerated in 5 U. S. C. 1. * * *. (Sec. 5, 38 Stat. 508, as amended; 5 U. S. C. 78 (a).)

(l) Restriction on purchase, maintenance, and operation of aircraft. * * * Excepting appropriations for the Military and Naval Establishments, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific authority for the purchase, maintenance, or operation thereof has been or is provided in such appropriation. * * * (Sec. 5, 38 Stat. 508, as amended; 5 U. S. C. 78 (b).)

(m) Definition of "purchase." * * * The acquisition of aircraft or passenger motor vehicles by any agency by transfer from another department of the Government shall be considered as a purchase within the meaning hereof. * * * (Sec. 5, 38 Stat. 508, as amended; 5 U. S. C. 78 (e).)

(n) Restrictions as to cost and use of motor vehicles and aircraft. * * * Unless otherwise specifically provided, no appropriation available for any department shall be expended—

(1) to purchase any passenger motor vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation;

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties make such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if

circumstances warrant. The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in 5 U. S. C. 1, ambassadors, ministers, *chargés d'affaires*, and other principal diplomatic and consular officials. * * * (Sec. 5, 38 Stat. 508, as amended; 5 U. S. C. 78(c).)

(o) Submission of budget estimates for vehicle and aircraft needs. * * * In the budgets for the fiscal year 1948 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance or operation of aircraft, specifying the sums required, the public purposes for which said conveyances are intended, the number of currently owned conveyances to be continued in use, and the officials or employees by whom all of such conveyances are to be used. * * * (Sec. 5, 38 Stat. 508, as amended; 5 U. S. C. 78 (d).)

(p) Display of agency name on Government motor vehicles. * * * All motor vehicles acquired and used for official purposes of the departmental service in the District of Columbia shall have conspicuously imprinted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used. * * * (Sec. 4, 33 Stat. 687, as amended; 5 U. S. C. 77.)

§ 17.2 Restrictions as to membership fees and expenses in attending conventions. No money appropriated by any Act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. * * * (Sec. 8, 37 Stat. 184, as amended; 5 U. S. C. 83.)

§ 17.3 Advances of public money—(a) Forbidden, except to disbursing officers. No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be

necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. * * * (R. S. 3648, as amended; 31 U. S. C. 529.)

NOTE: See § 17.17 as to advances to post-office inspectors.

(b) **Subscriptions to periodicals.** * * * Subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, to be paid from appropriations available therefor * * *, may be paid in advance. (Sec. 1, 33 Stat. 1182, as amended; 31 U. S. C. 530.)

§ 17.4 **Compensation for extra services or discharge of another's duties forbidden.** (a) No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law. (R. S. 1764; 5 U. S. C. 69.)

(b) An officer performing the duties of another office, during a vacancy, as authorized by sections 4, 5, and 6 of this title, is not by reason thereof entitled to any other compensation than that attached to his proper office. (R. S. 182; 5 U. S. C. 9.)

NOTE: These laws overlap, but both are quoted for reference.

See § 135.26 as to holding two offices, and § 17.5 as to similar provisions applicable to the departmental and postal service alike.

§ 17.5 **Extra compensation or perquisites forbidden.** (a) No civil officer of the Government shall receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law: * * * (Sec. 3, 18 Stat. 109; 5 U. S. C. 71.)

(b) No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation. (R. S. 1765; 5 U. S. C. 70.)

NOTE: These laws overlap somewhat, but they are both quoted for purposes of reference. They are applicable to the departmental and postal service alike; but see § 17.4 for similar provisions applicable solely to the department. See § 135.26 as to holding two offices.

See § 18.56 relating to withholding payment on judgment or claim against the United States where the person in whose favor the judgment was rendered or claimant is indebted to the Government; and as to withholding salary where officer or employee is in arrears to the United States.

§ 17.6 Lump-sum appropriations not available for increased salaries. Except as otherwise provided by law, no part of any money appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be transferred and paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government. (Sec. 7, 37 Stat. 626, as amended; 31 U. S. C. 629.)

§ 17.7 Expenditures of appropriations for contingent expenses. The appropriations for the contingent expenses of the Post Office Department shall be expended as specially directed in the law, and according to the appropriations for the items specifically named, and no moneys appropriated for the specific purposes named under the head of "For contingent expenses of the Post Office Department" shall be diverted from one purpose to another; and all moneys unexpended for one or more specific purposes shall be turned into the Treasury, and not expended, by the Superintendent and disbursing officer, for any object or purpose whatsoever other than the specific ones named in the appropriation for the "Contingent expenses of the Post Office Department." (Sec. 1, 20 Stat. 203; 31 U. S. C. 677.)

§ 17.8 Exchange and disposal of office machines. (a) The executive departments and other Government establishments and all branches of the public service may exchange typewriters, adding machines, and other similar labor-saving devices in part payment for new machines used for the same purposes as those proposed to be exchanged. (Sec. 5, 38 Stat. 1161; 41 U. S. C. 26.)

(b) No department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years. (Sec. 7, 41 Stat. 947; 41 U. S. C. 27.)

POST OFFICE DEPARTMENT DISBURSEMENTS

§ 17.9 Duties and accounts of Superintendent, Division of Finance and Disbursing Officer. (a) The Superintendent, Division of Finance and Disbursing Officer shall prepare his accounts monthly and submit the same to the Comptroller, Bureau of Accounts, for administrative examination and transmission to

the General Accounting Office. The accounts of the Superintendent, Division of Finance and Disbursing Officer shall be made in triplicate, one copy to be filed in his office and the original and one copy to be furnished the Comptroller, Bureau of Accounts.

(b) The Superintendent, Division of Finance and Disbursing Officer shall properly account for all receipts for post route and rural delivery maps. He shall make refunds to persons from whom excess remittances are received and to those to whom requested maps cannot be furnished, upon vouchers properly certified by the Fourth Assistant Postmaster General, and shall deposit in the Treasury to the credit of the "Service of the Post Office Department on account of Miscellaneous Receipts" funds representing maps which are furnished on a Schedule of Transfers properly certified by the Fourth Assistant Postmaster General.

§ 17.10 **Requisitions for funds from Treasury.** Requisitions for advances of funds from the Treasury, or from the postal revenues, for salaries and other expenses shall be made and presented at such time and in such amounts only as may be necessary to meet the biweekly salary payments and such other expenditures as may be authorized.

§ 17.11 **Certification of pay rolls.** Biweekly pay rolls shall be prepared in the Office of the Chief Clerk and Director of Personnel. The pay rolls shall first be submitted to the Chief Clerk and Director of Personnel, or to such other authorized certifying officer attached to his office as he may designate, for certification before payment is made that the names and salaries as therein stated are correct by the records in the Office of the Chief Clerk and Director of Personnel and that the amounts are due to the respective persons named.

NOTE: See § 17.1 as to limitations on expenditures.

§ 17.12 **Payments by check of Superintendent, Division of Finance and Disbursing Officer.** Payments for all sums of \$10 and upward (except salaries and travel allowances) shall be made by the check of the Superintendent, Division of Finance and Disbursing Officer, on the Treasurer of the United States, and the appropriation from which the payment is made shall be stated on the check.

§ 17.13 **Post-route and rural-delivery maps—(a) Sale to public.** The Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and ten per centum thereof added. (Sec. 1, 39 Stat. 1067, as amended; 39 U. S. C. 805.)

NOTE: See Official Postal Guide for information as to the distribution of maps. See also § 1.13 (e) as to production and distribution of post-route and rural-delivery maps; §§ 6.3 and 6.5 as to contract for printing post-route maps; and § 1.13 (g) as to issuance of parcel-post zone keys.

(b) **Handling of funds from sales.** Application for the purchase of post-route and rural-delivery maps and payment therefor shall be made to the Superintendent, Division of Finance and Disbursing Officer, who shall deposit the funds received in his checking account with the Treasurer of the United States and forward the order for maps to the Fourth Assistant Postmaster General, Division of Topography. Where remittances are received in excess of the amount required to pay for maps furnished, the Fourth Assistant Postmaster General shall prepare and certify refund vouchers, transmit them to the Superintendent, Division of Finance and Disbursing Officer, by whom the refund shall be made. At the

end of each month the Fourth Assistant Postmaster General shall prepare and certify a Schedule of Transfers and forward the same to the Superintendent, Division of Finance and Disbursing Officer, who shall draw a check for the amount stated thereon and deposit the same in the Treasury of the United States.

POSTAL SERVICE DISBURSEMENTS

§ 17.14 Disbursements, how made. The revenues shall be applied to the maintenance of the postal service. Disbursements shall be made either—

(a) By warrants drawn upon the Treasurer of the United States, countersigned by the Comptroller General. (See § 17.15.)

(b) By postmasters retaining out of the receipts of the post office their salaries, and such amounts as may be allowed by order of the Post Office Department for clerk hire, the maintenance of the office, and other authorized expenses of the postal service. (See § 17.22.)

(c) By payments by certain postmasters designated as disbursing officers, of such sums as may be ordered by the Post Office Department to be paid its creditors and postal employees. (See § 17.22.)

(d) No disbursements shall be made without authority from the Post Office Department.

§ 17.15 Payments by warrants. Payments of money out of the Treasury on account of the postal service shall be in pursuance of appropriations made by law, by warrants of the Postmaster General, registered and countersigned in the General Accounting Office, and expressing on their face the appropriation to which they should be charged. (R. S. 3674, as amended; 31 U. S. C. 632.)

§ 17.16 Designation of officers and employees to sign warrants.

(a) The Postmaster General may from time to time designate any officer in the Post Office Department and employees in the office of the Third Assistant Postmaster General to sign warrants, collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if signed by the Postmaster General. (Sec. 6, 32 Stat. 1176, as amended; 5 U. S. C. 382.)

(b) The Third Assistant Postmaster General, or whoever is acting in his stead, shall sign all warrants and "transfer" drafts on account of the postal service: *Provided*, That in the discretion of the Third Assistant Postmaster General such warrants and "transfer" drafts may be signed by the Deputy Third Assistant Postmaster General, the Superintendent, Division of Finance and Disbursing Officer, or any other officer or employee in the office of the Third Assistant Postmaster General who may be designated by the Postmaster General.

§ 17.17 Payments to be certified by General Accounting Office. All payments on account of the postal service shall be made to persons to whom the same shall be certified to be due by the General Accounting Office; but advances of necessary sums to defray expenses may be made by the Postmaster General to post-office inspectors

employed to investigate mail depredations, examine post routes and offices, and on other like services, to be charged to them by the General Accounting Office, and to be accounted for in the settlement of their accounts. (See § 17.13.) (R. S. 4017, 4055, as amended; 39 U. S. C. 787.)

NOTE: See § 17.3 as to payments by postmasters for expenses of their offices and as disbursing agencies.

§ 17.18 Restoration of stolen money or property. Whenever the Postmaster General is satisfied that money or property stolen from the mail, or the proceeds thereof, has been received at the department, he may, upon satisfactory evidence as to the owner, deliver the same to him. (R. S. 4058; 39 U. S. C. 790.)

§ 17.19 Recovered moneys—(a) Transmittal to Department. All moneys received from mail robbers or other offenders against the postal laws, and moneys recovered by suit, or otherwise, on account of moneys taken from the mail or losses therein, shall be forwarded at once to the Chief Inspector, who shall deposit the same daily with the Superintendent, Division of Finance and Disbursing Officer, office of the Third Assistant Postmaster General.

(b) Payment to owners. The Chief Inspector shall determine, upon satisfactory evidence, the proper persons or owners to whom the moneys shall be restored, and the Superintendent, Division of Finance and Disbursing Officer, office of the Third Assistant Postmaster General, shall make payments in accordance with the schedule furnished and approved by the Chief Inspector.

§ 17.20 Moneys received at Post Office Department. When any money, either coin, currency, or negotiable paper, is received at the Post Office Department, a list shall be prepared by the bureau or office to which it pertains on Form 1044 in quadruplicate; the lists shall be numbered consecutively through each fiscal year commencing with No. 1 on July 1 of each year. The original and two copies of each list shall be transmitted with the funds to the Superintendent, Division of Finance and Disbursing Officer, and one copy shall be sent direct to the Auditor, Bureau of Accounts. The form shall show the name of the bureau or office, date funds were received, case number, name of remitter, purpose and fund to be credited whenever possible, and amount, except those from the office of the Chief Inspector, which shall have attached statements on Form 550 submitted by the inspectors in charge and shall show a summary of the classes of funds and the amount of each. The superintendent shall verify the amount received with the amount as shown on the list, sign one copy as the receipt to the bureau or office, and retain the original and one copy. At the close of each month the superintendent shall total the original schedules by bureaus or offices and enter the amount on Form 1045, prepared in triplicate. The amount of uncollectible checks, if any, shall be entered in the space provided for that purpose on the form. This form properly filled out shall be sent to each bureau or office from which funds are received whether any funds were received during the month or not. Each bureau or office shall have the amounts as stated on Form 1045 verified with their records, and if the amounts agree the triplicate shall be retained and the original and duplicate signed and returned to the Superintendent, Division of Finance and Disbursing Officer.

§ 17.21 Payments by postmasters. Upon the certified quarterly statement by the General Accounting Office of the payments by postmasters on account of the Postal Service, the Postmaster General shall issue his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the General Accounting Office. (R. S. 406, as amended; 5 U. S. C. 379.)

NOTE: See § 17.22.

§ 17.22 Designation of postmasters as disbursing officers—
(a) Authorization. * * * [The Postmaster General] may designate postmasters at money-order post offices as disbursing officers for the payment of the salaries of officers and employees of the postal service, and for such other payments as postmasters are authorized to make from postal revenues. (Sec. 1, 22 Stat. 54, as amended; 39 U. S. C. 50.)

(b) Deduction of salaries and expenses from receipts. The salary of a postmaster, and such other expenses of the Postal Service authorized by law as may be incurred by him, and for which appropriations have been made, may be deducted out of the receipts of his office, under the direction of the Postmaster General. (R. S. 3861; 39 U. S. C. 65.)

(c) Postmasters at money-order offices designated. All postmasters at money-order offices shall act as disbursing postmasters for the payment of the salaries of such officers and employees of the postal service and of such other amounts as may be specifically authorized by the Post Office Department.

NOTE: The payments made by a postmaster for the regular expenses of his office are made in his capacity as postmaster, but in making expenditures of the character above referred to, which do not relate to the business of his office, he acts as disbursing officer under the above authority. Postmasters are liable on their official bonds for such disbursements. (See § 135.11.)

See § 17.5, prohibiting extra compensation for disbursements; § 17.25 as to payment of salaries and travel allowances to officials and employees of the Railway Mail Service.

§ 17.23 Form of payments. (a) Payments shall be made regularly in cash, but postmasters who maintain temporary deposits in national banks, State banks, or trust companies, as provided in § 7.19, may make payment of the expenditures of their offices by means of checks drawn upon such banks, whenever it can be done without expense to the Post Office Department.

(b) The regular forms of checks issued by the bank where the deposit is maintained may be used. The signature of the postmaster shall always be followed by his official title.

(c) Postmasters who have been authorized and specially instructed by the Third Assistant Postmaster General, Division of Finance, shall pay salaries of employees by checks drawn on the Treasurer of the United States.

§ 17.24 Salary payments at first-, second-, and third-class post offices—
(a) Checks and records. At offices of the first, second, and third classes the service and pay record of each employee shall be kept on the forms prescribed therefor by the Department. At offices where the gross receipts are \$600,000 or more per annum and authority has been granted by the Department, the postmasters shall pay salaries and make miscellaneous disbursements by checks drawn on the

Treasurer of the United States. When payments are made by Treasury checks, vouchers and pay rolls shall not be signed by the payees or employees, but in lieu thereof the Treasury check numbers shall be entered in the spaces provided therefor. At all other offices of the first, second, and third classes the vouchers shall be signed by the payees or employees; the names and signatures shall correspond. The service and pay record sheets of the employees shall be so kept as to show all information called for.

(b) **Semimonthly pay days.** Unless otherwise authorized by the Department, payments shall be made in full semimonthly on the sixteenth day of the month and the first day of the following month, but in no case shall regular payments, or emergency payments made in advance of these dates, be in excess of the amount of salary or compensation actually earned.

(c) **Payment of substitutes.** When a substitute is employed in place of a regular employee absent for any cause, he shall be paid at the hourly rate fixed by law and the check number entered on the substitute pay voucher or pay roll in the space provided therefor or receipt taken thereon in accordance with the provisions of paragraph (a) of this section.

(d) **Correction of overpayments or underpayments.** Overpayments or underpayments, which can be corrected within the quarter in which they occur, shall be made by decreasing or increasing the amount of the next payment. Star (*) the incorrect entry and explain in footnote or on reverse side of the pay voucher as “*Overpaid 75¢, deducted from August 1st payment.” Also star the correcting entry and explain as “*Deducted 75¢ to correct July 16th payment.” When an overpayment is made which is not discovered until after all the payments for the quarter have been made, the amount shall be collected at once and debited in the next postal account. In the case of an underpayment discovered after the close of the quarter, an additional payment of the amount due shall be made by check or in cash and a separate pay voucher prepared to accompany the account in which credit is claimed, or in the case of semimonthly pay rolls, entry shall be made on the next pay roll with a suitable explanation.

§ 17.25 **Railway Mail Service salaries and travel allowances—(a) Payment by postmasters.** Payment of salaries and travel allowances to all officials and employees of the respective divisions of the Railway Mail Service shall be made by postmasters at division headquarters of that service by check drawn on the Treasurer of the United States upon semimonthly certifications by general superintendents of divisions of the Railway Mail Service.

(b) **Certification of service performed.** District superintendents of the Railway Mail Service, shall, as soon as practicable, after the 15th and last day of the month, make semimonthly report to their general superintendents certifying service performed by all employees assigned to their districts, such certification to show separately base pay, night work and overtime in time values only, and travel allowance earned. These certifications are to be made in accordance with instructions issued by the Department. General superintendents shall make all computations in accordance with the Department's salary and travel allowance tables, and shall submit the semimonthly pay sheets, showing the names of the employees and the amounts to be paid, to paying postmasters on the 7th and 22d days of the month, or on the following day when the 7th or 22d day falls on a Sunday or a holiday.

(c) **Adjustment of overpayments and underpayments.** Overpayments and underpayments shall be adjusted by general superintendents in subsequent semimonthly pay rolls. When an overpayment has been made that cannot be adjusted

within the quarter in which the service was performed, the general superintendent shall make collection from the employee involved and furnish a receipt therefor. The amount should be turned over to the disbursing postmaster and a receipt obtained from him. The disbursing postmaster should debit this amount in his next postal account, as a refund, with a suitable explanation. In cases where general superintendents call upon employees for a refund covering overpayment and such refund cannot be collected, the matter shall be reported to the Deputy Second Assistant Postmaster General in Charge of Surface Postal Transport, for reference to the Chief Inspector for collection of the amount overpaid.

NOTE: See § 17.29 relative to payment of amounts due deceased employees.

(d) **Records of payments.** Postmasters shall enter on the semimonthly pay sheets the number of the check opposite the employee's name and shall retain such sheets in their offices in lieu of check stubs. No other records of amounts paid shall be kept.

(e) **Distribution of checks.** Checks shall be mailed in window envelopes in accordance with the addresses furnished by the general superintendent and within 24 hours, exclusive of Saturdays, Sundays, and holidays, after receipt of pay sheets from the general superintendent: *Provided, however,* That where general superintendents make request therefor, postmasters may turn checks over to them for distribution to clerks.

(f) **Sufficient funds on deposit to meet salaries and travel allowances.** Postmasters shall keep on deposit with the Treasurer of the United States funds sufficient to meet the checks drawn in payment of salaries and travel allowances. The deposits with the Treasurer shall be made through Federal Reserve banks or branches of Federal Reserve banks, or, by special permission of the Third Assistant Postmaster General, Division of Finance, through other designated depositories, accompanied with certificates of deposit in triplicate on Treasury Form 6599. The bank will send the original certificate to the Treasurer of the United States to be placed to the credit of the depositing postmaster and return the duplicate to the depositor.

(g) **In case of resignation, transfer, suspension, or removal.** On the resignation, transfer, suspension, or removal of a railway postal clerk final settlement shall be deferred until all mail keys, records, and other property of the department have been turned over to the district superintendent or general superintendent, and in the case of removal final payment shall not be certified until information has been received from the department that all claims of the Government against the clerk have been satisfied.

§ 17.26 Duplicates or substitutes for checks lost, stolen, destroyed, mutilated, or defaced—(a) Issuance of—(1) Provision for. Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partially destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized prior to the expiration of ten years from the date on which the original check was issued to transfer the amount of the original check from the account of the drawer or the account available for payment of

the original check to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of bank and currency laws be exercised without limitation of time.

(2) **Exceptions.** An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under * * * the provisions of sections 134–134h of this title, this section, and section 738a of this title; [Government Losses in Shipment Act]; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is * * * not more than * * * \$200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of

Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require * * * an undertaking of indemnity if he deems it essential to the public interest.

(3) Authority to issue; indemnity. Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depository in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partially destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, prior to the expiration of ten years from the date on which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such forms and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing herein contained shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

(4) Rules and regulations. The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

(5) Issuance of substitute check by Post Office Department; indemnity. Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked "duplicate" and showing the number, date, and payee of the original check, prior

to the expiration of ten years from the date on which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of \$100 and the payee or owner is, at the date of application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

(6) Payment of substitute checks. Substitutes issued under this section drawn on the Treasury of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of bank and currency laws, shall be deemed to be an original check and shall be payable under the same conditions as original checks. Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of bank and currency laws shall be payable directly by the Treasurer of the United States without limitation of time.

(7) Definition of "original check." The term "original check" wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, or District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any wholly-owned or mixed-ownership Government corporation or by any entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

(8) Delegation of authority by Secretary of Treasury. Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not incon-

sistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank. (R. S. 3646, as amended; 31 U. S. C., Sup. I, 528.)

(b) **Application for duplicate check.** Application for the issuance of a duplicate warrant or check (see § 17.28 relative to checks and drafts which do not come within the purview of the provisions of law embodied in par. (a)) on the ground that the original is lost, stolen, or destroyed, shall be addressed to the Third Assistant Postmaster General, Division of Finance, except in case of the loss of a check drawn against postal-savings funds, when the application shall be addressed to the Third Assistant Postmaster General, Division of Postal Savings, and in case of the loss of a check drawn against money-order funds, when the application shall be addressed to the Third Assistant Postmaster General, Division of Money Orders. Such application shall be signed by the payee, show the time, place, and all the circumstances attending the loss or destruction of the warrant or check, its number, date, and amount, in whose favor it was issued, the bank, Treasurer of the United States, or other officer upon whom drawn, and if assigned, to whom and how, with any other material particulars within the knowledge of the applicant and be accompanied with a certificate from the officer or bank on whom the warrant or check was drawn showing that the original has not been paid and that payment of it will not thereafter be made to the owner or any other person whomsoever.

(c) **To stop payment on check.** When a check drawn by a postmaster on the Treasurer of the United States is lost, stolen, or destroyed and the postmaster wishes to stop payment thereof, he shall forward to the Treasurer a full description of the check and give a specific reason for the stoppage. If loss or non-receipt of the check is alleged, the request shall be accompanied with the correspondence relating to the matter. If there is no correspondence, a short statement of the facts, bearing the signature and the address of the payee, shall be furnished if possible. If the check was received by the payee and subsequently lost, he shall say whether he indorsed the check. The drawer shall state that his records show the check to be unpaid and shall give the period covered by the last statement of account received from the Treasurer. When the check so stopped is subsequently recovered, prompt notice shall be given to the Treasurer, as no payment will be made until the original stoppage is formally withdrawn. This action shall be taken before the duplicate check, bond of indemnity, or affidavit, accompanied with the acknowledgment of stoppage request by the Treasurer, are sent to the Third Assistant Postmaster General, Division of Finance, for approval.

(d) **When indemnity bond required.** In cases where the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department and the check or warrant does not exceed in amount the sum of \$100, the issuance of a duplicate warrant or check may be authorized immediately upon the submission of an affidavit giving the information referred to above, and the certificate of nonpayment. In all other cases, the applicant shall be furnished with a blank bond of indemnity, with instructions for its execution. On the return of the bond properly executed, the issuance of a duplicate warrant or check may be authorized.

§ 17.27 When warrant or check may be made payable to assignee. A dupli-

cate warrant or check, when issued, shall have the same tenor, force, and effect as the original; except that in case of an assigned warrant or check the duplicate may, on production of due authority in writing from the payee for its issue, be made payable to the assignee.

§ 17.28 **Duplicate check or draft for transfer of postal funds.** The Third Assistant Postmaster General may authorize the issuance of a duplicate of a lost check or draft drawn to effect official transfers of postal, money-order, or postal-savings funds between officers of the Government, or in the case of postal-savings funds between such officers and the depository banks of the Postal Savings System, upon the submission of an application, affidavit, and certificate of non-payment of the character prescribed in § 17.26 (b). A bond of indemnity may, however, be required for the protection of the Government if the circumstances make such action advisable.

§ 17.29 **Claims for balances due deceased postal employees or creditors—**
(a) Requirements to effect payment. Postmasters must not under any circumstances pay to the heirs or executor or administrator of the estate of a deceased employee any balance due as salary to a deceased employee. When there is any balance due as salary or otherwise to a deceased employee of the postal service or creditor of the Post Office Department, the claimant for the amount due, or the executor or administrator of the estate, shall be required to execute Standard Form 1055, Claim Against the United States for Amounts Due in the Case of a Decedent. An executor or administrator must also furnish a certified copy under seal of the court of his appointment, with a showing whether still in force and effect.

(b) Form of claim. Upon receipt of a properly executed claim on Standard Form 1055 the responsible administrative officer or postmaster will prepare the proper form of voucher or pay roll on which will be shown the name of the decedent and the amounts due and deductible at the time of death. Each such voucher or pay roll must bear or be accompanied with a certificate by the responsible administrative officer or postmaster to the effect that the amount of the claim is proper for payment and that it has not been paid. The certificate should contain a complete citation to the voucher covering the last payment made to the decedent, showing the date of the payment, the nature of the service, the period covered, the salary rate, and the amount paid. Any other relevant information essential to the proper settlement of the claim should be noted on the voucher or pay roll, or should be set forth in a separate statement to accompany the claim papers.

(c) Claim for payment of unpaid Government check. Standard Form 1055 will also be used for making claim for payment of Government checks drawn on the Treasurer of the United States or other authorized Government depository to the order of an individual, but which cannot be paid because of the death of the payee. All unnegotiated Government checks in possession of the claimant should accompany the claim papers. Vouchers or pay rolls are not required to be submitted with claims consisting entirely of unpaid Government checks when such checks accompany the claim papers.

(d) Claims which include savings bond deductions. In cases of claims which include amounts due on account of United States savings bond deductions, the responsible administrative officer or postmaster will forward with Standard Form 1055, in lieu of the prescribed voucher or pay roll, a properly executed Standard Form 1047, Public Voucher for Refunds, and two memorandum copies thereof. After review and approval by the General Accounting Office, the original of

Standard Form 1047 and one memorandum copy thereof will be returned to the respective administrative officer or postmaster for payment of the amount of the United States savings bond deduction refund due the claimant. If a bond is fully paid for from deductions accumulated prior to the death of the employee, pursuant to a duly executed authorization designating a beneficiary or directing that the bond be issued to another person as owner, the bond should be issued and delivered to the designated owner upon proper identification and the obtaining of a receipt therefor. In any case where the accumulated deductions do not equal the purchase price of a bond or in which the existing authorization specifies that the bond is to be issued in the name of the deceased employee as owner or co-owner, the amount is for refund and claim therefor must be filed and approved before payment is made.

(c) **Procedure for handling.** Claims filed for amounts due deceased postal employees or creditors of the postal service and the relevant vouchers or pay rolls will be transmitted to the proper Bureau of the Department for subsequent transmission to the General Accounting Office. Such payments will be made through the Department upon approval and certification of the amount due by the General Accounting Office.

§ 17.30 **Business of each quarter to be kept separate—(a) Expenses to be paid before rendering account.** The business of each quarter shall be kept separate from that of every other quarter (exceptions noted in § 16.7), and postmasters shall pay all authorized expenses incurred during the quarter at their respective offices, and forward proper vouchers for such expenditures to the Comptroller, Bureau of Accounts, with the postal account for that quarter.

NOTE: See §§ 16.5, 18.19, 18.21, 24.8, and 24.9.

(b) **When vouchers cannot be obtained to forward with quarterly account.** Vouchers shall not be held to be forwarded and credit therefor claimed in an account for a subsequent quarter, but in cases where a properly executed voucher cannot be obtained from the payee to be forwarded with the quarterly postal account for the quarter in which the service was rendered or goods furnished, credit for the payment shall be claimed in the account for the quarter with which the voucher is submitted.

RECORDS AND ACCOUNTS AT POST OFFICES

§ 17.31 **Records at post offices.** (a) Every postmaster shall keep a record, in such form as the Postmaster General shall direct of all postage stamps, envelopes, postal books, blanks, and property received from his predecessor, or from the department or any of its agents; of all receipts in money for postages and box rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster General; and these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any post-office inspector. (R. S. 3842, as amended; 39 U. S. C. 41.)

(b) Postmasters shall keep the postal accounts of their offices by quarters.

(c) At offices of the first class separate accounts shall be kept of the money-order business (see § 76.26).

NOTE: See § 27.12 as to accounts of key-deposit funds.

§ 17.32 Accounting for receipts at post offices. All postages, box rents, and other receipts at post offices, shall be accounted for as part of the postal revenues; and each postmaster shall be charged with and held accountable for any part of the same, accruing at his office, which he has neglected to collect, the same as if he had collected it. (R. S. 4051; 39 U. S. C. 783.)

§ 17.33 Accounts of city delivery service. All expenses of letter carriers, * * * or incident thereto, shall be kept and reported in a separate account. (R. S. 3874; 39 U. S. C. 163.)

NOTE: The omitted portions of the law refer to expenses of branch offices and receiving boxes. These items were to be kept separately and "shown in comparison with the proceeds from postage on local mail matter at each office," so that the Postmaster General might be guided in making expenditures by the income from the service. In view of the present practice of making an annual appropriation for each item of expenditure, which is to be disbursed at the discretion of the Postmaster General, the requirement of keeping the accounts in the manner referred to is considered to be suspended. The items referred to are to be included in the quarterly postal account.

§ 17.34 Commissions from public telephones in lobbies. Postmasters at offices of the first, second, and third classes shall collect commissions on calls through public telephones located in lobbies of post offices, branch post offices, and stations and account for such commissions with the postal revenues in the quarterly postal account.

NOTE: Commissions on telephone calls from pay telephones installed in post offices are not postal revenues, but are covered into the general funds of the Treasury as miscellaneous receipts. For convenience in collecting, postmasters are required to account for these receipts and the General Accounting Office will transfer the funds so collected to the general fund of the Treasury.

§ 17.35 Records and accounts at first-class post offices. Postmasters at offices of the first class shall keep on the forms prescribed therefor:

(a) **Inventory of equipment and supplies.** A record in the form of an inventory of all desks, cases, fixtures, furniture, canceling, postmarking, or rating stamps, ink pads, canceling ink, books, maps, blanks, Official Postal Guides, and other property of the United States received from their predecessors or furnished by or on account of the Post Office Department.

(b) **Stamps received.** A record of all postage stamps and other stamped paper, according to their respective kinds and denominations, received from a predecessor or the department, and of all damaged stamped paper returned to the department.

(c) **Stamps sold.** A daily record of stamps and other stamped paper sold. The stock on hand shall be verified by count at least once each month.

(d) **Box rents.** A record of all the boxes in the post office, showing the total number of all boxes and drawers therein, the number rented, the period during which each was rented, with the name of the renter and the number of the box, the quarterly rate of rental, the amounts due for rent, and the amounts collected. (See § 27.9.)

(e) **Receipts from waste.** A record of all sales of waste paper, twine, or other Government property, giving quantity or amount, date, price, and name of purchaser. (See § 6.22.)

NOTE: See § 8.23 as to quarterly stamp account to Third Assistant Postmaster General.

§ 17.36 Postal records and accounts. Postmasters shall maintain a complete and accurate current record of all postal funds received and disbursed, using for such purpose the books or forms furnished therefor by the Department.

NOTE: See § 18.16 as to rendition of quarterly postal accounts.

§ 17.37 **Records and postal accounts at district post offices.** Postmasters at district offices shall keep, in books provided for the purpose, a record and postal account, as follows:

(a) **Inventory of equipment and supplies.** An inventory of all desks, cases, fixtures, furniture, canceling, postmarking, or rating stamps, ink pads, ink, books, maps, blanks, and Official Postal Guides received from their predecessors or furnished by the Post Office Department, according to the directions in the record book.

(b) **Stamps received.** A quarterly record of all postage stamps, books of stamps, coils of stamps, special-delivery stamps, postage-due stamps, stamped envelopes, letter sheets, postal cards, and international reply coupons received from their predecessors or the central accounting office, and of all damaged stamped paper returned to the central accounting office, which shall be entered at the time of the receipt or return.

(c) **Stamps sold.** A daily record of stamps and other stamped paper sold, and of "excess" revenue on stamped envelopes. (See § 8.8.) The stock on hand shall be verified at the end of the quarter.

(d) **Second-class postage.** The amount collected for postage on newspaper and periodical publications entered as second-class matter. (See §§ 34.45, 34.46, and 34.47.)

(e) **Permit postage.** The amount collected in money as postage on matter mailed under permits without stamps affixed.

(f) **Box rents.** A summary of all box rents, showing the rental rates and number rented at each rate, respectively, and the total amount of the rents therefor, as indicated by the forms and instructions. This summary shall be made up from the list of boxes kept as required by § 27.9.

(g) **Special-delivery matter.** A daily record showing number of special-delivery articles received, forwarded, and the number delivered at each rate.

(h) **Receipts from waste.** A record of all moneys received from the sale of waste paper and twine, or other sources of postal revenues.

(i) **G. A. O. certificates.** A record of all certificates of settlement received from the General Accounting Office.

(j) **Payments made as disbursing postmaster.** A record of all expenditures made as a disbursing postmaster from allowances granted by the Department and in the manner indicated by the forms and instructions. (See §§ 17.22 and 25.19.)

NOTE: See § 18.16 as to quarterly postal accounts to Comptroller, Bureau of Accounts, Post Office Department, and from district to central accounting offices.

§ 17.38 **False returns by postmasters—(a) Action to be taken.** In any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, or that a postmaster has mailed or caused to be mailed matter in order to obtain commissions on cancelation of stamps, it shall be within the discretion of the Postmaster General to withhold commissions on such returns and to allow any compensation that under the circumstances he may deem reasonable or proper. The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General. (Sec. 1, 20 Stat. 141, as amended; 39 U. S. C. 45.)

(b) On special-delivery business. * * * Whenever, upon evidence deemed satisfactory to him, the Postmaster General shall determine that any * * * false return (of the receipt or delivery of any article of mailable matter as being stamped with a special-delivery stamp, or of the number of articles specially delivered) has been made, he may, by order, fix absolutely the compensation of the postmaster for such special delivery during any quarter or quarters which he shall deem affected by such false return, and the General Accounting Office shall adjust the postmaster's account accordingly. (Sec. 3, 24 Stat. 221, as amended; 39 U. S. C. 172.)

(c) Postmaster General's orders relating to compensation of postmasters. All orders of the Postmaster General withholding compensation and fixing the compensation of postmasters shall be prepared in the office of the First Assistant Postmaster General, Division of Budget and Administrative Services, and certified to the General Accounting Office, which will make the proper charges in its accounts, and whenever an account has been closed it will be reopened by the General Accounting Office, and the balance due the Government after making the charge provided in the Postmaster General's order shall be collected in the usual manner.

NOTE: See §§ 137.30 and 81.7 as to compensation of postmasters; § 130.19 for remainder of law, which provides a penalty for false returns.

§ 17.39 Claims for credit for postage-due stamps—(a) On undeliverable matter. All postmasters shall transmit undeliverable matter bearing canceled postage-due stamps to the central-accounting postmaster for credit or reimbursement of the claim involved and for treatment of the dead matter which accompanies the claim. The dead mail matter upon which canceled postage-due stamps have been affixed shall be given original and final treatment in the central-accounting office upon receipt.

(b) Postage-due bills. When a postage-due bill is not returned from the post office to which sent, or is returned without stamps, postmasters may obtain credit for the value of the postage-due stamps by making special claim therefor. A duplicate postage-due bill shall be made out from the stub of the original, indorsed in the blank space at the end, "Duplicate; original not returned," or "Original returned without stamps," and transmitted to the central-accounting postmaster.

NOTE: See §§ 43.16, 45.3, and 45.4.

(c) On bills received or inadvertently placed on undeliverable matter. When postage-due stamps are attached to a postage-due bill which is returned to the post office from which received and the matter with which such bill was received cannot be delivered, or when postage-due stamps are inadvertently placed and canceled on domestic mail which cannot be delivered, special claim for the amount of such stamps shall be made by postmasters at the time such matter is sent to the central-accounting postmaster. Letter carrier offices of the first class shall use Form 1561.

NOTE: See §§ 43.11, 43.16, 45.3, and 45.4.

(d) On matter forwarded to foreign country. When domestic mail to which postage-due stamps have been affixed and canceled is forwarded to a foreign country, special claim shall be made for the amount of such stamps at the time the postage-due bill is forwarded to the central-accounting postmaster, as pro-

vided in § 43.16; and when postage-due stamps have been affixed and canceled on foreign mail which cannot be delivered, special claim shall be made for the amount of such stamps at the time such matter is forwarded to the central-accounting postmaster, as provided in §§ 45.3 and 114.22. Letter-carrier offices of the first class shall use dead letter bill, Form 1561.

(e) **Credit in account.** The notice (Form 1503) received from the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, of the amount allowed for postage-due stamps shall be kept on file in the central-accounting post office. Credit for the amount of such stamps shall be claimed by central-accounting postmasters in their quarterly stamp account under Item F.

(f) **Reimbursement.** Claims for credit for postage-due stamps affixed to undeliverable matter at all offices shall be transmitted with such matter to the central-accounting postmaster, who shall make reimbursement in postage stamps.

(g) **Quarterly adjustment of credit of central-accounting postmasters.** Central-accounting postmasters shall obtain credit on Form 1503 for uncanceled postage-due stamps sent to reimburse postmasters for canceled postage-due stamps, and also credit for canceled postage-due stamps affixed to dead mail matter at their offices. At the close of each quarter these forms shall be transmitted to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, Washington 25, D. C., for adjustment of the credit.

NOTE: See § 34.51 as to statement of second-class postage to be submitted quarterly.

PART 18—SETTLEMENT OF ACCOUNTS: LEGAL PROCEEDINGS: COMPROMISES

Sec.	Sec.
18.1 Bureau of Accounts, Post Office Department.	18.20 Rendering of account when acting postmaster is appointed postmaster.
18.2 General Accounting Office.	18.21 Rendering of duplicate account when original not received.
18.3 Accounts of Post Office Department.	18.22 When balance is due postmaster.
18.4 Other duties of General Accounting Office.	18.23 When affidavits may be waived.
18.5 Settlement of claims and accounts.	18.24 Division of time and computation of pay when on annual basis.
18.6 Certification of orders and regulations involving claims.	18.25 Money-order accounts.
18.7 Certification of expenditures contributing to deficiency.	18.26 Report of no money-order business.
18.8 Manner of keeping accounts.	18.27 Final money-order account of outgoing postmaster.
18.9 Designation of central-accounting post offices and districts.	18.28 Certification of certain accounts.
18.10 Quarterly account of postmaster.	18.29 Balances certified by General Accounting Office.
18.11 Affidavit to accompany quarterly account.	18.30 Application of payments made by postmaster after new bond.
18.12 Who may administer oaths in relation to accounts.	18.31 Report of deficiency in accounts of postmaster.
18.13 Certified copies of quarterly returns.	18.32 Report of deficiency in accounts of any officer of United States.
18.14 Limit on amount retained by postmaster for compensation.	LEGAL PROCEEDINGS
18.15 Vouchers for expenditures.	18.33 Legal action under postal laws; courts having jurisdiction.
18.16 Quarterly accounts.	18.34 Suit to recover wrong or fraudulent payment.
18.17 Neglect to render accounts.	18.35 Furnishing of certified copies in suits against delinquents.
18.18 Accounts for seasons when no business done.	
18.19 Rendering of account when change of postmaster occurs.	

Sec.	Sec.
18.36 Duties of United States attorney.	
18.37 Supervision by Attorney General.	
18.38 Records admissible as evidence.	
18.39 Evidence of demand upon delinquent postmaster for payment of balance due.	
18.40 Credits in actions by United States; prior disallowance.	
18.41 Interest on defaulted balances.	
18.42 Delinquents for public money; judgment; continuance.	
18.43 Warrant of attachment in postal suits.	
18.44 Proceedings in equity when other action fruitless.	
18.45 Limitation of liability of sureties.	
18.46 Disposal of penalties and forfeitures recovered and fines collected.	
18.47 Amounts of fines to be collected only through courts.	
18.48 Priority of United States as creditor.	
18.49 Liability of executors or others to recognize priority of United States as creditor.	
18.50 Priority of surety on bond same as that of United States.	
	COMPROMISES
	18.51 Compromise of judgment.
	18.52 Compromise or remission of fine, penalty, forfeiture, or liability.
	18.53 Submission of proposition of compromise.
	CLAIMS AGAINST THE UNITED STATES
	18.54 Transfer and assignment of claims on United States.
	18.55 When claimant is indebted to United States.
	18.56 Application for subpoena of witnesses in claim action.
	18.57 Jurisdiction of Court of Claims.
	18.58 Departmental claims or other matters referred to Court of Claims.
	18.59 Settlement of accounts in Court of Claims.
	18.60 Jurisdiction of district courts in cases of claims.
	18.61 United States as defendant.
	18.62 Time limitation on claims and demands.

§ 18.1 Bureau of Accounts, Post Office Department. The administrative examination of the accounts and vouchers of the Postal Service imposed by law on June 30, 1921, upon the Auditor for the Post Office Department shall be performed by a bureau in the Post Office Department to be known as the Bureau of Accounts. The Bureau of Accounts shall be under the direction of a comptroller, who shall be appointed by the President with the advice and consent of the Senate, * * *. The comptroller shall perform the administrative duties performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct. (Sec. 304, 42 Stat. 24; 31 U. S. C. 45.)

NOTE: Salary increased in accordance with subsequent allocations of the position under the provisions of the Classification Act of 1923 (42 Stat. 1488), the first increase under the Classification Act of 1923 having been confirmed by the 68th Congress (43 Stat. 84). See R. S. 276 and act of July 31, 1894 (28 Stat. 205), relative to the former office of Auditor for the Post Office Department.

§ 18.2 General Accounting Office. All powers and duties which on June 30, 1921, were conferred or imposed by law upon the Comptroller of the Treasury or the six Auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with sections 1, 2, 11, 13 to 24, 41 to 47, 49 to 55, 58, 471, and 581 of this title and provisions of law enacted subsequent to June 30, 1921, be vested in and imposed upon the General

Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. (Sec. 304, 42 Stat. 24; 31 U. S. C. 45.)

NOTE: The offices of the six auditors were abolished by the statute quoted in this and the preceding section.

§ 18.3 Accounts of Post Office Department—(a) To be kept by General Accounting Office. The General Accounting Office shall keep and preserve all accounts arising in the Post Office Department or relative thereto and vouchers after settlement. The General Accounting Office shall close the account of the department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. It shall report to the Postmaster General, when required to do so, the manner and form of keeping and stating the accounts of the department, and the official forms of papers to be used in connection with its receipts and expenditures. It shall report to the Postmaster General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts at their offices. The Comptroller General shall register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster General, when warranted by law. (R. S. 277, as amended; 31 U. S. C. 73.)

(b) Examination and audit of accounts and certification of balances. * * * The Bureau of Accounts in the Post Office Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Postmaster General and of all bureaus and offices under his direction, all postal and money-order accounts of postmasters, all accounts relating to the transportation of the mails, and to all other business within the jurisdiction of the Post Office Department. The General Accounting Office shall audit the accounts and certify the balances arising thereon to the Postmaster General for accounts of the postal revenue and expenditures therefrom. * * * (Sec. 7, 28 Stat. 206, as amended; 31 U. S. C. 72.)

(c) Quarterly report to Postmaster General. The Bureau of Accounts shall state and certify quarterly to the Postmaster General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service; designating the heads under which such payments were made. (R. S. 294, as amended; 31 U. S. C. 112.)

NOTE: See § 17.21 as to charging disbursements by postmasters to appropriations.

(d) Collection of debts due Post Office Department. The General Accounting Office shall superintend the collection of all debts due the Post Office Department, and all penalties and forfeitures imposed

for any violation of the postal laws, and take all such other measures as may be authorized by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. Such office shall also superintend the collection of all penalties and forfeitures arising under other statutes, where such penalties and forfeitures are the consequence of unlawful acts affecting the revenues or property of the Post Office Department. (R. S. 292, as amended; 31 U. S. C. 109.)

NOTE: See §§ 7.2 and 18.47 as to deposit of fines in criminal cases as part of postal revenue; § 18.50 as to priority of debts due United States.

§ 18.4 Other duties of General Accounting Office—(a) Record of unpaid money orders. * * * It shall be the duty of the General Accounting Office to maintain a complete and permanent record of all unpaid money orders issued by postmasters in the United States, or such of its insular possessions as are amenable to the authority of the Postmaster General for payment within its own territory, such record to serve as a basis for adjudicating claims for payment by warrant of the amounts of said orders. (35 Stat. 416, as amended; 39 U. S. C. 731.)

(b) Audit of expenditures of Postal Savings System. * * * All expenditures in the Postal Savings System shall be audited by the General Accounting Office. * * * (Sec. 7, 28 Stat. 206, as amended; 31 U. S. C. 72.)

NOTE: All laws relating to the proper accounting for postal receipts are made applicable to postal-savings funds. (See 39 U. S. C. 762.)

§ 18.5 Settlement of claims and accounts. All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office. (R. S. 236, as amended; 31 U. S. C. 71.)

§ 18.6 Certification of orders and regulations involving claims. All orders and regulations of the Postmaster General which may originate a claim, or in any manner affect the accounts of the Postal Service, shall be certified to the General Accounting Office. (R. S. 405, as amended; 5 U. S. C. 378.)

§ 18.7 Certification of expenditures contributing to deficiency. (a) The Postmaster General shall certify to the Secretary of the Treasury and to the Comptroller General of the United States, respectively, as soon as practicable after the end of each fiscal year, the following:

(1) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by officers of the Government (other than those of the Post Office Department) under the penalty privilege, including registry fees;

(2) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by (1) Members of Congress and (2) others under the franking privilege;

(3) The estimated amount which would have been collected during the year at regular rates of postage on publications going free in the county;

(4) The estimated amount which would have been collected at regular rates of postage on matter mailed free to the blind during the year;

(5) The estimated difference between the postage revenue collected during the year on mailings of newspapers and periodicals published by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations, and that which would have been collected at zone rates of postage;

(6) The estimated excess during the year of the cost of aircraft service over the postage revenues derived from air mail; and

(7) The estimated amount paid during the year to vessels of American registry for carrying the ocean mail in excess of what would have been paid at pound rates if carried in vessels of foreign registry.

And the amounts so certified shall be separately classified on the books of the Treasury Department and the General Accounting Office, respectively, in stating the expenditures made from the appropriation to supply the deficiency of postal revenues. (46 Stat. 523; 39 U. S. C. 793.)

(b) The certificates required by this section to be furnished to the Secretary of the Treasury and the Comptroller General of the United States shall be prepared by the Third Assistant Postmaster General.

§ 18.8 Manner of keeping accounts—(a) Separation of revenues. The accounts of the postal service shall be kept in such a manner as to exhibit separately the amount of revenue derived from the following sources respectively:

First. Letter postage.

Second. Book, newspaper, and pamphlet postage.

Third. Registered letters.

Fourth. Box rents and branch offices.

Fifth. Postage stamps and envelopes.

Sixth. Dead letters.

Seventh. Fines and penalties.

Eighth. Revenue from money-order business.

Ninth. Miscellaneous.

(R. S. 4049, as amended; 39 U. S. C. 781.)

(b) **Departmental accounts.** The Bureau of Accounts in the Post Office Department shall keep the accounts relating to the Post Office

Department so as to show the expenditures of the Post Office Department under each item of appropriation provided by law. (Sec. 4, 18 Stat. 343, as amended; 31 U. S. C. 113.)

(c) **Money-order accounts.** The Bureau of Accounts in the Post Office Department shall keep the accounts of the money-order business separately, and in such manner as to show the number and amount of money orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business. (R. S. 293, as amended; 31 U. S. C. 111.)

NOTE: See § 73.14 as to payment of "unpaid money orders more than one year old"; Title Eight, Part 76, as to money-order funds and accounts.

§ 18.9 **Designation of central-accounting post offices and districts.** In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may designate districts and central offices in such districts through which supplies shall be distributed and accounts audited, but in no case shall the postmaster at the central station be given authority to abolish offices, to change officers or employees in offices included in such district. (Sec. 1, 39 Stat. 1110; 5 U. S. C. 368.)

§ 18.10 **Quarterly account of postmaster.** Every postmaster shall render to the Postmaster General, under oath, * * * a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever. (R. S. 3843; 39 U. S. C. 42.)

§ 18.11 **Affidavit to accompany quarterly account.** The Postmaster General may require a sworn statement to accompany each quarterly account of a postmaster * * *. (R. S. 3844; 39 U. S. C. 43.)

* * * The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General. (Sec. 1, 20 Stat. 141, 39 U. S. C. 45.)

NOTE: The first part of sec. 45, Title 39, U. S. Code, quoted in § 17.38 (a), authorizes the Postmaster General to fix the compensation of a postmaster where he believes false returns have been made; sec. 1712, Title 18, U. S. Code, given as § 130.19, makes it an offense for any postmaster to make false returns.

§ 18.12 **Who may administer oaths in relation to accounts.** (a) Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths, in relation to the examination and settlement of the accounts of the Post Office Department and Postal Service. (R. S. 298, as amended; 31 U. S. C. 118.)

NOTE: See §§ 135.4 and 135.5.

(b) Postal accounts shall be sworn to before a notary public, justice of the peace, or other public officer authorized to administer oaths. (See §§ 18.16 and 18.23.)

§ 18.13 Certified copies of quarterly returns. * * * In order to ascertain the amount of the postal receipts of each office, the Postmaster General may require postmasters to furnish the department with certified copies of their quarterly returns to the auditor at such times and for such periods as he may deem necessary in each case. (Sec. 1, 22 Stat. 602.)

NOTE: The administrative examination of accounts and vouchers of the Postal Service was transferred to the Bureau of Accounts by the provisions of law quoted in § 18.1.

§ 18.14 Limit on amount retained by postmaster for compensation. No postmaster shall, under any pretense whatever, have, receive, or retain for himself, in the aggregate, more than the amount of his salary and his commission on the money-order business as provided by law. (R. S. 3857; 39 U. S. C. 62.)

NOTE: This law does not prevent the payment of special-delivery fees to postmasters. Postmasters at first-, second-, and third-class offices are not allowed commissions on money-order business.

See § 25.19 as to allowances for separating mails at fourth-class offices; §§ 53.1 and 53.27 as to special-delivery fees and as to payments at free-delivery offices on account of special-delivery service; § 137.52 as to payments for special-delivery service; § 137.53 as to special-delivery salary scale at first-class offices; §§ 70.2 and 76.27 as to commissions on money-order business; § 94.6 as to payment for mail-messenger service.

§ 18.15 Vouchers for expenditures—(a) Submission of required. Vouchers for all deductions made by a postmaster out of the receipts of his office, on account of the expenses of the postal service, shall be submitted for examination to the Bureau of Accounts in the Post Office Department, who shall transmit them for settlement to the General Accounting Office, and no such deduction shall be valid unless found to be in conformity with law. (R. S. 3862, as amended; 39 U. S. C. 66.)

(b) Forms. Vouchers for all payments to clerks, employees, or other persons, out of the allowances made by the Post Office Department, and for all other expenditures which postmasters may be directed to make, shall be taken on forms furnished by the department and forwarded with the quarterly postal account to the Comptroller, Bureau of Accounts, Post Office Department, for examination and transmission to the General Accounting Office. All vouchers, except those covering payments for personal services to post-office clerks, carriers, and other employees, shall be prepared in duplicate, but in no case should the duplicate copy be signed by the vendor.

(c) Itemized information required. Bills for articles purchased out of allowances shall be fully itemized and show the date of purchase and the quantity and price for each item.

(d) Affidavits for advertising accounts. Postmasters shall obtain and attach to the vouchers for payment of advertising accounts the affidavit of the publisher that the rates do not exceed the commercial rates charged to individuals, with the usual discounts.

NOTE: See § 6.3.

§ 18.16 Quarterly accounts—(a) Direct-accounting post offices. Postmasters at direct-accounting offices shall prepare quarterly postal accounts on the forms

furnished by the Post Office Department, which shall be forwarded to the Bureau of Accounts, in duplicate, in accordance with the following directions:

(1) **When to be made.** The accounts of offices which are paying offices for the post office inspection service, the railway mail service, or the rural delivery service, or where the salaries of postmasters are \$8,850 or more per annum, shall be rendered within 12 business days after the close of each quarter; those of offices where the salaries of postmasters are \$6,450, but not in excess of \$7,850 per annum, within 10 business days after the close of each quarter; those of offices where the salaries of postmasters are \$5,450, but not in excess of \$6,150 per annum, within 8 business days after the close of each quarter; and those of offices where the salaries of postmasters are \$4,450, but not in excess of \$5,250 per annum, within 6 business days after the close of each quarter.

(2) **Name and period.** The name of the postmaster, post office, and State, and number of the post office and period shall be written in the proper blank spaces in the account.

(3) **Signature.** The account shall be signed by the postmaster himself, or, in case he is necessarily absent or sick, by his assistant.

NOTE: See §§ 24.8 and 24.9 as to signature to account.

(4) **Oath.** The oath at the foot of the account shall be subscribed and sworn to by the postmaster, or by the assistant when the latter renders the account, before an officer authorized to administer oaths; no allowance can be made for fees paid for administering such oath. At offices located at a distance from any person authorized to take acknowledgments postmasters may render accounts under their official oaths.

(5) **In triplicate.** The account shall be made in triplicate, one copy of which shall be retained by the postmaster.

(6) **Vouchers.** Vouchers for all expenditures, including employees' pay rolls, shall accompany the account.

(7) **Expenditures as disbursing officers.** Postmasters who act as disbursing officers shall include in their accounts all expenditures made in this capacity, and submit all vouchers therefor with the accounts.

(8) **Forwarding and addressing.** The account, with its accompanying papers, shall, unless forwarded in a special envelope provided for that purpose, be inclosed in one package, in which no letter, receipt, or other paper not relating thereto shall be inclosed, and addressed and forwarded by ordinary mail (not registered) to the "Comptroller, Bureau of Accounts, Post Office Department, Washington 25, D. C." The words "Quarterly postal account" shall be plainly written on the package. Postmasters shall be furnished, on application to the Fourth Assistant Postmaster General, Division of Equipment and Supplies, with printed labels for pasting upon the package containing their quarterly postal accounts.

(b) **Central-accounting post offices.** Postmasters at central-accounting offices shall forward to the Bureau of Accounts, Post Office Department, not later than the 20th of the month after the close of each quarter, the following accounts and vouchers:

(1) Central-accounting postmaster's quarterly postal account and all supporting vouchers prepared in accordance with the foregoing regulations.

(2) District postmasters' quarterly accounts and all supporting vouchers.

(3) Quarterly summary, Form 1545-C.

(c) **District post offices.** Postmasters at district offices of the second class shall forward to the central-accounting offices, within 5 business days after the close of each quarter, and at district offices of the third and fourth classes, within

3 business days after the close of each quarter, a quarterly account, with all supporting vouchers, prepared in accordance with instructions contained in postmasters' account and cash books. The accounts of second-class offices shall be prepared in triplicate; the original and duplicate copies to be forwarded to the central-accounting office and the triplicate copy to be retained for the office files. At offices of the third and fourth classes, duplicate accounts shall be made on the forms printed in postmasters' account and cash books, and the original accounts, accompanied with partial transcripts thereof on the forms furnished for that purpose, shall be forwarded to the central-accounting office.

NOTE: Pursuant to § 34.51 all postmasters who have been authorized to accept second-class mailings are required to submit a newspaper and periodical statement, together with copies of receipts, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

§ 18.17 Neglect to render accounts. Whenever any postmaster neglects to render his accounts for one month after the time, and in the form and manner prescribed by law and the regulations of the Postmaster General, he and his sureties shall forfeit and pay double the amount of the gross receipts at such office during any previous or subsequent equal period of time; and if, at the time of trial, no account has been rendered, they shall be liable to a penalty of such sum as the court and jury shall estimate to be equivalent thereto, to be recovered in an action on the bond. (R. S. 3845; 39 U. S. C. 44.)

NOTE: Accounts must be rendered in accordance with the instructions outlined in § 18.16. The above section does not give postmasters one month in which to render accounts, but prescribes a penalty in case the account is not rendered within that time. (See § 18.3 as to collection of penalties.)

§ 18.18 Accounts for seasons when no business done. Every postmaster shall render a postal account for each quarter, even though during certain quarters no business has been transacted (as in the case of offices at some summer and winter resorts (see § 24.6), and in such cases the postmaster shall state that fact on the regular postal-account blank.

§ 18.19 Rendering of account when change of postmaster occurs—(a) At fourth-class post office. Whenever a change of postmaster occurs at a fourth-class post office, the outgoing postmaster shall withdraw his compensation, make all authorized payments, and render an account for the period served by him; and the successor shall render an account and make all authorized payments for the remainder of the quarter.

(b) At first-, second-, or third-class post office—(1) Outgoing postmaster. Whenever a change of postmaster occurs at a first-, second-, or third-class post office, the outgoing postmaster shall render an account for the period served by him, but shall make no salary payments between regular pay days except the salary due him at the time of transfer. He shall submit disbursement summaries on the appropriate forms showing the details of salary payments made on regular pay days prior to time of transfer, but shall not forward with his account the vouchers covering salary payments made by him during the quarter in which the change occurs. He shall note in red ink figures at the top of each individual salary voucher the amount of salary he has actually paid to each employee during the quarter and which was included in the disbursement summaries.

(2) Incoming postmaster. The incoming postmaster at first-, second-, and third-class offices shall render an account for the period served by him and

shall claim credit therein for all salary payments made by him to the close of the quarter, including amounts earned during the term of his predecessor, but not be paid until the regular pay day following the transfer. He shall also submit with his account the vouchers covering all salary payments made during the quarter, and disbursement summaries as indicated in paragraph (b), showing in detail all payments made by him. He shall note in red ink figures at the bottom of each individual salary voucher the amount of salary he has actually paid to each employee during the quarter and which was included in his disbursement summaries.

(c) **Limitation of payments by outgoing postmaster.** No payments should be made by a postmaster for any expenses extending beyond the day on which he turns the post office over to his successor.

(d) **Limitation of accounting by incoming postmaster.** The new postmaster shall not render his account for any time prior to the date of his commission, nor prior to the date the office is transferred and he assumes charge thereof.

NOTE: See §§ 17.30, 18.20, 24.8, and 137.7.

(e) **Unadjusted claims not transferable.** No part of any unadjusted claim whatever shall be transferred to the accounts of the incoming postmaster.

NOTE: See § 76.29.

§ 18.20 Rendering of account when acting postmaster is appointed postmaster—(a) Account in two parts. When an acting postmaster is appointed, a new postmaster commissioned, a postmaster recommissioned, or a new or renewal bond is executed and accepted under § 5.8 or § 5.9, the quarterly accounts of the post office shall be rendered in two parts except when the transfer is made on the last day of the quarter.

(b) **Separation of account.** The account for the last part of a quarter in which a transfer is made shall not include any period prior to the date the incoming postmaster receives his commission (or notice that the commission has been issued) or date of acceptance of new or renewal bond by the Post Office Department.

NOTE: See §§ 17.30, 18.19, 24.8, and 24.9.

(c) **Deferment of assuming charge of office until close of quarter.** If, when an acting postmaster has been commissioned postmaster, a postmaster recommissioned, or a new bond accepted for a postmaster, he elects to defer assuming charge of the office under his new bond until the close of the quarter, he shall immediately notify the central-accounting postmaster of his intention and on the last day of the quarter at the close of business, prepare his certificates of transfer and date them as of that date, except that no person designated or appointed to succeed an acting postmaster will be permitted to defer assuming charge of the office until the close of the quarter when by so doing the period of service of the acting postmaster is extended beyond 6 months from the date of designation as acting postmaster, unless the period of service of the acting postmaster beyond the 6 months' period has been extended by the Postmaster General with the permission of the Civil Service Commission pursuant to section 3 of the act of June 25, 1938, as amended (39 U. S. C. 39a).

(d) **Transfer forms.** In each class of cases mentioned in the foregoing, the certificates attached to the transfer forms shall be furnished to the proper offices as noted on the margin of the certificates.

(e) **Stamp account.** The amount of postage-stamped paper on hand at the close of the first stamp account of post offices of the first class shall be brought forward and charged in the second stamp account.

(f) **Separate accounting not required for payment of bond premium.** The payment and acceptance of the annual premium on corporate surety bonds furnished by postmasters (§ 135.7 (j)) shall not require a separate accounting nor change in any way the manner of time of rendering accounts under § 18.18.

§ 18.21 Rendering of duplicate account when original not received. Whenever a postmaster, having mailed his account, is notified that it has not been received, he shall forthwith make out a duplicate account from the copy retained in his possession and prepare for transmittal therewith duplicates of any missing vouchers and abstracts. In such case, the duplicate account and vouchers must be certified and signed in the usual manner.

§ 18.22 When balance is due postmaster. When a balance is found to be due to a postmaster at the end of a quarter on an audited account, and a report thereof is received from the General Accounting Office, the amount of such balance may be withdrawn from the receipts.

§ 18.23 When affidavits may be waived. In accounts and claims relating to the postal revenues and expenditures therefrom any affidavit required by the regulations and not required by law may be waived when it is shown to the satisfaction of the Postmaster General and General Accounting Office that the officer or claimant is located at a distance from any person authorized to take acknowledgments, or that for good and sufficient reason it is impracticable to furnish the affidavit. The specific reason for the failure shall be written on the account at the place provided for the affidavit.

§ 18.24 Division of time and computation of pay when on annual basis. Where the compensation of any postmaster, other officer, or employee is on an annual basis, the following rules for division of time and computation of pay for services rendered are established:

Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month and one-half of each such installment shall be paid on the sixteenth day of the month and the first day of the following month, or as soon thereafter as practicable. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the Postal Service during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said Service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry. For each day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (Sec. 7, 59 Stat. 436; 39 U. S. C. 857.)

§ 18.25 Money-order accounts—(a) Requirements. It shall be the duty of postmasters at post offices authorized to issue money orders to render to the Comptroller, Bureau of Accounts, Post Office Department, quarterly, monthly, semimonthly, weekly, semiweekly, or daily accounts of all money orders issued and paid, of all fees received for issuing them, of all transfers and payments made from money-order funds, and of all money received to be used for the payment of money orders or on account of money-order business. (R. S. 4044, as amended; 39 U. S. C. 735.)

(b) Accounts to be rendered. Postmasters at first-class offices (except daily, weekly, and semimonthly offices, which receive special instructions) shall render the following money-order accounts to the Comptroller, Bureau of Accounts, Post Office Department, Washington 25, D. C.:

(1) Postmaster's monthly money-order account in duplicate (Form 6011).

(2) Monthly list of money orders issued (Form 6013), accompanied with all spoiled forms.

(3) Monthly list of money orders paid (Form 6014), accompanied with all paid and repaid orders.

(c) Forwarding of accounts. The monthly money-order account (Form 6011), the monthly list of money orders issued (Form 6013), and the monthly list of money orders paid (Form 6014), with all accompanying vouchers, shall be forwarded in one package immediately after the close of each month's business.

(d) Business at branches and stations. The money-order transactions of all branch offices and stations shall be taken up in the account of the main office. The totals for the main office and for each station shall be kept separate on the report sheets and combined only when carried to the monthly recapitulation. Classified branch offices and classified stations, as well as contract branch offices and contract stations shall transmit to their respective main offices daily, with report (Form 6019), the applications and stubs of all money orders issued at such branches or stations, and the amount thereof (including fees), either in cash or in cashed money orders, as well as any money orders spoiled in issue.

(e) Accounting for money-order remittances—(1) Holding accounts for remittances in transit. Postmasters having money-order remittances in transit at the close of a quarter shall hold their last money-order accounts of that quarter until the certificates covering such remittances are received, in order that credit therefor may be claimed in the same quarter in which the certificates were issued and dated. Accounts, however, shall not be thus delayed in cases where it is manifest that the certificates to be issued will bear dates of a subsequent quarter.

(2) Account not to be held over three days. An account shall not be held for this purpose longer than three days, and under no circumstances shall credit be taken in such account for a certificate issued in a subsequent quarter.

(3) Date of entry. In claiming credit for a certificate of deposit received on account of a money-order remittance, the date to be entered in the cashbook shall be that on which the certificate is received, except at the close of a quarter, when credit for a certificate received shall be claimed under date of the certificate itself.

(4) When remittances received after account forwarded. Where a certificate of deposit is received after the account has gone forward at the close of a quarterly period, and such certificate bears date of the quarter just closed, credit

therefor shall be taken in the next money-order account rendered and an explanatory note made thereon.

(f) **No credit for nonpostal money orders.** Postmasters shall not claim credit for money orders issued by express companies, banks, and commercial houses.

(g) **Cash balance to be brought forward.** The cash balance, however small, remaining on hand at the close of the period covered by the preceding account shall be brought forward as the beginning balance in the account for the current month.

(h) **District office accounts rendered to central-accounting postmasters—(1) To include money order business.** Postmasters at district offices shall include in their quarterly account to the central-accounting postmaster the amount received for money orders issued and fees for money orders issued and, at fourth-class post offices, commissions claimed on money orders issued. Lists of money orders issued shall accompany the quarterly accounts to the central-accounting postmaster, and in making them up the following instructions shall be strictly observed:

(2) **Accounting for money orders by numbers.** Money-order forms are numbered consecutively, and each serial number shall be accounted for. When a form is spoiled the serial number shall be entered in the account in the same sequence as though issued, and across the amount and fee columns shall be written in red ink "Not issued." The same notation shall be made on the face of both the coupon and order. The coupon and receipt shall be retained and the spoiled order forwarded with the account to the central-accounting postmaster.

(3) **Care in detaching coupons.** Special care shall be exercised to detach the coupons from the paid money orders in such manner as not to remove the serial numbers or amounts of the orders.

§ 18.26 **Report of no money-order business.** Where no money-order business has been transacted at a district office authorized to issue and pay money orders, an issued list (Form 1846) shall be sent to the central-accounting office bearing the words "No business" written across the face of the blank form.

§ 18.27 **Final money-order account of outgoing postmaster.** (a) An outgoing postmaster at a first-class post office shall transmit a final account covering all money-order business transacted since the date of his last-rendered account up to and including the day of his retirement from office.

(b) In his final account the outgoing postmaster shall take credit for the amount of funds actually turned over to his successor in cash, after the following form:

By cash turned over to my successor, John Doe, \$-----.

NOTE: See § 76.28 as to change of postmasters.

§ 18.28 **Certification of certain accounts.** Accounts for the performance of transportation and other services shall be certified by the administrative officer having charge thereof.

§ 18.29 **Balances certified by General Accounting Office.** Balances certified by the General Accounting Office, upon the settlement of public accounts, shall be final and conclusive upon the Executive Branch of the Government, except that any person whose accounts may have been settled, the head of the Executive Department, or of the board, commission, or establishment not under the jurisdiction of

an Executive Department, to which the account pertains, or the Comptroller General of the United States, may, within a year, obtain a revision of the said account by the Comptroller General of the United States, whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government. Nothing in this chapter shall prevent the General Accounting Office from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. * * * (Sec. 8, 28 Stat. 207; 31 U. S. C. 74.)

§ 18.30 Application of payments made by postmaster after new bond. Whenever any postmaster is required to execute a new bond, all payments made by him after the execution of such new bond, may, if the Postmaster General or the Comptroller General deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond. (R. S. 3835, as amended; 39 U. S. C. 36.)

§ 18.31 Report of deficiency in accounts of postmaster. When a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails to make good such deficiency, it shall be the duty of the General Accounting Office to notify the Postmaster General of such failure, and upon receiving such notice the Postmaster General shall forthwith deposit a notice in the post office at Washington, District of Columbia, addressed to the sureties respectively upon the bonds of said postmaster, at the office where he or they may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. (R. S. 3835, as amended; 39 U. S. C. 37.)

§ 18.32 Report of deficiency in accounts of any officer of United States. Whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties respectively and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond. (Sec. 1, 25 Stat. 387; 6 U. S. C. 4.)

LEGAL PROCEEDINGS

§ 18.33 Legal action under postal laws; courts having jurisdiction. (a) The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to the postal service. (62 Stat. 932; 28 U. S. C. 1339.)

(b) All causes of action arising under the postal laws may be sued, * * * before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of claims and demands of as great value, * * *; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. (R. S. 3833; 39 U. S. C. 825.)

NOTE: See § 130.1 as to jurisdiction of courts in criminal cases under the postal laws.

§ 18.34 Suit to recover wrong or fraudulent payment. In all cases where money has been paid out of the funds of the Post Office Department under the pretense that service has been performed therefor, when, in fact, such service has not been performed, or as additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, according to law, might rightfully have been allowed therefor, and in all other cases where money of the department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or other employee in the Postal Service, the Postmaster General shall cause suit to be brought to recover such wrong or fraudulent payment or excess, with interest thereon. (R. S. 4057; 39 U. S. C. 789.)

NOTE: See §§ 18.2 and 18.3 as to duty of General Accounting Office to superintend collection of debts due the Post Office Department.

§ 18.35 Furnishing of certified copies in suits against delinquents. In case of delinquency of any postmaster, contractor, or other officer, agent, or employee of the Post Office Department, in which suit is brought, the General Accounting Office shall forward to the Department of Justice certified copies of all papers in said office tending to sustain the claim. (R. S. 296, as amended; 31 U. S. C. 116.)

§ 18.36 Duties of United States attorney. It shall be the duty of each United States attorney, within his district, to:

- (1) Prosecute for all offenses against the United States;
- (2) Prosecute or defend, for the government, all civil actions, suits or proceedings in which the United States is concerned; * * *
- (3) Institute and prosecute proceedings for the collection of fines, penalties and forfeitures incurred for violation of any

revenue law unless satisfied upon investigation that justice does not require such proceedings;

- (4) Make such reports as the Attorney General shall direct. (62 Stat. 910; 28 U. S. C. 507.)

§ 18.37 Supervision by Attorney General. The Attorney General shall have supervision over all litigation to which the United States or any agency thereof is a party and shall direct all United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title, in the discharge of their respective duties. (62 Stat. 910; 28 U. S. C. 507.)

§ 18.38 Records admissible as evidence—(a) Originals. Books or records of account or minutes of proceedings of any department or agency of the United States shall be admissible to prove the act, transaction or occurrence as a memorandum of which the same were made or kept.

(b) Copies.— Properly authenticated copies or transcripts of any books, records, papers or documents of any department or agency of the United States shall be admitted in evidence equally with the originals thereof. (62 Stat. 946; 28 U. S. C. 1733.)

§ 18.39 Evidence of demand upon delinquent postmaster for payment of balance due. The certificate of the Postmaster General or the General Accounting Office of the mailing to a postmaster of a statement of his account and that payment of the balance stated has not been received shall be sufficient evidence of a demand notwithstanding any allowances or credits subsequently made. A copy of such statement shall be attached to the certificate. (62 Stat. 948; 28 U. S. C. 1743.)

§ 18.40 Credits in actions by United States; prior disallowance. In an action by the United States against an individual, evidence supporting the defendant's claim for a credit shall not be admitted unless he first proves that such claim has been disallowed, in whole or in part, by the General Accounting Office, or that he has, at the time of the trial, obtained possession of vouchers not previously procurable and has been prevented from presenting such claim to the General Accounting Office by absence from the United States or unavoidable accident. (62 Stat. 972; 28 U. S. C. 2406.)

NOTE: See 28 U. S. C. 2406 as to credits on account of claims, etc., in suits against others than postmasters.

§ 18.41 Interest on defaulted balances. In all suits for balances due to the Post Office Department, interest thereon shall be recovered, from the time of the default, at the rate of six per centum per year. (R. S. 964; 39 U. S. C. 746.)

§ 18.42 Delinquents for public money; judgment; continuance.

In an action by the United States against any person accountable for public money who fails to pay into the Treasury the sum reported due the United States, upon the adjustment of his account the court shall grant judgment upon motion unless a continuance is granted as specified in this section.

A continuance may be granted if the defendant, in open court and in the presence of the United States attorney, states under oath that he is equitably entitled to credits which have been disallowed by the General Accounting Office prior to the commencement of the action, specifying each particular claim so rejected, and stating that he cannot safely come to trial.

A continuance may also be granted if such an action is commenced on a bond or other sealed instrument and the court requires the original instrument to be produced. (62 Stat. 972; 28 U. S. C. 2407.)

§ 18.43 Warrant of attachment in postal suits—(a) When issued. In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employees of the Post Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employee, and his sureties, or either of them, in the following cases:

First. When such officer, agent, or employee, and his sureties, or either of them, is a nonresident of the district where such officer, agent, or employee was appointed, or has departed from such district for the purpose of permanently residing out of the same, or of defrauding the United States, or of avoiding the service of civil process.

Second. When such officer, agent, or employee, and his sureties, or either of them, has conveyed away, or is about to convey away his property, or any part thereof, or has removed or is about to remove the same or any part thereof from the district wherein it is situate, with intent to defraud the United States. (R. S. 924; 39 U. S. C. 837.)

(b) Execution when property has been removed. And when any such property has been removed, certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. And alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof. (R. S. 924; 39 U. S. C. 837.)

(c) Application for. Application for such warrant of attachment may be made by any district or assistant district attorney, or any

other person authorized by the Postmaster General, before the judge, or, in his absence, before the clerk of any court of the United States having original jurisdiction of the cause of action. And such application shall be made upon an affidavit of the applicant, or of some other credible person, stating the existence of either of the grounds of attachments enumerated in section 737 of this title, and upon production of legal evidence of the debt. (R. S. 925; 39 U. S. C. 838.)

NOTE: See 39 U. S. C. 838 to 846 (old Title 28 U. S. C. 738 to 746) as to proceedings under warrants of attachment.

§ 18.44 Proceedings in equity when other action fruitless.

When proceedings at law for money due the Post Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant. (R. S. 382, as amended; 5 U. S. C. 332.)

§ 18.45 Limitation of liability of sureties—(a) On bonds of postmasters. If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness. (R. S. 3838; 39 U. S. C. 40.)

NOTE: Under 39 U. S. C. 40, the 3-year limitation runs from the time the postmaster's account is "closed" by audit and settlement, the word "settlement" in connection with public transactions and accounts being used to describe administrative determination of the amount due. (U. S. v. Cash et al. 293 Fed. 584.)

(b) On bonds of United States officials and others. If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness. (Sec. 2, 25 Stat. 387, as amended; 6 U. S. C. 5.)

§ 18.46 Disposal of penalties and forfeitures recovered and fines collected. All penalties and forfeitures imposed for any violation of law affecting the Post Office Department for its revenue or property shall be recoverable, one-half to the use of the person informing and prosecuting for the same, and the other half to be paid into the Treasury for the use of the Post Office Department, unless a different disposal is expressly prescribed. All fines collected for violations of such laws shall be paid into the Treasury for the use of the Post Office Department. (R. S. 4059; 39 U. S. C. 791.)

NOTE: Penalties and forfeitures are imposed for violations of certain postal laws which are not made crimes or misdemeanors. These penalties and forfeitures are recoverable in a civil action in the United States courts as provided in the statute. The entire amount

of all fines for the violation of criminal statutes is to be paid into the Treasury for the use of the Postal Service, as provided in § 7.2.

For the statutes which provide fines, penalties, or forfeitures for their violations see—

§ 4.5 Postal employees interested in contract or acting as agent for contractor.

§ 18.17 Neglect of postmasters to render accounts.

§ 24.1(b) Setting up or professing to keep an office bearing the sign, name, or title of post office, without authority from the Postmaster General.

§ 91.1 Establishing private express for the conveyance of letters or packets, or aiding or assisting therein.

§ 91.4 Carrying persons on stagecoach, railway car, steamboat, vehicle, or vessel who are employed as private express for conveyance of letters and packets.

§ 91.5 Sending letters by private express, or delivering them for transmission thereby.

§ 91.6 Stagecoach, railroad car, steamboat, etc., carrying letters or parcels otherwise than in the mail; penalty on owner and driver, conductor, etc.

§ 125.4 Failure by master of vessel to deliver all letters at the nearest post office on arrival within any post or collection district of the United States.

§ 91.10 and 125.6 Carrying letters or packets on board a mail vessel otherwise than in the mail.

§ 91.15 Forfeiture of package seized on mail vessel with concealed letter.

§ 97.54 Failure by master of steamboat passing between ports of the United States to deliver to postmaster letters and packets brought by him.

§ 150.58 Delaying passage of mail at a ferry by ferryman's neglect or refusal to transport it.

§ 150.62 Postmaster acting as agent for a lottery.

See Part 130 as to offenses against the Postal Service, etc.

§ 18.47 Amounts of fines to be collected only through courts.

The amount which might be imposed as a fine for a violation of a criminal statute, if tendered by a person who is charged with a violation of such a statute, shall not be accepted. Fines for such offenses can only be imposed and collected through the courts.

§ 18.48 Priority of United States as creditor. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed. (R. S. 3466; 31 U. S. C. 191.)

NOTE: After payment of all expenses, taxes, and claims for labor and services rendered, the United States, as between the Government and other claimants, is entitled to priority under 31 U. S. C. 191, in the distribution of any balance of assets. (Opinion of the Solicitor of the Treasury, September 28, 1914.)

Sec. 104 of Title 11, U. S. C., a portion of the bankruptcy law, in establishing the order of priority in bankruptcy proceedings, prescribes that "debts owing to any person, including the United States, who by the laws of the United States in [is] entitled to priority" are entitled to the next priority after certain costs of administration, wages, taxes, and similar claims.

§ 18.49 Liability of executors or others to recognize priority of United States as creditor. Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid. (R. S. 3467, as amended; 31 U. S. C. 192.)

§ 18.50 Priority of surety on bond same as that of United States. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon. (R. S. 3468; 31 U. S. C. 193.)

COMPROMISES

§ 18.51 Compromise of judgment. Whenever a judgment is obtained for a debt or damages due the Post Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by due process of law, the General Accounting Office may, with the written consent of the Postmaster General, compromise such judgment, and accept in satisfaction less than the full amount thereof. (R. S. 295; 31 U. S. C. 115.)

§ 18.52 Compromise or remission of fine, penalty, forfeiture, or liability. (a) In all cases of fine, penalty, forfeiture, or disability, or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the postal service, the Postmaster General may prescribe such general rules and modes of proceeding as shall appear to be expedient, for the government of the Bureau of Accounts in the Post Office Department, in ascertaining the fact in each case in which the Comptroller of the Bureau of Accounts shall certify to him that the interests of the department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained, the General Accounting Office may, with the written consent of the Postmaster General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Comptroller of the Bureau of Accounts in the Post Office Department shall deem just and expedient. (R. S. 409, as amended; 5 U. S. C. 383.)

(b) The provisions of section 383 of this title shall extend in all cases pending on March 4, 1925, or which may thereafter arise to

balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, excepting the class of cases cognizable under section 49 of Title 39. (43 Stat. 1266; 5 U. S. C. 384.)

§ 18.53 **Submission of proposition of compromise.** Any proposition of compromise shall be submitted in writing and the amount thereof deposited with the Superintendent, Division of Finance and Disbursing Officer, Bureau of the Third Assistant Postmaster General.

CLAIMS AGAINST THE UNITED STATES

§ 18.54 **Transfer and assignment of claims on United States—**

(a) **Requirements.** All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for rent of post-office quarters made by postmasters to duly authorized agents of the lessors. * * * (R. S. 3477, as amended; 31 U. S. C. 203.)

(b) **Exceptions.** The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided*, (1) That in the case of any contract entered into prior to October 9, 1940, no claim shall be assigned without the consent of the head of the department or agency concerned; (2) That in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment; (3) That unless otherwise expressly permitted by such contract any such assignment shall cover

all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing; (4) That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with (a) the General Accounting Office, (b) the contracting officer or the head of his department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) the disbursing officer, if any, designated in such contract to make payment. Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this paragraph and the following paragraph shall constitute a valid assignment for all purposes. * * * (R. S. 3477, as amended; 31 U. S. C. 203.)

NOTE: See § 130.37 regarding officers interested in claims against the United States.

§ 18.55 When claimant is indebted to United States—(a) Amount of debt to be withheld from judgment. When any final judgment recovered against the United States duly allowed by legal authority shall be presented to the Comptroller General of the United States for payment, and the plaintiff therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Comptroller General of the United States to withhold payment of an amount of such judgment equal to the debt thus due to the United States; and if such plaintiff assents to such set-off, and discharges his judgment or an amount thereof equal to said debt, the Comptroller General of the United States shall execute a discharge of the debt due from the plaintiff to the United States. * * * (18 Stat. 481, as amended; 31 U. S. C. 227.)

(b) When claimant denies indebtedness. * * * But if such plaintiff denies his indebtedness to the United States, or refuses to consent to the set-off, then the Comptroller General of the United States shall withhold payment of such further amount of such judgment as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. * * * (18 Stat. 481, as amended; 31 U. S. C. 227.)

(c) Legal action to be taken. * * * And if such debt is not already in suit, it shall be the duty of the Comptroller General of the United States to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. * * * (18 Stat. 481, as amended; 31 U. S. C. 227.)

(d) Settlement when judgment rendered against United States. * * * And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Comptroller General of the United States with 6 per centum interest thereon for the time it has been withheld from the plaintiff. (18 Stat. 481, as amended; 31 U. S. C. 227.)

NOTE: The preceding four paragraphs set out the whole of sec. 227, Title 31, U. S. C.

(e) Payment of compensation to be withheld from person indebted to United States. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the General Accounting Office, if required to do so by the party, his agent or attorney, shall report forthwith to the General Counsel for the Department of the Treasury the balance due; and the General Counsel shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties. (R. S. 1766, as amended; 5 U. S. C. 82.)

(f) Pay to be withheld from employee removed for cause. From and after February 24, 1931, there shall be no withholding or confiscation of the earned pay, salary, or emolument of any civil employee of the United States removed for cause: *Provided*, That if at the time of such removal any such employee is indebted to the United States any salary, pay, or emolument accruing to such employee coming within the provisions of this section shall be applied in whole or in part to the satisfaction of any claim or indebtedness due to the United States. (46 Stat. 1415; 5 U. S. C. 46a.)

(g) When credit disallowed by General Accounting Office for payment of compensation. * * * whenever upon the statement of the account of any disbursing officer of the United States in the General Accounting Office credit shall have been disallowed for any payment to any person in the executive branch of the Government, otherwise entitled to compensation from the United States or from any agency or instrumentality thereof, such compensation of the payee may be withheld until full reimbursement has been accomplished under such regulations as may be prescribed by the head of the department, branch, or independent establishment (including corporations) under which such payee is entitled to receive compensation. * * * (49 Stat. 1374, as amended; 5 U. S. C. 46b.)

§ 18.56 Application for subpoena of witnesses in claim action. Any head of a department or bureau in which a claim against the

United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpoena for a witness being within the jurisdiction of such court, to appear at a time and place in the subpoena stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim. (R. S. 184; 5 U. S. C. 94.)

NOTE: See 5 U. S. C. 95 as to fees to witnesses; 5 U. S. C. 96 as to penalty for witness refusing to attend in response to subpoena; and 18 U. S. C. 287, 1001 (§ 130.21, P. L. & R.) and 18 U. S. C. 285 as to penalties for presenting false claims, etc. These provisions apply to claims arising in connection with the departmental service.

§ 18.57 Jurisdiction of Court of Claims. (a) The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

- (1) Founded upon the Constitution; or
- (2) Founded upon any Act of Congress; or
- (3) Founded upon any regulation of an executive department; or
- (4) Founded upon any express or implied contract with the United States; or
- (5) For liquidated or unliquidated damages in cases not sounding in tort. (62 Stat. 940; 28 U. S. C. 1491.)

The Court of Claims shall have jurisdiction to render judgment upon any claim by a disbursing officer of the United States or by his administrator or executor for relief from responsibility for loss, in line of duty, of Government funds, vouchers, records or other papers in his charge. (62 Stat. 941; 28 U. S. C. 1496.)

The Court of Claims shall have jurisdiction to render judgment upon any set-off or demand by the United States against any plaintiff in such court. (62 Stat. 942; 28 U. S. C. 1503.)

The Court of Claims shall not have jurisdiction of any claim for a pension. (62 Stat. 942; 28 U. S. C. 1501.)

(b) The Court of Claims shall have jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under section 1346 (b) of this title if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims. (62 Stat. 942; 28 U. S. C. 1504.)

§ 18.58 Departmental claims or other matters referred to Court of Claims. The Court of Claims shall have jurisdiction to report to the head of any executive department on any claim or matter involving controverted questions of law or fact and referred by him to such court, and to render judgment if the claim or matter referred is one

over which the court has jurisdiction under other Acts of Congress. (62 Stat. 941; 28 U. S. C. 1493.)

A claim or matter referred to the Court of Claims by the head of an executive department shall be proceeded with as are other cases pending in such court, under its rules.

The court shall report its findings of fact and conclusions of law to the head of the department who referred the claim or matter.

The Secretary of the Treasury may, upon the certificate of the Comptroller General of the United States, direct any claim or matter, of which, by reason of the subject matter or character, the Court of Claims might take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to such court for trial and adjudication. (62 Stat. 977; 28 U. S. C. 2510.)

§ 18.59 Settlement of accounts in Court of Claims. The Court of Claims shall have jurisdiction to determine the amount, if any, due the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, where:

(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

(2) three years have elapsed from the date of such application without settlement; and

(3) no suit upon the same has been brought by the United States. (62 Stat. 941; 28 U. S. C. 1494.)

Notice of suit under section 1494 of this title shall be given to the Attorney General and to the head of the department requested to settle the account in question.

The judgment of the Court of Claims in such suit, or of the Supreme Court upon review, shall be conclusive upon the parties, and payment of the amount found due shall discharge the obligation.

A right of action shall accrue to the United States upon the judgment, but such right and any right of action on the original indebtedness shall be barred unless an action thereon is brought within three years after judgment. (62 Stat. 977; 28 U. S. C. 2511.)

§ 18.60 Jurisdiction of district courts in cases of claims. (a) The district courts shall have original jurisdiction, concurrent with the Court of Claims, of: * * *

Any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department,

or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

Subject to the provisions of chapter 173 of this title, the district courts, together with the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

The district courts shall not have jurisdiction under this section of:

(1) Any civil action or claim for a pension;

(2) Any civil action to recover fees, salary, or compensation for official services of officers of the United States. (62 Stat. 933; 28 U. S. C. 1346.)

(b) Any action against the United States under section 1346 of this title shall be tried by the court without a jury. (62 Stat. 971; 28 U. S. C. 2402.)

§ 18.61 United States as defendant. (a) Any civil action against the United States under subsection (a) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides.

(b) Any civil action on a tort claim against the United States under subsection (b) of section 1346 of this title may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred. (62 Stat. 937; 28 U. S. C. 1402.)

(c) The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. (62 Stat. 929; 28 U. S. C. 1291.)

§ 18.62 Time limitation on claims and demand. (a) Every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under sections 71 and 236

of this title shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided*, That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

(b) Whenever any claim barred by subsection (1) shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this section, and such action shall be a complete response without further communication. (Secs. 1 and 2, 54 Stat. 1061; 31 U. S. C. 71a.)

Title Three

POST OFFICES

Part 24 Establishment and discontinuance of post offices: Conduct of offices during absence of postmasters 25 General provisions relating to post offices		Part 26 Leases, allowances, and supplies for post offices 27 Letter, call, and lock boxes, and key deposits
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PART 24—ESTABLISHMENT AND DISCONTINUANCE OF POST OFFICES: CONDUCT OF OFFICES DURING ABSENCE OF POSTMASTERS

Sec. ESTABLISHMENT AND DISCONTINUANCE OF POST OFFICES 24.1 Post offices. 24.2 Establishment of branches and stations. 24.3 Characteristics of branches and stations. 24.4 Change of name of post office. 24.5 Discontinuance of post office. 24.6 Summer and winter resort post offices.		Sec. ACTING POSTMASTERS 24.7 When duties of postmaster assumed before appointment of postmaster or acting postmaster. 24.8 Acting postmaster. PERFORMANCE OF DUTIES DURING ABSENCE OF POSTMASTER 24.9 Performance of duties during absence of postmaster. 24.10 Signing of papers by assistant postmaster. 24.11 Authority to sign Treasury checks.
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ESTABLISHMENT AND DISCONTINUANCE OF POST OFFICES

§ 24.1 **Post offices—(a) Establishment.** The Postmaster General shall establish post offices at all such places on post roads established by law as he may deem expedient, and he shall promptly certify such establishment to the General Accounting Office. (R. S. 3829, as amended; 39 U. S. C. 1.)

(b) **Conducted without authority.** Whoever, without authority from the Postmaster General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post office, shall be fined not more than \$500. (62 Stat. 785; 18 U. S. C. 1729.)

NOTE: See § 1.1 as to authority to establish post offices and post roads.

§ 24.2 **Establishment of branches and stations—(a) Authorization.** The Postmaster General, when the public convenience requires

it, may establish within any post-office delivery one or more branch offices [stations or substations] for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed. (R. S. 3871; 39 U. S. C. 158.)

(b) Limitations. No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of fifteen hundred or more inhabitants not distant more than five miles as near as may be from the outer boundary or limits of such city or town in which the principal office is located. (29 Stat. 313; 39 U. S. C. 160.)

NOTE: Paragraph (b) was suspended by Public Law 368, 78th Congress (58 Stat. 463), "for the duration of the present war and 6 months thereafter." Section 2b, Public Law 239, 80th Congress (61 Stat. 451), repeals Public Law 368, effective January 25, 1948.

(c) Contract stations. The Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years. (Sec. 15, 39 Stat. 163; 39 U. S. C. 161.)

(d) In Hawaii, Puerto Rico, and Virgin Islands. The Postmaster General shall establish in the islands of Hawaii, in Puerto Rico, and the Virgin Islands under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan, and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public: *Provided, however,* That such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned. (41 Stat. 323, as amended; 39 U. S. C. 159.)

(e) Service for United Nations headquarters district. The appropriate American authorities will exercise, to the extent requested by the Secretary-General of the United Nations, the powers which they possess with respect to the supplying of public services to insure the headquarters district of the United Nations shall be supplied on equitable terms with the necessary public services, including * * * post * * *. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly, to insure that the work of the United Nations is not prejudiced. (Sec. 17 (a) Agreement Between the United Nations and the United States of America, Re-

garding the Headquarters of the United Nations, confirmed by sec. 1, Public Law 357, 80th Congress.)

§ 24.3 Characteristics of branches and stations—(a) Station designation. Post office units located within the corporate limits of the municipality in which the post office to which they are attached is situated, shall be known as stations and designated by numbers, letters, or local names. When deemed necessary, numbered stations may also be located outside the corporate limits.

(b) Branch designation. Post office units located outside the corporate limits of the municipality in which the post office to which they are attached is situated, shall be known as branches and designated by local names only, and the name of every such branch post office shall be separately entered in its alphabetical order in the list of post offices in the Official Postal Guide.

(c) Classes of stations and branches. Stations and branch post offices shall be divided into the following classes:

(1) Classified. "Classified," those in charge of classified employees and occupying quarters provided by the Government.

(2) Contract. "Contract," those usually located in drug stores or other places of business and operated under contract by persons not in the classified service who are required to furnish quarters and equipment, heat, light, and the necessary clerical assistance. Where the needs of the service require, contract stations may be established in Government buildings provided the required space and equipment is furnished by the proper Federal authority, and the contractor receives no salary, pay, or emolument from any department or office of the Government and provided that the rate of compensation will take into consideration the fact that the contractor is not required to furnish space or equipment.

(3) Independent. Stations and branch post offices are "independent" when designated as such for the receipt and dispatch of registered mail direct, without passing through the office to which they are attached.

(d) Facilities. All stations and branch post offices shall transact money-order and registry business and shall sell postage supplies except where the purpose of the establishment of the station or branch is such as not to require these facilities, and when specially designated, shall transact postal-savings business.

§ 24.4 Change of name of post office. Names of post offices shall be changed only by order of the Postmaster General.

§ 24.5 Discontinuance of post office—(a) Certification to General Accounting Office. The Postmaster General may discontinue any post office where the safety and security of the Postal Service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the General Accounting Office. (R. S. 3864, as amended; 39 U. S. C. 2.)

(b) At county seat. No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General, * * *. This provision shall not apply to the city of Cambridge, Massachusetts, or to Towson, Maryland, or to Clayton, Saint Louis County, Missouri. (29 Stat. 313, as amended; 39 U. S. C. 3.)

§ 24.6 **Summer and winter resort post offices—(a) Continuance.** Post offices at summer resorts and winter resorts shall be continued as offices, although no mail is received or dispatched during certain seasons.

(b) **Procedure for opening and closing.** The postmaster at a summer-resort or winter-resort post office, when closing the office for the season, shall return all unsold postage-stamp stock to his central-accounting postmaster, with a postal account in which he shall account for the difference between the amount of postage-stamp stock returned and the amount of his fixed credit. Fixed credits for stamped paper other than postage-stamp stock shall be accounted for by the return of the stamps or the cash derived from their sale. Fifteen days before the proposed reopening of a summer-resort or winter-resort post office the postmaster shall notify his central-accounting postmaster, who shall furnish him with stamp stock on fixed credit. The post-office equipment and records at a summer-resort or winter-resort post office may be retained by the postmaster provided he remains in the locality during the closed season; otherwise they should be turned over for safekeeping to the nearest convenient post office.

(c) **Advance report of closing.** Thirty days prior to the close of each season the postmaster at a winter-resort or summer-resort post office shall notify the First Assistant Postmaster General, Division of Postmasters, of the date on which the office is to be closed for the season so necessary changes in mail service may be made, and also furnish him the postmaster's post office address for the remainder of the year.

(d) **Advance report of opening.** Thirty days prior to the proposed reopening of a winter-resort or summer-resort post office the postmaster shall notify the First Assistant Postmaster General, Division of Postmasters, so that arrangements may be made for supplying the office with mail.

ACTING POSTMASTERS

§ 24.7 **When duties of postmaster assumed before appointment of postmaster or acting postmaster.** A person who assumes charge of a third- or fourth-class office during a vacancy in the office of postmaster and before appointment of a postmaster or acting postmaster is not bonded and is merely acting for the postmaster, who is responsible under his bond for the conduct of the office until his successor has been duly appointed and has taken possession of the office. The accounts rendered during the services of such person should be signed in the name of the former postmaster by the person acting in his stead, as "A. B. postmaster, deceased (or removed, resigned, as the case may be), by (name of person conducting the office)." The compensation as postmaster may be withheld by such person from the receipts of the office. Where the receipts of the office are insufficient to pay the compensation of the person who assumed charge during the vacancy, the amount payable as compensation should be obtained through a written claim to the Postal Accounts Division of the General Accounting Office over the signature of the person entitled to payment.

§ 24.8 **Acting postmaster—(a) Signature.** When, upon the death, resignation, or removal of a postmaster, an acting postmaster is designated by the Postmaster General, and takes charge of the post office, he shall sign all papers, returns, accounts, requisitions, money orders, etc., as "acting postmaster."

(b) **Compensation and requisitions.** An acting postmaster shall not claim compensation as postmaster nor shall his requisitions be honored until he has furnished suitable bond to the First Assistant Postmaster General.

PERFORMANCE OF DUTIES DURING ABSENCE OF POSTMASTER

§ 24.9 Performance of duties during absence of postmaster—

(a) Authorization. In case of the sickness or unavoidable absence from his office of the postmaster of any money-order post office, he may, with the approval of the Postmaster General, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such postmaster; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases; and such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the postmaster for whom he shall act. (R. S. 4031; 39 U. S. C. 714.)

(b) Assistant postmaster to manage office. The assistant postmaster shall in all cases manage the business of the post office during the absence of the postmaster.

NOTE: See §§ 137.8 and 137.81 as to assistant postmasters and their duties.

(c) Issuance of checks on money-order credit. The postmaster at every post office having a money-order credit with the Treasurer of the United States shall designate the assistant postmaster to issue checks on such credit during the absence of the postmaster. At post offices where the position of assistant postmaster has not been authorized by the Department, the postmaster may designate a clerk for this purpose. Specimens of the signatures of all persons so designated should be maintained at each office for reference whenever necessary.

(d) Official signature to be used. When an assistant postmaster or clerk is in charge of the post office during the temporary absence or sickness of the postmaster, he shall sign all papers, returns, accounts, requisitions, etc.: "A. B., postmaster, by C. D., assistant postmaster," or "A. B., postmaster, by E. F., clerk."

(e) When a clerk takes charge of office. When a clerk is authorized to take charge of a post office during the absence of the postmaster, such clerk shall, whenever the postmaster is absent, assume the duties of the postmaster, and all employees shall observe his instructions the same as those of the postmaster.

§ 24.10 Signing of papers by assistant postmaster—(a) When postmaster leaves office. When the postmaster dies, resigns, retires, or is removed, the assistant postmaster, during such time as he conducts the business of the office, before the designation of an acting postmaster, shall sign all papers, etc.: "A. B., postmaster, deceased (resigned, removed, etc., as the case may be), by C. D., assistant postmaster."

(b) When signature of postmaster not required. Postmasters may authorize their assistants to sign their names to such reports, letters, and papers as are not specially required to be signed by the postmaster himself. The signature should be: "A. B., postmaster, by C. D., assistant postmaster." The name of the postmaster may be either written or stamped, but the signature of the assistant shall be in ink.

§ 24.11 **Authority to sign Treasury checks.** A postmaster who is authorized to pay salaries or other expenses by checks drawn on the Treasurer of the United States, shall designate one or more supervisors or clerks of his office to sign checks in his name, and such employees shall furnish bond in appropriate amount to cover such duties. After the bond is approved, the postmaster shall certify to the Third Assistant Postmaster General, Division of Finance, in triplicate, on Form 3012, that the employee is authorized to sign checks, which certificate shall bear a specimen of the employee's signature. Such checks shall be signed thus: "A. B., Postmaster, by (name of authorized employee)."

NOTE: See § 17.23 as to payment by check.

PART 25—GENERAL PROVISIONS RELATING TO POST OFFICES

<p>Sec. 25.1 Post offices to be open as directed by Postmaster General. 25.2 Change of site of post office. 25.3 Care of post offices. 25.4 Display of advertisements in post offices. 25.5 Post office hours. 25.6 Sunday service. 25.7 Holidays. 25.8 Preservation of books and records. 25.9 Instructions when in doubt. 25.10 Correspondence with Department. 25.11 Extraneous activities by postmaster. 25.12 Reports of post office robberies. 25.13 Pension vouchers. 25.14 Postmasters to give personal attention to offices.</p>	<p>Sec. 25.15 Duties of superintendent of mails. 25.16 Use of time recorders. 25.17 Employment of clerks by postmasters at fourth-class offices. ALLOWANCES FOR CLERICAL ASSISTANCE 25.18 Allowances for clerk hire at first-, second-, and third-class post offices. 25.19 Allowances for clerk hire at distributing offices of fourth class. 25.20 Allowances for clerk hire because of unusual conditions. 25.21 Employment under allowance for clerical assistance.</p>
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§ 25.1 **Post offices to be open as directed by Postmaster General.** Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster General may direct, for the purpose of receiving, delivering, making up, and forwarding all mail matter received thereat. (R. S. 3839; 39 U. S. C. 4.)

NOTE: See §§ 25.5 and 25.6 as to office hours.

§ 25.2 **Change of site of post office—(a) Application for authority.** Application for authority to change the site or location of a post office shall be made to the Fourth Assistant Postmaster General, Division of Post Office Quarters, when the office is of the first, second, or third class, and to the First Assistant Postmaster General, Division of Postmasters, when of the fourth class. The site of an office should not be changed without authority. If it is so changed, the postmaster shall be required to provide for the exchange and carrying of the mails without additional expense to the Post Office Department.

(b) **Particulars required with application.** The postmaster shall state in his application the distance and direction of the proposed new site from the one occupied, and whether the cost of transportation of mails will be increased or decreased, and shall furnish a map or diagram of the city, town, or village, showing

the present and proposed locations with respect to the principal places of business, and at a fourth-class post office, if the distance is one-fourth of a mile or more, shall furnish a petition signed by a majority of the patrons of his office that the change is satisfactory to them. In the case of first-, second-, and third-class post offices the postmaster shall also forward a diagram of the present and proposed quarters upon which is accurately indicated the dimensions of each and the space therein to be used for post office purposes exclusively. At such offices the postmasters shall also state the amount that will be required for rent and for light and fuel per year for the proposed new quarters. Where post offices are located on railroads the application shall show the distance between the proposed site and the railroad station by the nearest route open to public travel, and shall state whether mails are handled by railroad employees or a department mail messenger.

(c) **Railway Mail Service to be advised.** Postmasters at post offices located on railroads shall also advise the general superintendent, Railway Mail Service, in advance of a change in site of the office, giving the distance between the railroad station and the new site, and stating whether mails are handled between post office and station by employees of the railroad or of the Post Office Department. Where mails are handled by railroad employees the local railroad agent or other representative shall also be advised before change of site is made.

§ 25.3 **Care of post offices.** (a) Post offices shall not be allowed to become resorts for loungers or disorderly persons, or the scene of disputes or controversies. Smoking may be prohibited in the lobbies. Whenever necessary, postmasters should call on the civil authorities to preserve order, and if they refuse or fail to do so, the office may be closed.

(b) Post offices shall be kept at all times in a clean and orderly condition.

(c) No post office, or branch, or station of any post office shall be located in a room where intoxicating liquor is sold to be consumed on the premises or in any room directly connected therewith.

§ 25.4 **Display of advertisements in post offices—(a) Prohibitions.** Advertisements, circulars, placards, handbills, cards, or notices relating to any private business, and pictures, cartoons, or other documents of a political character, or concerning any election, or designed to influence an election in favor of any candidate, shall not be placed upon the walls or elsewhere, for public exhibition, within post offices or the lobbies thereof, or on any portion of the post-office premises.

(b) **Bulletin board for official notices.** Postmasters may, for the convenience of the public, allow bulletin boards to be placed in the post office, or may set apart some convenient place where notices of public assemblies, judicial sales, and other like announcements, whether printed or written, may be displayed; but these privileges shall be afforded without discrimination as to party or sect.

(c) **Posting of weather reports.** Postmasters shall post in a conspicuous place Weather Bureau reports received at their offices. (See §§ 34.17 and 90.9.)

(d) **Bulletin boards in employee swing rooms.** Postmasters may permit bulletin boards to be placed in the employees' swing rooms on which may be posted notices unobjectionable to the postmaster relating to the activities of employees' organizations, and such boards shall be equally available to all organizations. Such boards shall be erected according to specifications prepared by the postmaster, the expense thereof to be borne by the interested employees or organizations of employees.

(e) **Restrictions of postings in workrooms and lobbies.** The bulletin boards in the post-office workrooms and lobbies shall, except as stated in paragraph (b),

be used only for the display of official notices, and no notices such as described in paragraph (d) shall be posted thereon.

§ 25.5 Post office hours—(a) On business days. Post offices shall maintain window service for the delivery of mail and the sale of stamps every business day during the hours when the principal business houses are open. Any postmasters desiring specific instructions as to general-delivery and stamp-window hours should write to the First Assistant Postmaster General, stating the time of arrival and departure of mails and the hours observed by the principal business houses.

(b) Registry service. Offices of the first class and classified stations and branches thereof shall maintain window service for the registration of mail and the delivery of registered mail until 6 p. m., and offices of other classes shall maintain such service during the hours observed by the principal business houses.

(c) Money-order service—(1) At first- and second-class offices. Post offices of the first class shall maintain window service for the transaction of money-order business with the public from 9 a. m. to 5 p. m.; offices of the second class from 8 a. m. to 6 p. m.; and stations and branches of offices of the first and second class from 8 a. m. to 6 p. m. Additional time shall be allowed by the postmaster if necessary.

(2) At third- and fourth-class offices. Third- and fourth-class offices shall maintain window service for money-order business with the public during the hours observed for the transaction of postal business; and, as a general rule, window service for the transaction of money-order business shall be maintained during the period postage stamps and stamped paper are sold.

(d) Postal-savings service. Every post office designated as a postal-savings depository shall remain open for the receipt and withdrawal of deposits every week day during the hours prescribed for the transaction of money-order business and at such other times as the business of the office may require or as the Postmaster General shall direct.

(e) Window service during distribution of mails. Service to the public at post-office windows shall not be suspended on account of the distribution of mails during the regular hours of service at such windows if the clerical force is sufficient to attend to both distribution and delivery at the same time.

(f) Authority required for closing. Post offices shall not be closed during business hours unless special authority has been obtained from the First Assistant Postmaster General.

(g) Night service. Postmasters shall not maintain night service, either at the main office or stations, where such service involves any additional expense, without authority from the First Assistant Postmaster General.

(h) Lobbies open. Lobbies of post offices may remain open at the postmaster's discretion when no one is on duty if the screen work extends to the ceiling and if all doors, windows, and wickets connecting the lobby with the working portion of the office are securely locked and police protection is adequate.

§ 25.6 Sunday service—(a) At first- and second-class offices—

(1) Limitation. Post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special-delivery mail. (Sec. 1, 37 Stat. 543; 39 U. S. C. 5.)

(2) Clerks and carriers on duty. Postmasters at first- and second-class post offices shall not require more clerks and carriers to be on duty on Sundays than

are requisite to collect and prepare mail for dispatch and to make such distribution of incoming mail as is necessary to meet the requirements of the law as to special-delivery mail and to perform such distribution as may be necessary to prevent congestion or an accumulation of mail that would prevent prompt deliveries on Monday. Renters of lock boxes may be permitted to obtain on Sundays such mail as may be distributed into their boxes during the process of necessary distribution.

(3) **Lobbies open.** When the distribution of mail to lock boxes is necessary lobbies may be left open for such length of time thereafter as is safe and expedient.

(b) **At third- and fourth-class offices—(1) Limitation.** At third- and fourth-class post offices it is not necessary for the postmaster or any clerks to be officially employed on Sundays unless mail arrives during the time between the Saturday closing hour and 6 p. m. Sunday. If such mail does arrive and the public convenience requires its delivery on Sundays, window service may be accorded the public not more than once nor for more than 1 hour, and the time of such service to patrons shall not be during that of church service.

(2) **Special delivery and certain optional service.** Special-delivery mail at third- and fourth-class post offices shall be delivered on Sunday if such mail arrives between the closing hour on Saturday and 6 p. m. on Sunday. If window service is accorded the public at such an office on Sunday, the sale of postage stamps, the registration of mail, the delivery of registered mail and the issuance and payment of money orders is left to the option of the postmaster.

§ 25.7 **Holidays—(a) Days designated as. * * *** holidays [in the Postal Service] shall be New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Armistice Day (November 11); Thanksgiving Day (fourth Thursday of November); and Christmas (December 25). All days, other than the holidays enumerated herein, set aside by the President of the United States as holidays to be observed by the other departments of the Government throughout the United States shall be construed as applicable to the Postal Service in the same manner and to the same extent as the executive departments. (E. O. 9636, October 3, 1845; 28 Stat. 96; Sec. 1, 39 Stat. 416, as amended; 52 Stat. 351; 55 Stat. 862; 5 U. S. C. 87, 87a, 87b; 39 U. S. C. 119.)

(b) **Service on.** On the holidays specified above, post offices shall render window service such length of time as may be necessary to meet the reasonable postal requirements of the public. Mails shall be made up and dispatched on such holidays as on other weekdays.

(c) **When falling on Sunday.** When any of the holidays mentioned in the first paragraph falls on Sunday, the following Monday shall be observed.

NOTE: See 21 Comp. Gen. 901.
See § 137.21 as to compensatory time for service performed by employees in post offices on Sundays and holidays.

§ 25.8 **Preservation of books and records.** Postmasters shall file and preserve in their offices all correspondence, records, books of regulations, guides, instructions, circulars, and orders received from any officer of the department or the General Accounting Office. (See § 6.22.)

§ 25.9 **Instructions when in doubt—(a) Procedure.** Whenever a postmaster at a first-class office is in doubt as to the interpretation of a provision of law or regulation or other departmental requirement affecting a matter requiring his official action, he shall, before taking action, ask instructions from the proper bureau of the Post Office Department, provided the necessary information cannot be found in the Postal Laws and Regulations, the Manual of Instructions for Postal Personnel, the Official Postal Guide, or the Postal Bulletin. Such inquiry when made by postmasters at offices of the second, third, or fourth classes, shall be addressed to the post-office inspector in charge of the division in which their respective offices are located or to their central-accounting or disbursing postmasters as follows:

(b) **From inspectors in charge.** Matters to be taken up with inspectors in charge:

Addresses:

When furnished.....	} (See Manual of Instructions.)
When not to be furnished.....	
For telegrams.....	
Fictitious.....	

Boxholders: Names not to be furnished (§ 27.10, P. L. & R., and Manual of Instructions).

Boxholders: Mail addressed to (§ 35.10, P. L. & R., and Manual of Instructions).

Complaints against postmasters, employees, and the service.

Complaints regarding the loss, delay or mistreatment of ordinary mail matter.

Files and records: Copies of (§ 41.10, P. L. & R., and Manual of Instructions).

Files and records: Disposition of (§ 6.21, P. L. & R., and Manual of Instructions).

Government departments: Furnishing information to (§ 41.4, P. L. & R., and Manual of Instructions).

Husband and wife: Mail addressed to (§ 43.28, P. L. & R.).

Information: Regarding patron and mail matter (§§ 41.1 to 41.13, P. L. & R.).

Information to representatives of other departments (§ 41.4, P. L. & R., and Manual of Instructions).

Leave of absence for postmasters.

Minors: Delivery of mail of (§ 43.29, P. L. & R.).

Persons of the same name (§ 43.20, P. L. & R.).

Prisoners' mail (§ 43.20, P. L. & R., and Manual of Instructions).

Telephone inquiries concerning mail matter. (See Manual of Instructions.)

NOTE: See § 2.1 concerning interpretations of regulations covering registered, insured, or c. o. d. mail.

(c) **From central accounting or disbursing postmasters.** Matters to be taken up with central accounting or disbursing postmasters:

Accounts: Manner of keeping (§ 18.16, P. L. & R.).

Burial flags.

Correction of mailing lists (§ 41.8, P. L. & R., and Manual of Instructions).

Delivery of mails:

(i) After hours (§ 53.12, P. L. & R., and Manual of Instructions).

(ii) Post office boxes (§ 43.24, P. L. & R., and Manual of Instructions).

(iii) Rural delivery (§§ 52.29 to 52.52, inclusive, P. L. & R.).

Directory service (§ 43.22, P. L. & R., and Manual of Instructions).

Employees' hours of service (§§ 137.69 to 137.73, inclusive, P. L. & R., and Manual of Instructions).

Holidays: Local and State. (See Manual of Instructions.)

Holiday and Sunday service (§§ 25.6 and 25.7, P. L. & R.).

Hotel mail. (See Manual of Instructions.)

List of names of patrons and addresses of (§ 41.4, P. L. & R., and Manual of Instructions Index under "Mailing Lists").

List of names, former patrons (§ 41.4, P. L. & R., and Manual of Instructions).

Mail matter: Addressing of. (See Manual of Instructions.)

Mail matter: Recall by sender (§§ 42.22 and 42.23, P. L. & R.).

Mail receptacles. (See Manual of Instructions.)

Mutilated mail. (See Manual of Instructions.)

Office hours (§ 25.5, P. L. & R., and Manual of Instructions).

Pay rolls.

Postmarking and canceling mail (§§ 42.9 to 42.13, inclusive, P. L. & R., and Manual of Instructions).

Reports from postmasters required periodically as indicated in the Manual of Instructions.

Treatment of ordinary, nixie, and dead matter of domestic origin (§§ 41.1, 108.24, and 45.8, P. L. & R., and Manual of Instructions).

Post office lobby hours.

Window service.

The following are considered routine subjects concerning clerks, city and village carriers, laborers and substitutes, and inquiries concerning procedure to be followed should also be addressed to the central accounting postmasters.

(i) Appointment of substitutes from civil service registers.

(ii) Promotion of substitutes to regular (§ 137.66, P. L. & R.).

(iii) Automatic promotions (§§ 137.29 to 137.67, inclusive, P. L. & R.).

(iv) Annual leave (§§ 137.77 to 137.79, inclusive, P. L. & R.).

(v) Sick leave (§§ 137.77 to 137.79, inclusive, P. L. & R.).

(vi) Oath of office.

(vii) Bonds (employees') (§§ 135.13 to 135.20, inclusive, P. L. & R.).

(viii) Bonds (assistant postmasters of third-class offices).

(ix) Compensatory time.

(x) Employees' hours of service.

(d) From rural disbursing postmasters. Matters affecting rural delivery service and employees to be taken up with rural disbursing postmasters:

(i) Pay of rural carriers and deductions therefrom.

(ii) Annual leave.

(iii) Sick leave.

(iv) Holidays (§ 137.76, P. L. & R., and Manual of Instructions).

(v) Bonds (§ 135.15, P. L. & R.).

(vi) Appointment and separation of substitute rural carriers.

§ 25.10 Correspondence with Department—(a) General form of. In all correspondence with the Post Office Department the name of the post office and State shall be plainly written or printed at the head of each communication, and the letter or indorsement dated and signed. Each letter shall be confined to one subject.

(b) Prompt and confidential handling. All communications from the Post Office Department and General Accounting Office and official inquiries and tracers from postmasters or inspectors shall be answered promptly, and all letters of

inquiry, applications, or complaints, which have been addressed to the department and referred to a postmaster for explanation or information shall, as far as possible, be regarded as confidential and returned with the report or answer respecting the same.

(c) **Telegrams**—(1) **Address by title.** Postmasters and others in the Postal Service shall make official telegrams as brief as possible. A postmaster shall be addressed simply by his title, for example, "Postmaster, Buffalo, N. Y." Postmasters shall sign with their surnames, followed by the word "Postmaster." Department officials shall not be addressed by name, but simply by their titles, for example, "Chief Inspector, Post Office Department."

(2) **Payment for.** Telegrams to the Department and to third- and fourth-class offices from first- and second-class offices relating to the service shall in all cases be sent "Prepaid, official business." Telegrams to the Department and to first- and second-class offices from third- and fourth-class offices shall be sent "Official business, collect." Personal telegrams shall be prepaid.

(3) **Prepaid messages.** Copies of all prepaid messages with a statement covering the cost of such messages shall be forwarded to the First Assistant Postmaster General, Division of Post Office Service, at the close of each quarter with a request for an allowance to cover such expenditures. Telegraph companies must be required to return to the postmaster the originals of all prepaid messages with properly certified bills. The bills and the originals of prepaid messages and carbon or tissue copies of received-collect messages shall be attached to the voucher, Form 1526-P, and submitted to the Bureau of Accounts with the quarterly account.

§ 25.11 **Extraneous activities by postmaster**—(a) **Advertising.** Postmasters shall not use their official signatures for advertising purposes, or stamp their own or any other advertisement upon mail matter passing through their offices.

(b) **Testimonials.** No postmaster or other postal officer or employee in his official capacity shall, without special authority from the Postmaster General, give any indorsement to a private enterprise or business institution; and no postmaster shall give official indorsements of patrons of his office, or testimonials, or guaranties as to their honesty, reliability, etc.

(c) **Lottery agent.** Postmasters and other employees in the Postal Service shall not act as agents for any lottery or send or deliver any mail matter relating thereto.

NOTE: See §§ 36.6 and 36.9 as to lottery matter in the mails, and § 130.62 as to penalty for acting as lottery agent, etc.

(d) **Other business at offices of fourth class.** Postmasters at post offices of the fourth class may transact other business in the same room in which the post office is located; but such business shall be kept separate and distinct from that of the post office.

§ 25.12 **Reports of post office robberies**—(a) **Procedure.** When a post office, branch, or station has been broken into by burglars, damaged by fire, cyclone, flood, or otherwise; when a loss of Government funds or property occurs, by theft or otherwise; or whenever a postmaster or other person employed in or connected with a post office has been assaulted or robbed, while on duty or in possession of mail matter or Government funds or property, the postmaster shall immediately make report thereof by telegraph to the post-office inspector in charge of the division in which the office is located. Such telegrams shall show the nature of the occurrence, the approximate loss, and the serial numbers of blank money-order

forms stolen. If there was no loss the telegram should so state. If the loss included supplies state what action, if any, has been taken to obtain an emergency stock. Such telegrams shall be sent collect and indorsed "Official business, Government rate, collect."

(b) **By letter.** An immediate report by letter shall also be made to the same inspector in charge, giving all known circumstances connected with the occurrence, including the nature, date, detailed inventory of the loss, denominations of the stamped paper stolen, serial numbers of money-order forms stolen, the amount of each class of Government funds (postal, money order, etc.) and Government property taken, and whether any clues have been found indicating the identity and whereabouts of the person or persons responsible. If the mail key has been taken its number shall be furnished. (See § 99.35.) Full particulars regarding registered mail lost or rifled shall be given also.

(c) **To Chief Inspector and Solicitor.** The inspector in charge shall report the name of the post office and other particulars to the Chief Inspector, who shall immediately notify the Solicitor of the Post Office Department of every such case from which a claim for credit under the provisions of § 9.1 may arise. Where the circumstances warrant, the inspector in charge shall report the facts in detail by telegraph to the Chief Inspector.

(d) **Responsibility of postmaster.** The postmaster shall be held responsible for the loss of Government funds or property if he fails to exercise due care in the protection thereof. (See § 7.4.)

NOTE: See § 44.1 as to reports of losses of mail matter, delays, etc.; § 130.3 as to reports of commission of offenses against the postal laws; § 63.1 as to indemnity for lost registered matter; § 25.10 as to manner of sending telegrams.

§ 25.13 Pension vouchers—(a) Administration of oath—(1) General. All United States officers on March 1, 1889, authorized to administer oaths are hereby required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge. (25 Stat. 782; 38 U. S. C. 59.)

NOTE: By the act of March 5, 1874 (18 Stat. 19), authority to administer certain oaths was given to "any officer, civil or military, holding a commission under the United States." All presidential postmasters hold commissions under the United States and are therefore included in paragraph 1 of this section.

(2) **By fourth-class postmasters.** * * * Fourth-class postmasters of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers with like effect and force as officers having a seal; and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner. (28 Stat. 499; 38 U. S. C. 60.)

(3) **By rural carriers.** * * * Rural free delivery carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers, with like effect and force as officers having a seal, and they are authorized to charge and

receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner. (Sec. 2, 36 Stat. 843; 38 U. S. C. 61.)

(b) **Definition of terms.** A pensioner within the meaning of said laws and as referred to throughout this section may be any person to whom pension is due and payable from the United States and who is required to execute and present a voucher for the payment thereof, whether such person be in fact a pensioner, the wife of a pensioner, the guardian of a pensioner or of his wife or minor children, or a payee of pension as reimbursement on account of expenses of last sickness and burial of a pensioner. The term "voucher" applies not only to the form commonly so designated but to any and all sworn statements required in connection with such form.

(c) **Fees for execution—(1) Charge of.** A fourth-class postmaster or rural carrier may demand and receive but one fee for each voucher as prescribed by the laws, whether the voucher should include one or several papers or involve the administration of an oath to one or several persons, but he is entitled to the fee if called upon to authenticate any one of the papers necessary to complete a voucher where the others are required to be or have been executed elsewhere; and he cannot refuse to authenticate a voucher or any paper necessary to its completion if the lawful fee be tendered. The laws do not empower postmasters or rural carriers to administer oaths in any other matters relating to pensions within the jurisdiction of the Administrator of Veterans' Affairs or any other Federal officer.

(2) **Report of not required.** No report of the money received by postmasters or rural carriers as fees for authenticating pension vouchers need be made to the department.

(d) **Form of oath.** Persons having religious scruples against taking an oath may affirm. No particular set of words need be employed in administering the oath or taking the affirmation. It will be sufficient, in substance, to charge the persons swearing or affirming: "You do solemnly swear (or affirm) that the statements contained in the voucher signed by you are to your knowledge true."

(e) **Exhibition of certificate.** In all cases where the voucher form calls for statements of possession and exhibition of the pension certificate, it must be exhibited to the postmaster or rural carrier at the execution of each and every voucher for the payment of any pension. When the certificate is lost or cannot for any other reason be exhibited, the voucher may be executed only upon the exhibition to the postmaster or rural carrier of a permit duly issued by the Administrator of Veterans' Affairs, and such permit must be securely attached to the voucher.

(f) **Title in signature.** Postmasters should add after their names, when signed to vouchers, the word "Postmaster." Rural carriers shall attach their signatures to vouchers written in the same manner as signed to their official bonds, adding thereafter the words "Rural Carrier No. —," the name of the post office and the State.

(g) **Limitations on who can execute.** Neither acting postmasters, assistant postmasters, temporary nor substitute rural carriers are qualified by paragraphs 1 and 2 of this section to authenticate pension vouchers. Vouchers authenticated by any such officials will not be accepted.

(h) **Stamp impression.** Postmasters and rural carriers shall place on each voucher in the place marked "L. S." a clear, distinct, and legible impression of the postmarking stamp, showing the date, name of the post office, and the State.

Vouchers authenticated by postmasters and rural carriers without using a postmarking stamp or with unsatisfactory impressions of the postmarking stamp will not be accepted.

(i) **Penalty for false authentication.** To authenticate a voucher prior to the fourth day of the month in which the pension is payable and post-date the jurat to make it appear that the voucher was executed on any other than the actual date of execution; or to authenticate a voucher without the pensioner being present and duly sworn, or in the absence of witnesses where witnesses are required; or to willfully aid or assist in the making or in any wise procure the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper, or writing concerning any claim for pension, renders the offender liable to a fine not exceeding \$500, or to imprisonment for a term of not more than three years.

NOTE: See 38 U. S. C. 126.

(j) **Inquiries concerning execution.** Inquiries concerning the execution of pension vouchers should be addressed to the Administrator of Veterans' Affairs, Washington, D. C.

§ 25.14 **Postmasters to give personal attention to offices.** (a) Postmasters at offices of the first, second, and third classes must devote not less than 8 hours during the business portion of the day to the business of their offices. The fact that postmasters are available this number of hours is not sufficient but they should actually perform duties appropriate to their positions. They should not engage in any business or activity which in any way interferes with the proper discharge of their duties as postmasters and must not engage in any business which involves soliciting or canvassing of their patrons.

(b) At offices of the fourth class, postmasters shall personally make a daily check of the finances of the offices and see that all financial records are completed each day. Their hours of service should be during the usual business hours of the day and when the principal mail is received and dispatched.

NOTE: Detailed instructions concerning all the duties and methods of supervision by postmasters are not practicable herein, but good postal service and adequate protection of the revenues require that postmasters personally perform such duties as are outlined in chapter II of the Manual of Instructions for Postal Personnel.

§ 25.15 **Duties of superintendent of mails.** The superintendent of mails shall be subject to the direction of the postmaster at the office where he is employed, and is charged with the supervision of the distribution, dispatch, and delivery of all mails; the assignments of other supervisors, clerks, and mail handlers on mail handling activities; the preparation and correction of all necessary schemes or lists for distribution, subject to the approval of the general superintendent, Railway Mail Service; the conduct of case examinations; and such other duties as may be assigned by the postmaster.

§ 25.16 **Use of time recorders.** At offices supplied with time recorders the recorders shall be used by all those below the grade of superintendent in reporting for duty, on leaving for and returning from trips or meals, and at the close of their tours of duty. Superintendents and those above the grade of superintendent shall record their time on the time cards either by writing in the time involved or by the use of time recorders. The record taken from the time cards shall constitute the official time record. At post offices not equipped with time recorders the prescribed form shall be used in keeping the time of employees.

§ 25.17 **Employment of clerks by postmasters at fourth-class offices.** The postmaster at an office of the fourth class may employ as clerks without expense to

the department, in addition to the required assistant, such competent members of his family or other persons, whether of legal age or not, as he may desire to have assist him. All persons eligible and competent who are regularly employed or likely to be called upon to handle mail or perform other official work in such a post office shall take the oath of office (Form 9005), which oath shall be filed in the post office.

ALLOWANCES FOR CLERICAL ASSISTANCE

§ 25.18 Allowances for clerk hire at first-, second-, and third-class post offices—(a) Provision. The allowances for clerk hire made to postmasters of the first-, second-, and third-class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business * * *. (Sec. 1, 43 Stat. 1054; 39 U. S. C. 83.)

NOTE: See decision B-51710 of the Comptroller General, dated August 28, 1945.

(b) Control of allowances. The First Assistant Postmaster General may allow to postmasters at offices of the first, second, and third classes such numbers of clerks and other employees as he may deem necessary for the proper conduct of the business of their offices, in accordance with the classification prescribed, and within the limit of the appropriation provided by law.

§ 25.19 Allowances for clerk hire at distributing offices of fourth class—(a) Designation of offices. The Postmaster General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the * * * fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties. (Sec. 11, 19 Stat. 82; 39 U. S. C. 82.)

NOTE: See decision B-51710 of the Comptroller General, dated August 28, 1945.

(b) Authorization. The Postmaster General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of an allowance for clerical services for this purpose. * * * (36 Stat. 359; 39 U. S. C. 58.)

(c) Applications for. Applications for allowances for clerical assistance at separating offices of the fourth class shall be made to the First Assistant Postmaster General, Division of Budget and Administrative Services, stating the amount of mail handled for other offices and the reasons why help is necessary in order to attend properly to such distribution.

(d) Basis of allowance. Post offices of the fourth class located at the intersection of mail routes may be allowed clerk hire out of the appropriation for separating mails, upon the application of the postmaster. Such allowances shall be based upon the average amount of ordinary mail in transit daily, and the average number of registry pieces in transit monthly, one registry transit being regarded as equivalent to 30 pieces of ordinary mail.

(e) **Scale of allowances.** (1) Allowances for separating mails shall be made substantially in accordance with the following scale, and in no case shall the allowance exceed the maximum amount fixed under the scale, but it shall be graded according to the condition of the appropriation for separating mails.

(2) Where the average number of pieces of mail separated daily amounts to 34 and is not in excess of 66 pieces, the annual allowance shall not exceed \$36. For each increase of 33 pieces in the average number separated daily, not to exceed \$12 additional may be allowed annually until the average number of pieces separated daily amounts to 600 pieces. For each increase of 50 pieces in the average number separated daily above 601, \$12 additional may be allowed annually, as follows:

	<i>Per annum</i>
From 34 to 66 pieces.....	\$36
From 67 to 100 pieces.....	48
From 101 to 133 pieces.....	60
From 134 to 166 pieces.....	72
From 167 to 200 pieces.....	84
From 201 to 233 pieces.....	96
From 234 to 266 pieces.....	108
From 267 to 300 pieces.....	120
From 301 to 333 pieces.....	132
From 334 to 366 pieces.....	144
From 367 to 400 pieces.....	156
From 401 to 433 pieces.....	168
From 434 to 466 pieces.....	180
From 467 to 500 pieces.....	192
From 501 to 533 pieces.....	204
From 534 to 566 pieces.....	216
From 567 to 600 pieces.....	228
From 601 to 650 pieces.....	240
From 651 to 700 pieces.....	252

§ 25.20 **Allowances for clerk hire because of unusual conditions—(a) Authorization.** Whenever unusual business accrues at any post office, the Postmaster General shall make a special order allowing reasonable compensation for clerical service, * * *. (R. S. 3863; 39 U. S. C. 133.)

NOTE: See decision B-51710 of the Comptroller General, dated August 28, 1945.

(b) **Applications for.** Applications for allowances for clerk hire on account of unusual conditions at fourth-class post offices shall be made to the First Assistant Postmaster General, Division of Budget and Administrative Services, and allowances may be granted when it is shown that the salary of the office is not sufficient compensation for the work performed, and where, by reason of the unusual conditions, clerical assistance is employed that would not be necessary under usual conditions.

§ 25.21 **Employment under allowance for clerical assistance.** When an allowance is made for clerical assistance at any post office of the fourth class, the postmaster may employ any responsible and trustworthy person who is competent and can take the oath of office. (See § 135.4.) No report of the person employed need be made to the Post Office Department. (See § 25.18.)

NOTE: See § 18.15 as to vouchers to be filed with the General Accounting Office for payments out of allowances for separating mails, etc.

PART 26—LEASES, ALLOWANCES, AND SUPPLIES FOR POST OFFICES

<p>Sec. 26.1 Allowances for rent, light, fuel, and water. 26.2 Leasing of premises. 26.3 Applications for canceling machines and allowances for purchase of other items. 26.4 Expenditures to be made only as authorized.</p>	<p>Sec. 26.5 Applications for allowances for labor and service items. 26.6 No allowances for expenses in making payments or collections. 26.7 Requirements for operating supplies.</p>
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§ 26.1 Allowances for rent, light, fuel, and water—(a) Authorization. Such amounts as may be necessary may be allowed by the Postmaster General at post offices of the first, second, and third classes for rent, light, and fuel.

NOTE: See 39 U. S. C. 11 and 64; also see § 17.22 as to authority for disbursements.

(b) **Applications for.** Applications for allowances for rent, light, fuel, and water at offices of the first, second, and third classes shall be addressed to the Fourth Assistant Postmaster General, Division of Post Office Quarters. The amount needed for each item shall be specified.

(c) **Expenditures not to exceed amount authorized.** Expenditures for rent, light, fuel, and water shall not be made unless authorized; and the amount allowed for each item shall not be exceeded. Credit shall only be allowed for the amount actually disbursed, and vouchers therefor shall accompany the quarterly postal account. (See § 18.15.)

(d) **Subletting of space.** When the rental for an entire room or store for the use of the post office is paid by the Post Office Department, no portion thereof shall be sublet without the consent of the Fourth Assistant Postmaster General. If any such premises are sublet, the rental received therefor shall be accounted for as part of the revenues of the office. (See §§ 17.34 and 17.36.)

(e) **Allowances at fourth-class offices.** (1) After July 1, 1928, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per centum of the compensation earned in each quarter, such allowances to be paid at the end of each quarter at the same time and in the same manner as their regular compensation. (45 Stat. 724; 39 U. S. C. 60a.)

NOTE: See Public Law 271, 78th Congress (58 Stat. 130.)

(2) Postmasters at offices of the fourth class shall be paid as an allowance for rent, fuel, light, and equipment an amount equal to 15 percent of the compensation actually allowable and payable for each quarter, as provided in the law of June 4, 1926.

NOTE: See § 137.30 as to compensation of fourth-class postmasters.

§ 26.2 Leasing of premises—(a) Authorization. The Postmaster General may, in the disbursement of the appropriation for rent, light, and fuel for first-, second-, and third-class post offices, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental,

to be paid quarterly for a term not exceeding 20 years. (Sec. 1, 41 Stat. 578; 39 U. S. C. 11.)

(b) **Monthly payment of rental.** The Postmaster General may make monthly payment of rental for post-office premises under lease. (43 Stat. 1105; 39 U. S. C. 12.)

NOTE: Leases for quarters for the housing of Government-owned automobiles (garages) are limited to a term of not exceeding 10 years. (See act of February 14, 1923, 42 Stat. 1248, and succeeding appropriation acts.)

(c) **Without contract.** The Postmaster General in his discretion may rent quarters for postal purposes without entering into a formal written contract in any case where the amount of the rental does not exceed \$1,000 per annum. (R. S. 3709, as amended; 39 U. S. C. 14.)

(d) **Limitations.** No appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, * * *. *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum. (Sec. 322, 47 Stat. 412, as amended; 40 U. S. C. 278a.)

(e) **No rent to be paid when building unfit for use.** Whenever any building or part of a building under lease becomes unfit for use as a post office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post office, or the lease may be canceled, at the option of the Postmaster General. (Sec. 1, 23 Stat. 386, as amended; 39 U. S. C. 10.)

(f) **Requests for additional equipment.** Where under the terms of a lease for post-office quarters the lessor is required to provide equipment or to make repairs to building, fixtures, or equipment the postmaster shall submit to the Fourth Assistant Postmaster General; Division of Post Office Quarters, all requests for such equipment or repairs and shall not make demands direct upon the lessor.

(g) **Correspondence relative to leases.** All correspondence relative to the leasing of premises for post offices shall be addressed to the Fourth Assistant Postmaster General, Division of Post Office Quarters.

NOTE: See § 26.1 as to subletting any portion of post-office premises.

§ 26.3 Applications for canceling machines and allowances for purchase of other items. Applications for canceling machines at first- and second-class offices and allowances covering the purchase of miscellaneous items at such offices shall

be addressed to the Fourth Assistant Postmaster General, Division of Equipment and Supplies. No supplies are to be purchased locally except in case of extreme emergency or where prior authority for such action has been received.

NOTE: There is no objection to postmasters procuring canceling machines at their own expense.

§ 26.4 Expenditures to be made only as authorized. Authorization for expenditures shall specify the allowance for each item and the period covered. Allowances may be made at an annual rate. Credit shall be allowed only for expenditures authorized and for the amount actually disbursed, and vouchers therefor shall accompany the quarterly postal account. (See § 18.15.)

§ 26.5 Applications for allowances for labor and service items. Applications for allowances for labor incident to cleaning post office and station quarters, and for telephones, laundering towels, and other service items, shall be addressed to the First Assistant Postmaster General, Division of Budget and Administrative Services.

§ 26.6 No allowances for expenses in making payments or collections. No allowance shall be made to any postmaster for expenses incurred in paying authorized expenditures by money order, check, or otherwise, or in depositing or collecting moneys due the Post Office Department.

§ 26.7 Requisitions for operating supplies—(a) Instructions. Requisitions for operating supplies, including money-order forms and postal-savings certificates, shall be made on such forms and submitted in such manner as may be prescribed by the Fourth Assistant Postmaster General, Division of Equipment and Supplies, through the medium of the Official Postal Guide and through general orders issued from time to time.

(b) Prohibition against placing devices in post offices for test. Postmasters shall not permit any person or firm to leave or install in post offices or upon post-office premises, for test, approval, or otherwise, any machine, invention, or device, on any pretext whatsoever, without first obtaining specific written authority from the Department: *Provided*, That this provision shall not be construed as prohibiting a postmaster, unless he shall be otherwise directed by the Department, from utilizing in his office any typewriter, adding machine, or other office appliance or article purchased at his own expense.

PART 27—LETTER, CALL, AND LOCK BOXES, AND KEY DEPOSITS

<p>Sec. LETTER, CALL, AND LOCK BOXES</p> <p>27.1 Letter drops at offices of third and fourth classes.</p> <p>27.2 Furnishing of equipment.</p> <p>27.3 Equipment purchase or replacement upon change of postmaster.</p> <p>27.4 Key or automatic keyless boxes required.</p> <p>27.5 Lock boxes provided by patrons.</p> <p>27.6 Box-rent rates.</p>	<p>Sec.</p> <p>27.7 Rent of boxes.</p> <p>27.8 Account for receipts from box rents.</p> <p>27.9 Record of box holders.</p> <p>27.10 Names of box holders not to be disclosed.</p> <p style="text-align: center;">KEY DEPOSITS</p> <p>27.11 Box keys.</p> <p>27.12 Key-deposit funds.</p>
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LETTER, CALL, AND LOCK BOXES

§ 27.1 Letter drops at offices of third and fourth classes. At third- and fourth-class post offices a slot shall be cut in the outer door of the post office for the

deposit of mail. In the event the providing of a slot in the door is not feasible, a letter box shall be provided, so constructed that it will be accessible to the public at all hours, and the mail therein be properly protected.

§ 27.2 Furnishing of equipment—(a) At offices of second and third classes. At post offices of the second and third classes, where the equipment is not provided for by the Post Office Department, it shall be furnished by the postmaster.

(b) At offices of fourth class. Postmasters at offices of the fourth class shall furnish at their own expense such equipment as may be necessary to meet the public demands.

NOTE: See § 26.1 as to allowances for equipment, etc., at fourth-class offices.

§ 27.3 Equipment purchase or replacement upon change of postmaster. Postmasters are not required to purchase the equipment of their predecessors. A retiring postmaster should not remove his equipment to the detriment of the public service, when such equipment is not purchased by his successor, until the latter has had a reasonable time in which to obtain and install other equipment. Where the equipment of a predecessor is used at offices of the second or third classes and is not included in a lease to the Post Office Department, and at offices of the fourth class, the postmaster shall pay from his personal funds a reasonable rental for such equipment, the amount to be agreed upon between the parties interested.

§ 27.4 Key or automatic keyless boxes required. Nonautomatic keyless boxes shall not be installed or used in a post office. Postmasters should provide lock boxes of the key or automatic keyless types.

§ 27.5 Lock boxes provided by patrons—(a) Authorization. Postmasters may allow box holders who desire to do so to provide lock boxes or drawers for their own use, at their own expense, which lock boxes or drawers, upon their erection in any post office, shall become the property of the United States, and be subject to the direction and control of the Post Office Department, and shall pay a rental at least equal to that of other boxes in the same office, or, if there be no other boxes in such office, of boxes in other offices of the same class, which rental shall be accounted for as other box rents. [See sec. 487.] (R. S. 4052; 39 U. S. C. 785.)

NOTE: See § 27.8.

(b) Conditions. The erection of lock boxes and drawers by the patrons of post offices shall be permitted only in cases where it will not result in damage to the other equipment or necessitate such a rearrangement thereof as to make the change detrimental to the service. Applications for authority to erect private boxes or drawers shall be submitted to the Third Assistant Postmaster General, Division of Finance.

(c) Patrons not to be required to furnish own lock boxes. Postmasters shall not require the patrons of the office to furnish their own lock boxes or drawers or to contribute in anywise, beyond the payment of the regular rental for the use of a box, toward the purchase or maintenance of an equipment of lock, call, or delivery boxes.

§ 27.6 Box-rent rates—(a) Schedule. Box rents shall be collected in accordance with the following schedule, no change in existing rates to be made by post-

masters without authority from the Third Assistant Postmaster General, Division of Finance:

Gross receipts of post office	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Less than \$500.....	\$0.10	\$0.15	\$0.20	\$0.25	\$0.35	\$0.45	\$0.60
\$500 and less than \$1,900.....	.15	.20	.25	.35	.45	.60	.75
\$1,900 and less than \$5,000.....	.20	.25	.35	.45	.60	.75	1.00
\$5,000 and less than \$10,000.....	.25	.35	.45	.60	.75	1.00	1.50
\$10,000 and less than \$40,000.....	.35	.45	.60	.75	1.00	1.50	2.00
\$40,000 and less than \$100,000.....	.45	.60	.75	1.00	1.50	2.00	3.00
\$100,000 and less than \$300,000.....	.60	.75	1.00	1.50	2.00	3.00	4.00
\$300,000 and less than \$1,000,000.....	.75	1.00	1.50	2.00	3.00	4.00	5.00
\$1,000,000 and less than \$5,000,000.....	1.00	1.50	2.00	3.00	4.00	5.00	6.00
\$5,000,000 and less than \$15,000,000.....	1.50	2.00	3.00	4.00	5.00	6.00	7.00
\$15,000,000 and upward.....	2.00	3.00	4.00	5.00	6.00	7.00	8.00

- No. 1. Less than 225 cubic inches in capacity.
- No. 2. Capacity 225 cubic inches and less than 500 cubic inches.
- No. 3. Capacity 500 cubic inches and less than 900 cubic inches.
- No. 4. Capacity 900 cubic inches and less than 3,000 cubic inches.
- No. 5. Capacity 3,000 cubic inches and upward.

(b) **Patrons not to be required to rent boxes.** Patrons shall not be required to rent either lock or call boxes or lock drawers.

§ 27.7 **Rent of boxes—(a) No service until rent paid.** No box at any post office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt. (R. S. 3901; 39 U. S. C. 279.)

(b) **Rent collected quarterly.** Box rents shall be collected at the beginning of each quarter for the entire quarter, but no longer. Ten days before the last day of each quarter, postmasters shall place a notice in each rented box that the rent is due and payable on or before the last day of the quarter. If a box holder fails to renew his right to his box on or before the last day of a quarter the box shall then be closed and offered for rent, and the mail placed in the general delivery, unless deliverable by carrier. (See §§ 43.22 and 43.23.)

(c) **Payment of rent by Federal Government agencies.** Agencies of the Federal Government through their proper officers shall be permitted to pay the rental on post office boxes for not more than one full fiscal year in advance, or for the remaining one, two, or three quarters of such fiscal year. Box rentals accepted in advance under the foregoing provisions shall be placed with other trust funds and shall be withdrawn therefrom and placed with other box rent receipts at the beginning of the quarter to which applicable. In the case of boxes rented to agencies of the Federal Government and paid for in advance, postmasters shall give notice fifteen days in advance of the expiration of the period for which rental has been paid. If a Government agency surrenders a box, any advance rental fees on hand shall be refunded upon presentation of receipt by proper official.

(d) **When box rented after beginning of quarter.** When a box is rented after the beginning of the quarter the rent to be collected shall be computed by multiplying the number of days remaining in the quarter, including the day on which

the box is rented, by the rate and dividing the product by the total number of days in the quarter. A box taken or in use at the beginning of a quarter shall not be rented for a shorter period than one quarter. When a box is surrendered during a quarter no portion of the rental shall be returned, and such box shall not be rented until the beginning of the following quarter. Boxes shall not be assigned or transferred to others by box holders.

(e) **Removal or change of box equipment.** When boxes are removed during a quarter, and no others substituted in their places, a pro rata amount of the rent paid shall be refunded. When box equipments are changed during a quarter or the equipment is destroyed, boxes bearing the same numbers, if possible, in the new outfit shall be assigned to box holders without payment of additional rental.

(f) **Boxes out of order.** Lock boxes which cannot be properly locked shall not be rented until repaired; and when a box gets out of repair another one shall be assigned in lieu thereof.

(g) **When rented to minors.** Boxes shall not be rented to minors or persons of unsound mind when their parents or guardians, properly entitled to control their mail, object thereto. (See § 43.29.)

(h) **Not rented for improper purposes.** A box shall not be rented to any person who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes (see § 36.2), or for the conduct of a fraudulent or lottery business (see §§ 36.1 and 36.6). When it is found that a box is being used for any of these purposes, or that the safety of the mail is endangered by its continued use, the postmaster shall report the facts to the department, which reserves the right to close such box and not refund any portion of the rent paid therefor.

(i) **Not rented to persons who misuse.** Boxes shall not be rented to persons who do not take proper care thereof or who disregard the rules concerning their use.

§ 27.8 **Account for receipts from box rents—(a) At all offices.** Postmasters at all offices, including those where the box equipment is furnished by the postmaster, shall enter in their quarterly accounts the amount of all rents collected for boxes assigned for that quarter as part of the receipts of the office, and in case of retirement from office during a quarter the amount of all box rents collected shall be reported.

(b) **Debit in account of rental quarter.** Box rents shall be debited in the account covering the quarter to which the rental applies, irrespective of the date of collection.

§ 27.9 **Record of box holders—(a) How kept.** Postmasters shall keep in their offices and deliver to their successors a list of box holders, with the number of the box assigned to each, the time during which it has been used, the payments therefor, and the quarter for which rent is prepaid.

(b) **Forms.** This record shall be kept at offices of the first, second, and third classes as indicated in the "Box and key register," and at offices of the fourth class in cashbook 1550 C/F. The stubs of box-rent receipts shall be preserved at all offices.

(c) **When not furnished to postmaster by predecessor.** When no record is turned over to a postmaster by his predecessor, he shall require box holders to produce receipts or other satisfactory evidence of payment of rent, and allow the use of the boxes for the remainder of the period for which payment has been made.

NOTE: See §§ 17.35 to 17.37 as to accounts of box rents received.

§ 27.10 **Names of box holders not to be disclosed.** Postmasters shall not disclose the names of box holders to any person other than the clerks of their respective post offices and post-office inspectors.

KEY DEPOSITS

§ 27.11 **Box keys—(a) Deposits for.** (1) Postmasters at post offices located in Federal buildings, and in premises leased by the Government where equipment is furnished by the lessor, and in buildings where lock box equipment is furnished by the Department, shall collect a deposit of 22 cents for each key issued to a renter of a lock box or drawer unless otherwise instructed by the Third Assistant Postmaster General.

(2) When specially authorized by the Third Assistant Postmaster General, other postmasters than those at offices named in the preceding paragraph may also collect deposits to secure the return of keys.

(b) **Return of.** Renters of lock boxes and drawers to whom keys are issued shall be required to return them, whether a deposit has been made therefor or not, whenever the box or drawer is surrendered.

(c) **Only regular type to be used.** Postmasters shall not permit renters of lock boxes and drawers to use any keys except those regularly issued through the post office.

§ 27.12 **Key-deposit funds—(a) Liability for.** Postmasters shall be held responsible under their official bonds for the safekeeping of, and due accounting for, all moneys received as deposits for keys.

(b) **Use of.** Key-deposit funds are trust funds and shall be held for the redemption of outstanding keys. When forfeited such funds may be used, after permission has been secured from the Third Assistant Postmaster General, to replace keys that have been lost or illegally withheld.

NOTE: See § 7.28 as to transfer of the key-deposit funds to successor; §§ 7.3 and 7.4 as to care of public funds, which will be observed in regard to key-deposit funds; §§ 7.19 and 7.21 as to deposit of public funds in banks.

(c) **Payments from.** No postmaster shall be permitted to expend from the key funds of his post office any amount in payment of bills demanded for keys unless such bills contain an itemized statement showing the number and kind of keys furnished for which payment is demanded.

Title Four

DOMESTIC MAIL MATTER

Part 34 Classification and rates of postage 35 Provisions applicable to the several classes of mail matter	Part 36 Unmailable matter 37 Free matter in the mails
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PART 34—CLASSIFICATION AND RATES OF POSTAGE

Sec.	GENERAL PROVISIONS	Sec.	SECOND-CLASS APPLICATION FEES
34.1	Classification of mail matter.	34.28	Fees for entry as second-class matter.
34.2	Domestic rates and conditions.		APPLICATIONS FOR SECOND-CLASS MAIL PRIVILEGES
34.3	Prepayment of postage required.	34.29	Application for entry as second-class matter.
34.4	Double postage, when charged.	34.30	Conditional acceptance as second-class matter.
	FIRST-CLASS MATTER	34.31	Indicia on second-class matter.
34.5	First-class matter.	34.32	Decision as to admissibility as second-class matter.
34.6	Postal cards.	34.33	Procedure in changes of publication.
34.7	Private mailing cards ("post cards").	34.34	Department record.
	RATES OF POSTAGE	34.35	Post office record.
34.8	Rates of postage on first-class matter.	34.36	False evidence to secure second-class entry.
34.9	Business reply cards and envelopes.	34.37	Cancellation of entry.
34.10	(Section number reserved.)		SWORN OWNERSHIP AND CIRCULATION STATEMENTS; MARKING OF PAID EDITORIAL MATTER
34.11	Rate of postage on postal cards and post cards.	34.38	Filing and publication of annual sworn statement of ownership.
34.12	Insufficiently prepaid first-class matter.	34.39	Paid reading matter to be marked "advertisement."
34.13	Insufficiently prepaid drop letters.		SECOND-CLASS POSTAGE RATES OUTSIDE COUNTY OF PUBLICATION
34.14	Letters of soldiers, sailors, and marines.	34.40	Postage rates on second-class matter.
34.15	Free mailing of absentee ballots for armed forces.		SECOND-CLASS RATES WITHIN COUNTY OF PUBLICATION
34.16	Double postage on ship letters.	34.41	Free-in-county matter, and rates on second-class matter at letter-carrier offices.
34.17	Weather Bureau reports.		TRANSIENT SECOND-CLASS POSTAGE RATES
34.18	Mutilated money.	34.42	Transient second-class postage rates.
	SECOND-CLASS MATTER		RATES ON ADVERTISEMENT PROOF SHEETS, BACK NUMBERS, REPRINTS, AND INCOMPLETE COPIES
34.19	Second-class matter; definition.	34.43	Sheets or portions sent in proof of insertion of advertisement.
34.20	Conditions for admission as second-class matter.		
34.21	Periodical publications of societies and institutions; admission as second-class matter.		
34.22	Periodicals of State departments of agriculture.		
34.23	Foreign periodicals.		
	GENERAL PROVISIONS AS TO ADMISSION OF PUBLICATIONS AS SECOND-CLASS MATTER		
34.24	Regularity of issue.		
34.25	Known office of publication.		
34.26	Legitimate list of subscribers.		
34.27	Advertising publications.		

POSTAL LAWS AND REGULATIONS

<p>Sec. 34.44 Back numbers, reprints, and incomplete copies. COLLECTING AND ACCOUNTING FOR SECOND-CLASS POSTAGE, AND SEPARATING FOR MAILING 34.45 Collection of postage on second-class matter. 34.46 Filing of copy of each issue of second-class publication mailed. 34.47 Mailing requirements for second-class matter. 34.48 Publications sent by printer to publisher. 34.49 Free-in-county matter to be mailed separately. 34.50 Separations for delivery at letter-carrier post office. 34.51 Postmaster's quarterly statement of second-class mailings. SAMPLE COPIES 34.52 Sample copies mailed as second-class matter. SUPPLEMENTS 34.53 Supplements to second-class matter. 34.54 Acceptability as supplements. PARTS AND SECTIONS OF SECOND-CLASS PUBLICATIONS 34.55 Publications prepared in parts or sections. ADDITIONS TO AND INCLOSURES WITH SECOND-CLASS PUBLICATIONS 34.56 Permissible writing, printing, or other additions on second-class matter. 34.57 Bills, receipts, or orders with second-class matter. 34.58 Examination of second-class matter at mailing office. 34.59 Detention of matter not entitled to second-class rate. SECOND-CLASS MAILING PRIVILEGES FOR NEWS AGENTS 34.60 News agents. 34.61 Mailing of publications by news agents. ADDRESSING AND PREPARING COPIES 34.62 Wrapping and folding of publications. UNDELIVERABLE SECOND-CLASS MATTER 34.63 Undeliverable second-class matter. CONTROLLED CIRCULATION PUBLICATIONS 34.64 Publications issued regularly and circulated free or mainly free.</p>	<p>Sec. MATTER OF THE THIRD CLASS—DESCRIPTION—POSTAGE RATES 34.65 Third-class matter. 34.66 Pound rate for bulk mailings of third-class matter. 34.67 Circulars. 34.68 Printed matter; definition. 34.69 Typewritten matter; facsimile copies. 34.70 Letters for the blind. 34.71 Transient copies of Congressional Record. PERMISSIBLE ADDITIONS ON THIRD-CLASS MATTER 34.72 Permissible additions on third-class matter. MATTER OF THE FOURTH CLASS: PARCEL POST—DESCRIPTION 34.73 Fourth-class matter. 34.74 Excess size. RATES OF POSTAGE ON FOURTH-CLASS MATTER 34.75 Pound basis of postage rates on fourth-class matter. 34.76 Fourth-class postage rates by zones. 34.77 Postage rates on individually addressed catalogs. 34.78 Special handling of fourth-class matter. 34.79 Authority to reclassify articles, weights, rates, zones, and other conditions of mailability. 34.80 Fourth-class rates to Alaska, Hawaiian Islands, and Canal Zone. 34.81 Fourth-class rates to naval vessels. 34.82 Rate of postage on shipments of gold. 34.83 Rates of postage on library books. 34.84 Rates of postage on other books. PERMISSIBLE ADDITIONS ON FOURTH-CLASS MATTER 34.85 Permissible additions on fourth-class matter. AIR MAIL 34.86 Postage rates for air mail (except postal cards) weighing eight ounces or less. 34.87 Postage rates for postal and post cards sent by air mail. 34.88 Postage rates for air parcel post. 34.89 Definition of "domestic air mail." 34.90 Official penalty or franked matter. 34.91 Air-mail stamps and envelopes. 34.92 Prepayment of postage. MISCELLANEOUS PROVISIONS 34.93 Supplies for parcel post system.</p>
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GENERAL PROVISIONS

§ 34.1 Classification of mail matter. Mailable matter shall be divided into four classes:

First, written matter;

Second, periodical publications;

Third, miscellaneous printed matter and other mailable matter [not exceeding eight ounces] not in the first, second, or fourth classes;

Fourth, merchandise and other mailable matter weighing * * * [more] than eight ounces and not in any other class. (Sec. 7, 20 Stat. 358, as amended; 39 U. S. C. 221.)

NOTE: See § 34.73 for definition of fourth-class matter.

§ 34.2 Domestic rates and conditions—(a) Where applicable. The domestic rates of postage and conditions shall apply to mail addressed for local delivery, or for transmission from one place to another within the United States, or to or from or between the possessions of the United States, and to that for transmission to or from the United States or its possessions and officers or members of crews of United States naval vessels; and to any other places where the United States Mail Service may be in operation, including bases in foreign countries and other places outside the continental United States served by Navy or Army post offices.

(b) Definitions. The term "United States" shall include Alaska and Hawaii. The term "possessions of the United States" shall include Puerto Rico, the Virgin Islands of the United States, Guam, Tutuila and Manua Islands of the Samoan group east of longitude 171° (west of Greenwich), and the Canal Zone.

NOTE: The islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco are embraced in the term "Canal Zone." The Virgin Islands of the United States embrace St. Thomas, St. John, St. Croix, and adjacent islands, formerly known as the Danish West Indies.

§ 34.3 Prepayment of postage required. Postage on all mail matter must be prepaid by stamps at the time of mailing, unless [herein] otherwise provided for * * *. (R. S. 3896; 39 U. S. C. 271.)

NOTE: See § 34.14 as to transmitting unpaid soldiers', sailors', and marines' letters; § 34.12 as to first-class matter prepaid one full rate; § 34.13 as to certain letters paid at drop-letter rates; § 53.6 as to unpaid special-delivery letters; § 34.16 as to ship and steamboat letters; §§ 34.45, 34.66, and 35.4 as to payment of postage in money.

§ 34.4 Double postage, when charged. If any mail matter, on which by law the postage is required to be prepaid at the mailing office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery. (R. S. 3898; 39 U. S. C. 274.)

NOTE: See §§ 43.6 to 43.11, inclusive, as to collection of postage due; § 34.9 as to business reply cards and letters in business reply envelopes; § 34.14 as to soldiers', sailors', and marines' letters; § 34.16 as to postage on ship and steamboat letters.

MATTER OF THE FIRST CLASS—DESCRIPTION

§ 34.5 First-class matter. (a) Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in

writing, except as [hereinafter] provided * * *. (Sec. 8, 20 Stat. 358; 39 U. S. C. 222.)

NOTE: For the exceptions see §§ 34.56, 34.65, 34.70, 34.72, and 34.85.

(b) Typewriting shall continue to be classed as handwriting as provided by the Postal Laws and Regulations. (See § 34.69.) (Sec. 1, 46 Stat. 526; 39 U. S. C. 221a.)

(c) All matter sealed or otherwise closed against inspection shall be treated as first-class matter. (See § 35.6.)

(d) Bills or statements of account produced by any photographic or mechanical process when mailed in quantities of less than 20 identical pieces shall be treated as first-class matter. (See §§ 34.65 and 34.68.)

§ 34.6 Postal cards—(a) Additions permitted. Postal cards issued by the Post Office Department may bear written, printed, or other additions as follows:

(1) The face of the card may be divided by a vertical line placed approximately one-third of the distance from the left end of the card; the space to the left of the line to be used for a message, etc., but the space to the right for the address only.

(2) Addresses upon postal cards * * * may be either written, printed, or affixed thereto, at the option of the sender. (Sec. 15, 19 Stat. 82; 39 U.S.C. 248.)

(3) Very thin sheets of paper may be attached to the card on condition that they completely adhere thereto.

(4) Advertisements, illustrations, or writing may appear on the back of the card and on the left third of the face.

(b) No unauthorized additions. A postal card bearing additional matter other than as above authorized shall not be accepted for mailing as a postal card.

§ 34.7 Private mailing cards ("post cards")—(a) Authorization. It shall be lawful to transmit by mail, at the postage rate of 1 cent apiece, payable by stamps to be affixed by the sender, and under such regulations as the Postmaster General may prescribe, written messages on private mailing cards, such cards to be sent openly in the mails, to be no larger than the size fixed by the convention of the Universal Postal Union, and to be approximately of the same form, quality, and weight as the stamped postal card in general use in the United States * * *. (30 Stat. 419, as amended; 39 U. S. C. 281.)

(b) Specifications. Private mailing cards ("post cards") in the domestic mails shall conform to the following conditions:

(1) A "post card" shall be an unfolded piece of cardboard not exceeding approximately $3\frac{3}{16}$ by $5\frac{5}{16}$ inches nor less than $2\frac{3}{4}$ by 4 inches.

(2) It shall in form and in the quality and weight of paper be substantially like the Government postal card.

(3) It may be of any color not interfering with a legible address and postmark.

(4) It may or may not, at the option of the sender, bear near the top of the face the words "Post Card."

(5) The face of the card may be divided by a vertical line; the left half to be used for a message, etc., but that to the right for the address only.

(6) Very thin sheets of paper may be attached to the card, and then only on condition that they completely adhere thereto.

(7) Advertisements and illustrations may appear on the back of the card and on the left half of the face.

(c) **Place for stamp and address.** Post cards should bear in the upper right corner of the face an oblong diagram containing the words "Place postage stamp here" and at the bottom of the space to the right of the vertical dividing line the words "This space for the address."

(d) **Double or reply post cards—(1) Postage rate.** Double or reply post cards, each portion of which conforms in size, quality, etc., to the foregoing conditions, when sent for bona fide reply purposes only, are subject to 1 cent postage, to be prepaid on the initial portion. The reply half, when detached and mailed, is also subject to 1 cent postage. The postage on the reply half need not be affixed thereto until it is detached from the initial half and mailed for return.

(2) **Directions for use.** If the initial half is not detached when the reply half is mailed for return, the card is subject to the letter rates of postage if wholly or partly in writing or bearing the words "Post Card," "Private Mailing Card," or similar words. Double cards must be so prepared that the address on the reply portion is on the inside when the double card is mailed. When both the original address of the double card and the address on the reply half are exposed it causes confusion in the mails and such folded cards are not mailable unless inclosed in envelopes or wrappers. The reply half may be prepared in the form of a business reply card. Double cards used primarily to send statements of account or similar matter are not acceptable at the 1-cent post-card rate, but are subject to postage at the letter rates.

(e) **Rates of postage on cards which do not conform.** Cards which do not conform to the prescribed conditions shall, if they bear a message wholly or partly in writing, or if they bear the words "Post Card" or "Private Mailing Card," be charged with postage at the letter rate. If they do not bear the words "Post Card" or "Private Mailing Card" and are entirely in print, they shall be charged with postage at the third-class rate.

(f) **Bearing particles of glass, sand, tinsel, and similar substances.** Cards bearing particles of glass, metal, mica, sand, tinsel, or other similar substances shall not be accepted for mailing, except when inclosed in envelopes tightly sealed to prevent the escape of such particles, or when treated in such manner as will prevent the objectionable substances from being rubbed off or injuring persons handling the mails.

(g) **Inclosed in envelopes.** Cards mailed under cover of sealed envelopes (transparent or otherwise) shall be charged with postage at the first-class rate, and, if in unsealed envelopes, according to the character of the message. The postage stamps shall be affixed to the envelopes covering the cards. Stamps affixed to matter inclosed in envelopes shall not be recognized in payment of postage thereon.

RATES OF POSTAGE

§ 34.8 **Rates of postage on first-class matter—(a) Exception for drop letters.** The rate of postage on all mail matter of the first class (except postal cards and private mailing or post cards) shall be 3 cents for each ounce or fraction thereof: *Provided*, That drop letters shall be charged at the rate of 1 cent for each ounce or fraction thereof when mailed for local delivery at post offices where free delivery by carrier is not established, and when they are not collected or delivered

by rural or star-route carriers. * * * (Sec. 9, 20 Stat. 358, as amended; 39 U. S. C. 280.)

NOTE: For remainder of sec. 1, Public Law 144, approved June 30, 1947, see § 34.11.

(b) **Letters for delivery by rural or star-route carriers.** Postage on first-class matter deposited at a post office for local delivery to patrons thereof by rural or star-route carriers and on that deposited by such patrons in rural or star-route boxes for local delivery to other patrons of the same post office, including those served by rural or star-route carriers, shall be charged at the rate of 3 cents for each ounce or fraction thereof.

(c) **Letters sent in bulk to another post office.** Letters, bills, statements, etc., prepared at a central office of a concern rendering service at some other place, presented for local delivery at the post office of such latter place, shall be accepted at the 1-cent or 3-cent drop letter rate, whichever is applicable for local matter at the particular post office. The stamps used in the payment of postage on such matter or others in lieu thereof should be purchased at the post office where the matter is deposited for mailing. (See § 91.1.)

NOTE: A drop letter is one addressed for delivery from the office at which it is posted. See § 34.16 as to rates of postage on ship and steamboat letters; § 35.4 as to payment of postage in money.

§ 34.9 Business reply cards and envelopes—(a) Authorization.

Under such regulations as the Postmaster General may prescribe, it shall be lawful to accept for transmission in the mails without prepayment of postage business reply cards and letters in business reply envelopes, which have been sent out in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each such card and letter, to be collected on delivery: * * *. (Sec. 2, 45 Stat. 940; 39 U. S. C. 303.)

(b) **Rates of postage.** The postage on business reply cards when collected on delivery as provided in this section shall be 2 cents each, and the postage on letters in business reply envelopes shall be the regular first-class rate plus 1 cent additional for each letter. When such cards and envelopes are prepared for return by air mail, the regular air mail rate plus 1 cent additional shall be collected on delivery.

(c) **Application for permit.** Persons desiring to send out or distribute business reply cards and envelopes for return under this section shall make application therefor on Form 3614 to the postmaster at the office to which the cards or envelopes are to be returned, who, except as otherwise instructed, shall transmit it to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, and await the receipt of a permit and instructions as to procedure. No fee is required to accompany such application.

(d) **Specifications.** Business reply cards shall conform in size, form, and quality of paper stock to the conditions prescribed in § 34.7 (b) for private mailing or post cards. Such cards and also business reply envelopes, which must be furnished by the user without cost to the department, shall bear on the address side in the manner prescribed in the permit the printed name and address of the person or concern to whom they are to be returned, together with the permit number and such other information as may be required.

(e) **Treatment at office where mailed for return.** Business reply cards and

envelopes deposited in the mails at any post office for return to the person or concern who sent them out under the provisions of this section shall be postmarked and promptly dispatched in accordance with the address thereon.

(f) **Collection of postage at office to which returned.** When business reply cards and envelopes are returned to the office of origin, they shall be delivered to the person for whom they are intended upon payment of the postage chargeable thereon as prescribed in paragraph (b) of this section. Postage-due stamps representing the amount collected on the cards and envelopes so returned and delivered shall be affixed to one or more of the cards or envelopes or to a piece of paper attached thereto and canceled, stamps of the highest denominations available being used for such purpose.

(g) **Quantity and manner.** Business reply cards and envelopes may be distributed in any quantity and in any manner desired except for the purpose of locating delinquent debtors.

(h) **Various forms of.** The cards may be prepared either as reply portions of double post cards or folded cards or may be enclosed with other matter, as also may the envelopes.

(i) **Domestic use only.** Business reply cards and envelopes will be accepted for return mailing at all post offices in the United States and its possessions, except the Canal Zone. They should not be sent to any foreign countries, including Canada, Cuba, Mexico, and the Republic of Panama, as they cannot be returned from any foreign country without prepayment of postage.

(j) **Specifications and conditions.** Business reply cards must conform to the conditions prescribed for post cards or private mailing cards, and, therefore, may not be smaller than $2\frac{3}{4}$ inches by 4 inches (a size somewhat larger is preferable) nor larger than approximately $3\frac{1}{16}$ inches by $5\frac{1}{16}$ inches. They may be printed in two or more colors. The law authorizing the use of business reply cards and envelopes does not contemplate that they shall be attached to parcels of merchandise or other matter either for the purpose of carrying messages or merely as address tags or labels without prepayment of postage. They may be used to transmit communications only, as that term is commonly understood. Business reply cards or envelopes may not be used to return parcels of merchandise or other articles without prepayment of the required postage on both the cards (or envelopes) and the parcels.

(k) **Labels.** Business reply labels may be printed in newspapers, etc., to be cut out and affixed to plain envelopes, or to cards conforming to the foregoing conditions. The prescribed business reply indicia may also be printed on gummed labels for use in the same manner.

(l) **Printed form of address side.** The address side of such cards, envelopes, and labels shall be PRINTED in one of the forms shown on next page and include the name and complete address of the person or concern to whom they are to be returned, the permit number, the name of the post office issuing the permit, and the other prescribed indicia. When Form B is used the name of the permit holder may be inserted if desired after the words "Postage will be paid by." A space of at least $1\frac{1}{8}$ inches shall be left for postmarking at the top of the card or envelope. No extraneous matter may appear on the address side. However, when Form A is used, the word "From" together with blank lines for the insertion of the name and address of the sender, may be placed in the upper left corner of the address side, but such lines should not extend into the space within $3\frac{1}{2}$ inches from the right end, which must be reserved for the postmark and indicia.

(m) **Small boxes or cartons.** Small boxes or cartons may be distributed by

FORM "A"

**FIRST CLASS
PERMIT No. 10
(Sec. 34.9, P. L. & R.)
BOSTON, MASS.**

BUSINESS REPLY CARD
NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

2c.-POSTAGE WILL BE PAID BY—

**JOHN DOE & CO.
1234 MARKET ST.,
BOSTON 6,
MASS.**

FORM "B"

Postage
Will Be Paid
by
Addressee

No
Postage Stamp
Necessary
If Mailed in the
United States

BUSINESS REPLY CARD
FIRST CLASS PERMIT No. 94, Sec. 34.9, P. L. & R. BOSTON, MASS.

**JOHN DOE & CO.
1234 MARKET ST.,
BOSTON 6,
MASS.**

FORM "C"

RED

BLUE

**FIRST CLASS
PERMIT No. 10
(Sec. 34.9, P. L. & R.)
BOSTON, MASS.**

BUSINESS REPLY CARD
NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

VIA AIR MAIL

5c.-POSTAGE WILL BE PAID BY—

**JOHN DOE & CO.,
1234 MARKET ST.,
BOSTON 6,
MASS.**

Note: In the case of envelopes the word "CARD" in the inscription "BUSINESS REPLY CARD" should be changed to "ENVELOPE." When labels are used the word "CARD" should be changed to "LABEL."

opticians, dental laboratories, and others to their customers for use in returning eyeglasses or spectacles, dentures, etc., for repair or replacement. The boxes and cartons in such cases will bear the inscription, "Business reply box" and "First-class mail," but otherwise will bear the same indicia as those prescribed for business reply cards and envelopes.

(n) **Collection of postage; handling.** Postmasters must see that the proper postage is collected on all business reply cards and envelopes before delivering them to the addressees. Such cards or letters must not be placed in direct packages or sacks made up for individuals or concerns.

(o) **Permits to distribute.** Permits to distribute business reply cards and envelopes are issued with the understanding that the permit holder guarantees to pay the postage on all that are returned.

(p) **Distribution for return to branches or agencies elsewhere.** (1) When large concerns having branches or dealers throughout the country desire to distribute business reply cards and envelopes from their main office to be returned to such dealers or branches, the distribution may be made under permits obtained at each of the offices to which the cards or envelopes are to be returned, or under one permit issued at the post office where the main office is located.

(2) When the distribution is made under a permit issued at the post office where the main office of the person or concern is located, it shall be with the understanding that the person or concern distributing the cards or envelopes guarantees that the postage will be paid on all such cards or envelopes returned in the event any of the branches or agents refuse to accept delivery and pay the postage due thereon.

(3) Postmasters shall promptly report to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, any refusal to pay the postage due by any person or concern to whom such business reply cards or envelopes are addressed, giving the permit number.

(q) **Return by air mail.** (1) Business reply cards and envelopes may be prepared for return via air mail, the regular air-mail rate (see §§ 34.86 to 34.88) plus 1 cent additional to be collected upon delivery.

(2) **Indicia.** Such cards and envelopes must bear, in addition to the prescribed indicia, the words "Via air mail," which should be printed in bold letters on the right portion of the address side above the name of the addressee and adjacent to the heavy short lines along the right edge of the address side. The form of business reply card or envelope (Form A) which includes the amount of postage to be collected, should be used and the proper amount at the air-mail rate plus 1 cent should be shown, as, for example:

"7c.—POSTAGE WILL BE PAID BY—"

(3) **Design for identification as air mail.** In order that business reply cards and envelopes intended for return by air mail may be readily identified, the red and blue parallelograms forming a part of the distinctive design, which has been approved for air-mail envelopes, should be placed around the edges of cards and envelopes as illustrated in Form C. Assurance cannot be given that business reply cards and envelopes will receive air-mail treatment unless they are of the distinctive air-mail design, thus enabling them to be readily identified.

§ 34.10 (Section number reserved.)

§ 34.11 Rate of postage on postal cards and post cards. * * *
The rate of postage on postal cards (including the cost of manufacture) and private mailing or post cards (conforming to the condition pre-

scribed by * * * [§ 34.7 (a) of this part]), shall be 1 cent each. (Sec. 9, 20 Stat., 358, as amended; 39 U. S. C. 1946, Sup., 280.)

NOTE: See §§ 8.16, 8.17, and 34.6 as to postal cards; § 34.7 (b) as to private mailing or post cards; § 34.87 as to air postal cards.

§ 34.12 Insufficiently prepaid first-class matter. All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery; * * *. If the postage is short paid one rate, the additional charge shall be * * * (3) cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each [short-paid] ounce or fraction thereof shall be collected. (Sec. 26, 20 Stat. 361, as amended; 39 U. S. C., Sup., 275.)

NOTE: See §§ 43.6, 43.8, and 130.15 as to the collection of postage due.

§ 34.13 Insufficiently prepaid drop letters. * * * in adjoining cities and in those adjacent districts of dense population having two or more post offices within a distance of three miles of each other, any letter mailed at one of such cities and/or offices and addressed to an adjoining city or to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery. (R. S. 3937, as amended; 39 U. S. C. 407.)

NOTE: See §§ 43.8 and 130.15 as to collection of postage due.

§ 34.14 Letters of soldiers, sailors, and marines—(a) Transmission of unpaid. * * * The Postmaster General may * * * provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery. (Sec. 9, 20 Stat. 358, as amended; 39 U. S. C. 280.)

(b) **How marked.** Letters sent by soldiers, sailors, and marines in the United States service, located in the United States or any of its possessions or other places where the United States domestic mail service is in operation, addressed to places in the United States or any of its possessions, when indorsed "Soldier's letter," "Sailor's letter," or "Marine's letter," and signed thereunder either with facsimile hand stamp or in writing, with his official designation, by a field or staff officer, post or detachment commander, to whose command the soldier belongs, or by a surgeon or chaplain at a hospital where he may be; and in the Navy and Marine service by any commissioned officer attached to the vessel or officer commanding a hospital or detachment ashore, may be dispatched to destination without prepayment of postage, and only the single rate of postage shall be collected on delivery.

(c) **Free-mailing privilege for U. S. Public Health officers.**—Under the provisions of section 212 of Public Law 410, approved July 1, 1944, commissioned officers of the United States Public Health Service while (1) in active service in time of war, (2) in active service performed while detailed for duty in the Army, Navy,

or Coast Guard, (3) in active service outside the continental limits of the United States, or in Alaska, in time of war, or (4) in active service performed while the Service is part of the military forces of the United States pursuant to Executive order of the President, shall be entitled to the free-mailing privilege as provided by law in the case of commissioned officers of the Army.

(d) **Questions about privilege.** Should question arise as to the application of this free-mailing privilege in any instance, the facts should be reported to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, for instructions.

§ 34.15 Free mailing of absentee ballots for armed forces—(a) Application cards. (1) In order to afford an opportunity for persons to whom this title [Title II, Public Law 348, approved April 19, 1946] is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be printed an adequate number of post cards for use in accordance with the provisions of this title and shall, wherever practicable and compatible with military or merchant-marine operations, cause such post cards to be made available to each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such cards to be made available outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military or merchant-marine operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and in primary and special elections. (Sec. 209 (a), 60 Stat. 99, as amended; 50 U. S. C. 329.)

(2) In lieu of and interchangeably with the post cards referred to, the Secretaries of the Army, Navy, and Treasury and the Administrator of the War Shipping Administration may continue to make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 203 of this title [50 U. S. C., 1940 ed. Sup. IV, 303] prior to its amendment until the existing supply thereof is exhausted. (Sec. 209 (d), 60 Stat. 101, as amended; 50 U. S. C. 329.)

(b) **Free mailing of balloting material.** Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether

transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails: *Provided*, That in order to be entitled to free air-mail postage under this Act, a State balloting unit, composed of ballot, voting instructions, and envelope or envelopes, must not exceed in weight the total of one ounce. (Sec. 402, 60 Stat. 102; 50 U. S. C. 352.)

(c) **How marked.** (1) * * * so that the envelope in which the ballot is sent to a person to whom this title is applicable, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, * * * there [shall] be printed across the face of each such envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one-and-one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail," or similar language as prescribed in State law, between the bars; * * * there [shall] be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; and * * * all printing on the face of each such envelope [shall] be in red. * * * also * * * there [shall] be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender (State or local election officials, or voter, as the case may be). (Sec. 204 (a), 60 Stat. 97; 50 U. S. C. 324.)

(2) Upon the * * * [address] side of the post card shall be printed in red the following:

Name and complete military, naval,
or merchant marine address

Free of U. S. postage including air mail

**OFFICIAL ELECTION BALLOTING MATERIAL—
VIA AIR MAIL**

Secretary of State of -----
(Home State)

(Capital city of home State)

(Home State)

(Sec. 209 (c), 60 Stat. 100; 50 U. S. C. 329c.)

(d) Movement to be expedited. The Secretary of the Army, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, the Administrator of the War Shipping Administration and other appropriate authorities shall, so far as practicable and compatible with military or merchant-marine operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military or merchant-marine operations. (Sec. 210 (b), 60 Stat. 101, as amended; 50 U. S. C. 330b.)

NOTE: The Department of War was designated the Department of the Army, and the title "Secretary of War" was changed to "Secretary of the Army" by sec. 205 (a) of Public Law 253, approved July 26, 1947; which law also established the Office of Secretary of Defense, the Department of the Air Force, and the Office of Secretary of the Air Force.

§ 34.16 Double postage on ship letters—(a) Authorization. All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be charged with double postage, to cover the fee paid to the vessel. (R. S. 3913; 39 U. S. C. 298.)

(b) Rates of postage. Ship letters shall be charged double rate of postage, to be collected at the office of delivery; but no additional charge shall be made on any such letter which has been prepaid by United States stamps at double the rate of postage.

(c) If water route wholly a post road, or otherwise. Letters and packages carried in a private ship or vessel from one port to another in the United States, if the whole of the water be a post road by law, shall be charged only with single postage. If only a part of the voyage be over water declared to be a post road, such letters and packages shall be charged with double the rate of postage. (See § 90.1.)

NOTE: See § 97.55 as to meaning of ship letters; §§ 97.56, 97.57, and 97.58 as to fees to masters of vessels for carrying ship and steamboat letters and payment thereof; §§ 42.5 (a) and 42.5 (b) as to treatment of ship matter in post offices.

(d) Printed matter. Printed matter delivered to a post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying the mail, which is wholly unpaid, shall be charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

NOTE: See § 97.58 as to nonpayment of fees on printed ship matter; § 43.8 as to collection of postage due.

§ 34.17 Weather Bureau reports. Weather Bureau reports shall be treated as letter mail, whether sent by officers of the service under penalty envelopes or by private persons and prepaid by stamps.

NOTE: See § 25.4 as to posting weather reports received by postmasters, and § 90.9 as to display of such reports.

§ 34.18 Mutilated money. Mutilated coin and paper currency belonging to individuals shall not be transmitted to the Treasurer of the United States for redemp-

tion except as mail matter of the first class, upon which the regular postage shall be prepaid.

NOTE: See §§ 58.13 (a) and 58.13 (b) as to registration of packages of mutilated currency, etc., without payment of fee.

MATTER OF THE SECOND CLASS—GENERAL DESCRIPTION

§ 34.19 Second-class matter; definition. Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in sections 225 and 226 of this title. (Sec. 10, 20 Stat. 359; 39 U. S. C. 224.)

NOTE: Secs. 225 and 226 referred to are given as §§ 34.58 and 34.20 of this part. There are two classes of second-class matter: (1) That sent by publishers or news agents (see §§ 34.40 and 34.41); (2) that sent by others than publishers or news agents (see § 34.42).

§ 34.20 Conditions for admission as second-class matter. Except as otherwise provided by law, the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That publications produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of this clause.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers. Nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Sec. 14, 20 Stat. 359, as amended; 39 U. S. C. 226.)

NOTE: See § 34.29 as to applications for entry; § 34.36 as to penalty for submitting false evidence to secure second-class entry.

§ 34.21 Periodical publications of societies and institutions; admission as second-class matter. All periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by a regularly established State institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades union, and all

publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, by State conservation and fish and game agencies or departments, and by State boards or departments of public charities and corrections, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and such periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications. The circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than fifty per centum of the regular subscription price; to other bona fide subscribers; to exchanges, and ten per centum of such circulation as sample copies. When such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required. The office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto. (Sec. 1, 37 Stat. 550, as amended; 39 U. S. C. 229.)

NOTE: Under this law a publication is not required to have subscribers, except in the case of publications of the societies, orders, or trades-unions, included therein, which carry advertisements in the interest of other persons or concerns than such societies, orders, or unions. The circulation through the mails at the pound rates of postage of publications of the societies, orders, or trades-unions referred to, whose members do not pay therefor, the publications being for free circulation, is restricted to the membership and to exchanges. Publications of such societies, orders, or trades-unions, not meeting the requirements of the proviso placing a limitation on circulation, and publications of institutions of learning, State boards of health, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections, carrying advertisements, including the name of the printer, pertaining to other persons or concerns than such societies, orders, or trades-unions, institutions of learning, or State boards, agencies, or departments are not entitled to the privileges of the law.

See § 34.29 as to applications for entry; § 34.36 as to penalty for submitting false evidence to secure second-class entry.

§ 34.22 **Periodicals of State departments of agriculture.** All periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture shall be admitted to the mails as second-class mail matter: *Provided*, That such matter shall be published only for the purpose of furthering the objects of such departments: *And provided further*, That such publications shall not contain any advertising matter of any kind. (31 Stat. 660; 39 U. S. C. 230.)

NOTE: See § 34.29 as to applications for entry; § 34.36 as to penalty for submitting false evidence to secure second-class entry.

§ 34.23 **Foreign periodicals.** Foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Nothing herein contained shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States. (Sec. 15, 20 Stat. 359; 39 U. S. C. 227.)

NOTE: See § 34.29 as to applications for entry; § 34.36 as to penalty for submitting false evidence to secure second-class entry; § 36.1 as to matter in violation of copyright laws.

GENERAL PROVISIONS AS TO ADMISSION OF PUBLICATIONS AS SECOND-CLASS MATTER

§ 34.24 **Regularity of issue—(a) Requirement.** A publication shall be regularly issued at stated intervals to maintain its second-class status. (See §§ 34.19 to 34.22, inclusive.) When an issue is omitted for unavoidable cause, the first succeeding issue shall bear only the serial number following consecutively that of the last preceding issue, and shall not bear a double number.

(b) **Suspension of school publications during vacation.** Publications of colleges and schools shall not lose their second-class mail privileges by suspension of issue during vacation. Publications which regularly omit certain issues or suspend issuance during certain periods shall show that fact in connection with the statement of the frequency of issue as, for example, "Monthly except July and August," "Monthly during school or college year," or "Weekly during school year except holiday or examination periods."

(c) **Extra editions or issues.** Extra editions or issues of a publication admitted as second-class matter manifestly issued for the purpose of communicating additional news and imparting information germane to the publication but received too late for insertion in the regular editions or issues shall be accepted at the second-class rates, provided they are not issued for advertising purposes.

§ 34.25 **Known office of publication—(a) Definition.** A known office of publication (see § 34.20) or a known place of publication (see §§ 34.21 and 34.22) is a public office where the business of the newspaper or periodical is transacted during the usual business hours, and such office shall be shown by the publication itself.

(b) **Street and number.** In towns having letter-carrier service the street and number of the publication office shall be shown.

(c) **Mailed only at office where entered.** Newspapers and periodicals may have more than one office for the transaction of business, but shall be mailed by the publisher as second-class matter at the pound rates of postage only at the post office or post offices where entered. The name of the post office of original entry shall precede the names of any other offices of the publication and shall be given equal prominence in all printed notices relative to the offices of publication.

(d) **When not a post office.** When a publication is issued at a place that is not a post office the post office at which it is entered shall be shown in the publication.

§ 34.26 **Legitimate list of subscribers—(a) To consist of.** A "legitimate list of subscribers" to a newspaper or periodical may include the following classes of subscribers:

(1) Such persons as have subscribed for the publication for a definite time, and have paid, or promised to pay, not less than 50 percent of the regular advertised annual subscription price.

(2) News agents and newsboys purchasing copies for resale.

(3) Purchasers of copies over the publisher's counter.

(4) The receivers of bona fide gift copies, duly accepted, given for their benefit and not to promote the interests of the donor, provided the number of such copies is only incidental to the total number of copies circulated to subscribers. Persons to whom copies are sent free by the publishers may not be so included. (See § 34.42 (b).)

(5) Other publishers to whom exchanges are mailed, one copy for another.

(6) Advertisers receiving one copy each in proof of the insertion of their advertisements.

(b) **Information required in application.** For consideration by the department in determining whether a publication has a "legitimate list of subscribers," or whether it otherwise conforms to the requirements of the law, the publisher shall furnish the information called for in the required application form. (See §34.29.)

(c) **Subscription price and methods—(1) Nominal rate subscriptions.** The methods of a publisher in fixing the price of his publication or in inducing subscriptions by the giving of premiums, prizes, or other considerations, or by clubbing his paper with other papers, or by giving commissions upon subscriptions obtained by agents, shall be carefully examined for the purpose of determining what effect the methods have upon the legitimacy of the subscription list and upon the question of the primary design of the publication. Persons whose subscriptions are obtained at a nominal rate shall not be included as a part of the "legitimate list of subscribers" required by the law. Subscriptions shall be regarded as at a nominal rate when obtained in connection with the methods or offers effecting a reduction of the regular advertised annual subscription price to the extent and under the conditions set forth in the following subparagraphs (2) and (3):

(2) **Reductions in subscription price.** Subscriptions obtained at a reduction to the subscriber of more than 50 percent of the regular advertised annual subscription price for a single subscription whether the reduction is a direct discount or one that is effected through a rebate, premium offer, clubbing arrangement with other publications, or otherwise, and whether full payment is made at one time or in installments. The value of the premium shall be considered to be the actual cost to the publisher, the recognized retail value, or the value represented to the subscriber, whichever is highest.

(3) **Agents or clubbing offers.** Subscriptions obtained through agents or agencies on commission or in connection with clubbing arrangements with other publications in cases where the amount received by the publisher, after deducting

the amount allowed or paid as commission, or as a rebate, or through other arrangement, is less than 30 percent of the amount at the regular advertised annual subscription price of the publication. Contracts which a publisher desires to enter into with a person or concern who will obtain for the publisher subscriptions through soliciting agents should first be submitted to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, together with all of the conditions, facts, and circumstances pertaining thereto, in order that it may be determined whether subscriptions obtained in connection therewith will be in harmony with the requirements of the law governing second-class matter.

(d) **Expired subscriptions.** The right of publishers to extend in good faith credit on subscriptions is recognized and will not be abridged, and although all subscriptions are regarded as expiring with the period for which they were obtained, nevertheless, when publishers make proper effort to obtain renewals within a reasonable period, copies of their publications shall be accepted for mailing as to subscribers at the usual second-class rates of postage for a period of one year from the date of expiration, except in the case of subscriptions for less than one year. Copies sent to persons after one year from the date of the expiration of their subscriptions, or, in the case of subscriptions for less than one year, copies sent after the date of the expiration thereof, unless such subscriptions are expressly renewed for a definite time, together with an actual payment of the subscription price or a promise of payment, shall not be accepted as subscribers' copies but shall be accepted as other than subscribers' copies at the rates shown in § 34.42.

§ 34.27 **Advertising publications—(a) Determination.** The question of whether a publication is designed primarily for advertising purposes or for free circulation or for circulation at nominal rates is one of fact and shall be determined in each case from the evidence.

(b) **Definition of "primarily."** The word "primarily" is intended to indicate the chief or principal object of a publication.

(c) **Examples.** Among regular publications designed primarily for advertising purposes within the meaning of the law (see § 34.20) shall be included—

(1) Those owned and controlled by one or several individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them;

(2) Those which, having a few or no genuine or paid-up subscriptions, insert advertisements free on the condition that the advertiser will pay for a number of papers which are sent to persons whose names are given to the publisher;

(3) Those which do advertising principally and whose columns are filled with editorial puffs of firms or individuals advertising in the publication, or who buy a certain number of copies for distribution;

(4) Publications devoted largely to advertising and having a nominal list of bona fide subscribers but whose circulation is mainly gratuitous.

(d) **Nominal rate.** A publication the subscription price of which is low and from the subscription list of which the publisher does not regularly exclude expired subscriptions (see § 34.26) with the same care and accuracy as is exercised by a publisher whose rate is evidently more than nominal, or where the subscription price does not appear to be a material consideration in the business of the publisher, shall be considered as circulated at a nominal rate within the meaning of the law.

(e) **Legitimate list of subscribers.** In order to conform to the requirement of the law that a publication must have a legitimate list of subscribers and not come within the prohibition of the statute against publications designed primarily for free circulation, the circulation of a publication entered as second-class matter under the provisions of § 34.20, shall consist principally of copies supplied, by mail or otherwise, to persons who have themselves subscribed and paid or promised to pay for the publication. (See § 34.26.) Publications which are designed primarily for free circulation shall not be accepted for mailing at the second-class pound rates of postage. All copies of a publication printed and circulated through the mails or otherwise, and at whatever rate of postage, shall be considered in determining whether the circulation conforms to the requirements of the law for second-class matter. When an extraordinary number of copies of a publication are paid for by advertisers or other persons, or, under some other arrangement, are supplied persons not ordering the copies, such copies being free to the recipients, consideration shall be given the question as to whether the publication is designed primarily for advertising purposes or for free circulation and therefore not entitled to the second-class mailing privilege.

(f) **Copies paid for by advertisers.** When an extraordinary number of copies over the usual circulation are presented for mailing as to subscribers, the postmaster shall request the publisher to submit a statement showing in what manner the claimed extra subscriptions were obtained and if paid for by others than the persons to whom the copies are sent, who paid for them, the amount paid, the purpose for which the copies are sent, and whether the person paying for the copies is an advertiser in the publication, together with such additional information as there may be concerning the arrangement under which the copies are being circulated. Postage at the transient second-class rate shall be charged on all copies paid for by an advertiser, or other interested party for advertising purposes. (See § 34.42.) When a postmaster is in doubt as to whether any particular copies of a publication are entitled to be mailed at the second-class pound rates he shall require a deposit of money sufficient to cover postage thereon at the transient second-class rate and hold such deposit pending submission of all the facts, together with a copy of the publication, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, for instructions.

SECOND-CLASS APPLICATION FEES

§ 34.28 **Fees for entry as second-class matter—(a) To accompany application.** Each application for entry of a publication as second-class matter shall be accompanied with a fee of \$100: *Provided*, That the fee to accompany applications for entry as second-class matter of publications having a circulation of not more than 2,000 copies shall be \$25; and of publications having a circulation of not more than 5,000 copies shall be \$50: *Provided further*, That one-half of all fees collected under this section shall be returnable to the applicant upon the failure of the applicant's publication to obtain entry under the provisions of this section; each request for reentry of a publication as second-class matter on account of a change in title, frequency of issue, office of publication, or for other reason, and each request for additional entry of a publication as second-class matter shall be accompanied with

a fee of \$10; each application for registry of a news agent shall be accompanied with a fee of \$20. (47 Stat. 647, as amended; 39 U. S. C. 226a.)

NOTE: The amount of the fee to be collected with each application for original second-class entry is usually determined by the total number of copies printed and circulated as shown by the application. The fee is not based merely on the number of copies circulated as to subscribers or on the number sent through the mails.

(b) Accounting for fees. Postmasters at offices at which publications are already entered as second-class matter and who, therefore, have the necessary forms, shall issue a receipt on Form 3539 at the time of collection for the amount of each application fee collected under the provisions of paragraph (a) of this section. Form 3539 shall be indorsed "application fee for original second-class entry," or "application fee for second-class reentry," or "application fee for second-class additional entry," or "application fee for news agent registry," as the case may be. The total amount of such fees shall be accounted for in division 1, page 2, and in the certificate opposite the heading "Second class application fees" of the quarterly newspaper and periodical statement (Form 3551) and also in item 20 in the quarterly postal account. (See § 34.51.)

(c) Fees held in trust. Postmasters at offices where there are no publications already entered as second-class matter shall hold each application fee received under the provisions of paragraph (a) of this section in trust pending the receipt of instructions from the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

(d) Fees not counted in fixing compensation. In determining the compensation and allowances at post offices, credit shall not be allowed for the application fees received under the provisions of this section.

(e) Return of fees. No postmaster shall return to an applicant any part of a fee which was paid pursuant to the provisions of paragraph (a) of this section without the specific authorization of the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail. When a postmaster receives an authorization to refund one-half of a fee as provided by paragraph (a) of this section, he shall pay the amount of the authorized refund out of the postal receipts in his possession and shall follow the instructions on Form 3583, which will be furnished to the postmaster by the Third Assistant Postmaster General with the refund authorization.

APPLICATIONS FOR SECOND-CLASS MAIL PRIVILEGES

§ 34.29 Application for entry as second-class matter—(a) Method of filing. Before a publication can be admitted to the mails at the second-class postage rates, the postmaster shall require the publisher or his duly authorized representative to file an application on the proper form for its entry as second-class matter, accompanied with the proper fee as prescribed by § 34.28, and two copies of the issue of the publication nearest to the date of the application.

NOTE: See § 34.60 (b) as to applications for registration of news agents.

(b) Newspaper or periodical. Application for entry as second-class matter of a newspaper or periodical publication under the provisions of § 34.20 shall be made on Form 3501, and shall be filed at the post office of the place where the known office of publication is located.

(c) Society or institutional publication. Application for entry as second-class matter of a periodical publication under the provisions of §§ 34.21 and 34.22

shall be made on Form 3501-B, and shall be filed at the post office of the place where the known place of publication is located.

(d) **Foreign publication.** Application for entry as second-class matter of foreign newspapers and periodicals under the provisions of § 34.23 shall be made on Form 3501-A, and shall be filed at the post office at which the copies of the publication are to be mailed.

(e) **Additional entry at another post office.** An application for additional second-class entry shall be filed at the post office of original entry, accompanied with the fee of \$10 prescribed by § 34.28. Such application shall show the approximate number and weight of the copies to be mailed at the office of additional entry and the territory to be served from such office. All copies for delivery at the office of original entry shall be mailed at that office and all copies for delivery at the office of additional entry shall be mailed at the latter office, and postage paid thereon at the rate applicable to copies so mailed. The postmaster shall transmit the application to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

(f) **Mailings before entry.** Postmasters shall not, except as provided in § 34.33, accept a publication for mailing at the second-class rates of postage until authorized by the Department to do so. On all copies of a publication mailed before the application for its entry as second-class matter has been filed postage at the third- or fourth-class rates, whichever is applicable according to the physical characteristics of the publication, shall be prepaid by means of stamps affixed, or in money under permit as provided by § 34.66 or § 35.4.

NOTE: See § 34.30 for further instructions.

(g) **Application to carry to other post offices and to trains.** Application to deliver copies of a second-class publication at the publisher's expense and risk to other post offices and trains, after the copies have been weighed and postage collected thereon at the post office of second-class entry, shall be filed by the publisher with the postmaster at the office of entry. The postmaster shall forward the application to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

NOTE: See §§ 108.4 and 108.5 as to delivery by publishers directly to railway postal clerks.

§ 34.30 **Conditional acceptance as second-class matter.** When an application for second-class entry has been filed as provided in § 34.29, the postmaster shall issue to the publisher on Form 3503 a permit conditionally accepting the publication for mailing in the manner in which second-class matter is mailed (see § 34.62), and require a deposit of money sufficient to cover postage at the regular third- or fourth-class rates, or the rate for books provided by § 34.65 (b), whichever is applicable, according to the physical characteristics of the publication, computed on each separately addressed copy or package of unaddressed copies offered for mailing pending consideration of the application. Such deposit shall not be accounted for in the quarterly postal account nor in the quarterly newspaper and periodical statement (Form 3551), but shall be held in trust until the postmaster is advised as to its disposition. If the publication is admitted as second-class matter, the excess of the deposits over the second-class rates of postage shall be refunded. If postage is prepaid on copies by stamps affixed or in money under the permit system, or if copies are mailed at the bulk third-class rate under the provisions of § 34.66, while the application is pending, no refund of any portion of the postage so prepaid shall be made when admission of the publication as second-class matter is authorized. If the publication is not admitted, the entire

deposit shall be converted into postage stamps of a high denomination. The stamps shall be affixed to a sheet of paper, canceled, and sent by registered mail to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail. The stamps so used shall be accounted for as sold.

§ 34.31 Indicia on second-class matter—(a) Particulars required. The following indicia shall be conspicuously printed on one or more of the first five pages, preferably on the first page, of each copy of publications entered as second-class matter:

- (1) Title of the publication, which shall always be shown on the first page.
- (2) Date of issue.
- (3) Frequency of issue.
- (4) Serial number.
- (5) Known office or place of publication.
- (6) Subscription price, if required by law.
- (7) Notice of entry reading as follows:

Entered as second-class matter at the post office at _____.

(b) Insertion of notice before entry. The insertion in a publication before entry of a notice that it is entered as second-class matter shall be regarded as submitting "false evidence relative to the publication for the purpose of securing admission thereof to the second class of mail matter." (See §§ 34.36 and 34.61.) Pending action on an application for admission of a publication as second-class matter, there may be printed on the copies the words "Application for entry as second-class matter is pending."

§ 34.32 Decision as to admissibility as second-class matter. The Third Assistant Postmaster General shall decide upon the admissibility of publications as second-class matter, and, upon being satisfied that a publication is entitled to admission, shall authorize the postmaster at the proper office to accept mailings thereof at the second-class rates of postage.

§ 34.33 Procedure in changes of publication—(a) Change of title or frequency. In case of a change in title or frequency of issue of a publication entered as second-class matter, the publisher shall submit to the postmaster at the office of original entry an application on Form 3510 for reentry under the new title or the new frequency, accompanied with the fee of \$10 prescribed by § 34.28 and two copies of the publication issued after the change. The postmaster shall send the application and one copy of the publication issued after the change to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, and, pending instructions from the Department, shall, if the required fee has been paid, accept the publication for mailing at the second-class rates of postage. No mailings after such a change has been made in a publication shall be accepted at the second-class rates of postage until the required fee has been paid.

(b) Removal of office. In case of the removal to another post office of the known office of publication or the known place of publication of a publication entered as second-class matter, the publisher shall submit to the postmaster at the new office an application on Form 3510 for reentry at the new office, accompanied with the fee of \$10 prescribed by § 34.28, and two copies of the publication issued at the new office. The postmaster shall send the application and one copy of the publication issued after the change in location, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, and, pending instructions from the Department, shall, if the required fee has been paid, accept the publication for mailing at the second-class rates of postage. No mailings of the publi-

cation shall be accepted at the new office at the second-class rates of postage until the required fee has been paid.

(c) **Discontinuances.** When a publication entered as second-class matter is discontinued, the postmaster shall promptly report the fact to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

§ 34.34 **Department record.** The Third Assistant Postmaster General shall keep a record of publications admitted to the second-class rates of postage showing the date of entry.

§ 34.35 **Post office record.** Postmasters shall keep a record of all publications of the second class mailed at their post offices.

§ 34.36 **False evidence to secure second-class entry—(a) Penalty.** Whoever knowingly submits to any postmaster or to the Post Office Department or any officer of the Postal Service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be fined not more than five hundred dollars. (Sec. 13, 62 Stat. 783; 18 U. S. C. 1722.)

(b) **Report of suspected false evidence.** When a postmaster has reason to believe that a publisher has submitted to him, or to any postmaster, or to the Post Office Department, any false statement or evidence as to his publication to secure its transmission as second-class matter, he shall report the fact, with the evidence in his possession substantiating it, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

§ 34.37 **Cancellation of entry.** (a) When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested. (Sec. 1, 31 Stat. 1107; 39 U. S. C. 232.)

(b) Before revocation, annulment, or suspension of any second-class entry, the Third Assistant Postmaster General shall fully advise the publisher of the facts which may warrant such action and he shall be accorded an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable time limit specified by the Third Assistant Postmaster General.

SWORN OWNERSHIP AND CIRCULATION STATEMENTS; MARKING OF PAID EDITORIAL MATTER

§ 34.38 **Filing and publication of annual sworn statement of ownership—(a) Particulars required.** It shall be the duty of the editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication to file with the Postmaster General and the postmaster at the office at which said publication is entered, not later than the 1st day of October of each year, on blanks furnished by the Post Office Department, a sworn statement setting forth the names and post-office addresses of the editor and managing editor, publisher, business managers, and owners, and in addition, the stockholders, if the publication be owned by a corporation; and also the names of known bondholders, mortgagees, or other security holders;

and also, in the case of daily and weekly, semiweekly, triweekly newspapers, there shall be included in such statement the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding 12 months: *Provided*, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, and scientific, or other similar publications: *Provided further*, That it shall not be necessary to include in such statement the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. A copy of such sworn statement shall be published in the second issue of such newspaper, magazine, or other publication printed next after the filing of such statement. Any such publication shall be denied the privileges of the mail if it shall fail to comply with the provisions of this paragraph within ten days after notice by registered letter of such failure. (Sec. 2, 37 Stat. 553, as amended; 39 U. S. C. 233.)

(b) **Form and method of filing.** The statement required by this section shall be made in duplicate, on Form 3526, and both copies delivered to the postmaster at the office of original second-class entry of the publication. The postmaster shall forward one copy to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, and retain the other in the files of the post office. To enable publishers to file such statement promptly, postmasters shall furnish them copies of Form 3526 at least 10 days prior to the 1st day of October of each year.

(c) **Copy of publication containing statement.** Postmasters shall obtain for the files of their offices a copy of the issue of each publication at their respective offices in which the required sworn statement is published. A copy of the issue shall not be forwarded to the Department.

(d) **Report of failure to file and publish statement.** Postmasters shall give prompt and careful attention to the making and filing by publishers of the statements required by this section and promptly report to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, the failure of any publisher to file such statement or to publish it in the second issue of the publication printed next after it has been filed, but in no case shall a publication be denied the privileges of the mail except upon departmental instructions.

(e) **Where exemption is claimed.** Where exemption is claimed from compliance with the provisions of this section, the postmaster shall request from the publisher a statement showing the reasons why such exemption is claimed and forward it to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, together with a copy of the publication.

§ 34.39 Paid reading matter to be marked "advertisement."

All editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked "advertisement." Any editor or publisher printing editorial or other reading matter for which compensation is paid, accepted, or promised without so marking the same, shall upon conviction in any

court having jurisdiction be fined not less than \$50 nor more than \$500. (Sec. 2, 37 Stat. 554, as amended; 39 U. S. C. 234.)

NOTE: See § 34.40 (a) (2) as to postage rates on advertisements; § 34.46 (b) as to marking advertisements for postage computation.

SECOND-CLASS POSTAGE RATES OUTSIDE COUNTY OF PUBLICATION

§ 34.40 Postage rates on second-class matter—(a) Reading and advertising portions. In the case of publications entered as second-class matter (including sample copies to the extent of 10 per centum of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be $1\frac{1}{2}$ cents per pound, or fraction thereof;

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first and second zones, $1\frac{1}{2}$ cents.

For the third zone, 2 cents.

For the fourth zone, 3 cents.

For the fifth zone, 4 cents.

For the sixth zone, 5 cents.

For the seventh zone, 6 cents.

For the eighth zone * * * 7 cents.

* * * * *

(3) Where the space devoted to advertisements does not exceed 5 per centum of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 283.)

(b) Where weight to one zone not over one pound. Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed one pound, the rate of postage shall be 1 cent. (Sec. 1104, 40 Stat. 328, as amended; 39 U. S. C. 288.)

(c) Rates related to entire bulk for any one zone. The zone rates provided in section 283 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages. (Sec. 1105, 40 Stat. 328, as amended; 39 U. S. C. 289.)

(d) Publications of certain nonprofit organizations—(1) Special postage rate. The rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific,

philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be $1\frac{1}{2}$ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 283.)

(2) **Mailings at special rate to be accepted only when authorized.** No publication shall be accepted for mailing at the special postage rate provided in paragraph (d) (1) of this section until the publisher has furnished the evidence prescribed in that paragraph and the postmaster has been authorized by the Third Assistant Postmaster General to accept the publication at such postage rate. The publisher shall submit such evidence to the postmaster, who shall forward it to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail. Pending consideration by the department of the evidence submitted, the publication may, if already entered as second-class matter, be accepted under deposits of money to cover postage at the rates set forth in paragraph (a) of this section, such deposits to be treated and disposed of in the manner prescribed in § 34.30.

(e) **Rates affected by number of copies to pound.** * * * in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than thirty-two and not in excess of forty-eight, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of this section [embodied in paragraphs (a) and (d) (1) of this section]; where the number of individual addressed copies or packages to the pound is more than forty-eight and not exceeding sixty-four, the rates of postage shall be three times the regular rates, and for each additional 16 individually-addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 283.)

(f) **Foreign countries.** (1) The pound rates of postage provided by paragraphs (a), (b), and (d) of this section apply to copies for the following-named foreign countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Spanish Guinea, Guatemala, Haiti, Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Republic of Honduras, Republic of the Philippines, Rio de Oro, Salvador (El), Spain, Uruguay, and Venezuela, the eighth zone rate being applicable to advertising portions of publications subject to the zone rates.

(2) For the postage rates applicable to copies for other foreign countries, except

Canada and Newfoundland, see the current United States Official Postal Guide, Part II.

(g) **Canada and Newfoundland (including Labrador).** (1) On daily newspapers issued as frequently as six times a week and mailed to bona fide subscribers in Canada and Newfoundland (including Labrador) by publishers or registered news agents the pound rates applicable outside the county of publication apply, the eighth zone rate being applicable to advertising portions of publications subject to the zone rate. On publications issued less frequently than six times a week the rate is 1 cent for each 4 ounces or fraction thereof, calculated on the weight of each package. Separately addressed copies intended for delivery from the same post office may be enclosed under one wrapper addressed to such post office, the postage being affixed to or indicated on the outside wrapper.

(2) Copies of the Sunday issues of daily newspapers sent to subscribers in Canada and Newfoundland who do not subscribe for the weekday issues and copies of such issues sent to news agents in excess of the number regularly sent during the weekdays are subject to the rate of 1 cent for each 4 ounces or fraction of 4 ounces.

(h) **Daily newspapers deposited at letter-carrier offices.** The rate of postage on daily newspapers and on the periodicals and newspapers provided for in * * * [§ 34.40 (a)] when deposited in a letter-carrier office for delivery by its carriers, shall be the same as otherwise provided by law [act of Mar. 3, 1879—§ 34.41 (a)], and nothing herein shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication * * *. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 283.)

NOTE: The rates of postage on copies mailed for local delivery at letter-carrier offices and on copies addressed for delivery within the county of publication, the provision for free circulation within the county of publication, and the headquarters per copy rates are contained in § 34.41.

SECOND-CLASS POSTAGE RATES WITHIN COUNTY OF PUBLICATION

§ 34.41 Free-in-county matter, and rates on second-class matter at letter-carrier offices—(a) Authorization. Publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at * * * [the cent-a-pound rate]. The rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each; periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed [except as provided in § 35.4]. * * * (Sec. 25, 20 Stat. 361, as amended; 39 U. S. C. 286.)

(b) **When mailed to another office where publisher's headquarters are located.** * * * Copies of a publication, other than a

weekly, hereafter [act of June 28, 1932] admitted to the second class of mail matter, when mailed by the publisher or registered news agent at a post office where it is entered, for delivery by letter carriers at a different post office within the delivery limits of which the headquarters or general business offices of the publisher are located, shall be chargeable with postage at the rate that would be applicable if the copies were mailed at the latter office, unless the postage chargeable at the pound rates from the office of mailing is higher, in which case such higher rates shall apply, but this provision shall not be applicable to publications already entered as second-class matter which retain their entry at the post office where now entered. (Sec. 25, 20 Stat. 361, as amended; 39 U. S. C. 286.)

(c) Publications sent by publishers or news agents. * * * publications of the second class [mailed for delivery within the county of publication], when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall * * * be entitled to transmission through the mails at 1 cent a pound or a fraction thereof * * * [except as otherwise provided in the preceding and following paragraphs of this section]. (Sec. 1, 23 Stat. 387.)

(d) Conditions for free-in-county mailing. The right of a publisher to mail his publication free of postage, including delivery by rural or star route carriers, under the provisions of this section, shall depend upon the existence of the three following conditions:

First. The addressee shall be an actual subscriber.

Second. The residence of the subscriber shall actually be within the county in which the publication is printed in whole or in part and published.

Third. The publication shall be addressed for delivery from a post office (or rural route emanating from such post office) not having letter-carrier service.

NOTE: See §§ 34.47 (d) and 34.49 as to separation of free-in-county copies for mailing; § 34.51 as to accounting for free-in-county mailings.

(e) Subscriber must live within county. The fact that the post office at which a person receives his mail is located outside of the county in which he resides, or the fact that the post office at which a publication is entered is located in an adjoining county from that in which it is printed in whole or in part and published shall not subject to postage copies of a publication otherwise entitled to free county circulation; but copies addressed to subscribers who do not reside in the county where the publication is printed in whole or in part and published shall not be accepted for mailing free, even though addressed for delivery from a post office in such county.

(f) If mailed at noncarrier office. Second-class matter mailed at a post office in the county of publication where letter-carrier service is not established, if addressed to a letter-carrier office in the same county, shall be charged with postage at the cent-a-pound rate.

(g) If mailed at carrier office. Publications of the second class mailed by the publishers thereof or news agents at a letter-carrier office for distribution through

the boxes or general delivery thereof, or addressed to another letter-carrier office in the same county, or for delivery on rural or star routes emanating from such letter-carrier offices, shall be charged with postage at the rate of 1 cent a pound.

(h) **Weekly newspapers mailed at carrier offices.** Weekly newspapers mailed by the publishers thereof or news agents at a letter-carrier office, for local delivery by carriers or otherwise, shall be charged with postage at the rate of 1 cent a pound.

(i) **Newspapers other than weeklies; periodicals not over 2 ounces.** Newspapers other than weeklies (without regard to weight) and periodicals not exceeding 2 ounces in weight, mailed by publishers or news agents for local delivery by letter carriers, shall be charged with postage at the rate of 1 cent each.

(j) **Periodicals over 2 ounces.** Periodicals exceeding 2 ounces in weight, mailed by publishers or news agents for local delivery by letter carriers, shall be charged with postage at the rate of 2 cents each.

NOTE: See § 34.50 as to separation of copies; § 35.4 (e) as to manner of paying postage at the per copy rates without stamps affixed.

(k) **Definition of "newspaper."** A "newspaper" shall be held to be a publication regularly issued at stated intervals of not longer than one week and having the characteristics of second-class matter prescribed by law.

(l) **Definition of "periodical."** A "periodical" shall be held to be a publication regularly issued at stated intervals less frequently than weekly and having the characteristics of second-class matter prescribed by law.

(m) **Publications mailed under additional entry.** Publications of the second class mailed by news agents, or by publishers under additional entry, at a post office outside the county of publication shall be charged with postage at the rates set forth in § 34.40 except as prescribed in paragraphs (i) and (j) of this section.

TRANSIENT SECOND-CLASS POSTAGE RATES

§ 34.42 **Transient second-class postage rates—(a) When applicable.** The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof, except when the postage at the rates prescribed for fourth-class matter is lower, in which case the latter rates shall apply: *Provided*, That these rates shall also apply to sample copies of publications entered as second-class matter mailed in excess of the quantity entitled by law to be sent at the pound rates, and to copies mailed by publishers to other than subscribers or to persons who are not properly includable in the legitimate list of subscribers required by law. (23 Stat. 210, as amended; 39 U. S. C. 287.)

NOTE: These rates are to be computed on each individually addressed copy, or package of unaddressed copies, and not on the bulk weight of individually addressed copies, including those intended for delivery to boxholders, or packages of unaddressed copies.

See § 35.4 as to mailings without stamps affixed; § 43.36 as to bulk and club packages.

(b) **Publications sent by publisher to others than subscribers.** Publications of the second class sent by publishers to others than subscribers, or to persons

whose subscriptions are at a nominal rate, and copies mailed by them in pursuance of a contract, agreement, or understanding with an advertiser, or other interested party for advertising purposes, shall not be accepted as subscribers' copies, but may be accepted as other than subscribers' copies at the rates shown in paragraph (a) of this section.

POSTAGE RATES ON ADVERTISEMENT PROOF SHEETS, BACK NUMBERS,
REPRINTS, AND INCOMPLETE COPIES

§ 34.43 Sheets or portions sent in proof of insertion of advertisement—(a) Rates applicable. Single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter. (42 Stat. 1434; 39 U. S. C. 284.)

(b) **Enveloping and marking.** Single sheets or portions of sheets sent to advertisers to prove the insertion of advertisements presented for mailing at the second-class zone rates of postage shall be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the name and address of the publication and the printed inscription "Advertiser's proof copy," and in the upper right corner a notice of entry as second-class matter, and shall be presented for mailing separately from complete copies.

(c) **Weighing.** Such matter shall be weighed separately, fractions of pounds being computed as full pounds in all cases, postage collected, and the weight entered separately in column 6 of receipt Form 3539. (See § 34.47 (h).)

§ 34.44 Back numbers, reprints, and incomplete copies. (a) Unbound back numbers of a publication may be mailed at the second-class rates so long as the publication continues to be published as second-class matter. Copies printed from the original type, plates, or matrix may, in the case of daily publications, if printed within one week after the date of issue, and, in the case of other publications, if so printed before the following issue is printed, be mailed as second-class matter as back numbers. Copies printed subsequent to the periods mentioned shall be treated as reprints.

(b) Bound back numbers and unbound reprints shall be treated as books or as miscellaneous printed matter according to their physical characteristics and shall be charged with postage at the applicable third- or fourth-class rates.

(c) **Incomplete copies.** Partial or incomplete copies of publications of the second class shall not be regarded as second-class matter, and postage thereon shall be prepaid at the third- or fourth-class rate, whichever is applicable, except as provided in § 34.43.

COLLECTING AND ACCOUNTING FOR SECOND-CLASS POSTAGE, AND SEPARATING
FOR MAILING

§ 34.45 Collection of postage on second-class matter—(a) At time of mailing. Upon the receipt of newspapers and periodical

publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon. (Sec. 6, 18 Stat. 233; 39 U. S. C. 282.)

(b) **Authority for.** * * * all postage on second-class matter mailed shall be collected and accounted for under such regulations as the Postmaster General may prescribe: *Provided*, That this shall in no manner be construed so as to repeal existing law requiring prepayment of postage upon second-class mail matter. (Sec. 6, 18 Stat. 233, as amended; 39 U. S. C. 285.)

(c) **In money before dispatch.** The postage on all second-class matter mailed at the pound rates shall be collected in money before the matter is dispatched.

(d) **Manner of; receipts.** Whenever publications of the second class are presented for mailing by the publishers thereof or a news agent, the postmaster, after weighing the copies, as provided in § 34.47, and after making the examination of the copies provided for by §§ 34.58 and 34.61, shall collect the correct amount of postage thereon, and give the publisher a receipt on Form 3539 showing the weight of the matter mailed and the amount collected. When specially authorized by the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, the postmaster may give this receipt to the publisher at the end of the mailing of each issue of the publication or at stated periods.

(e) **Advance deposits.** Postmasters may receive from publishers a deposit of money in advance, for which a receipt on Form 3544 shall be given, sufficient to pay for more than a single mailing. The deposit shall be charged with the correct amount of each mailing; but if the amount on hand is not sufficient at any time to cover the postage due on the entire mailing the excess shall be held until an additional deposit is made. Credit for postage shall never be allowed. An outgoing postmaster shall transfer such deposits to his successor who shall give him a receipt therefor. (See §§ 7.28, 8.8, and 17.32.)

(f) **Not to be registered, insured, or sent c. o. d.** Second-class matter mailed at the second-class pound rates shall be accepted only as ordinary mail and shall not be registered or sent as insured or c. o. d. mail since the pieces are not accepted and handled individually at the mailing office but only in bulk.

NOTE: See § 34.51 as to statement of postage to be rendered.

§ 34.46 Filing of copy of each issue of second-class publication mailed—(a) Requirement. With the first mailing of each issue of each such [second-class] publication the publisher shall file with the postmaster a copy of such issue together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 283.)

(b) **Marking.** The copy of the publication filed with the postmaster as required by paragraph (a) of this section shall be marked by the publisher to show the portion devoted to advertisements and that to matter other than advertisements, and the percentage of each shall be indorsed on the first page of such copy by the publisher.

(c) **Definition of "advertisements."** The term "advertisements" as used herein and in § 34.40 (a) (2), includes display, classified, and all other forms of advertisements and all editorial or other reading matter for the publication

of which money or other valuable consideration is paid, accepted, or promised. Where the publisher has not been, and is not to be, compensated for the publication of editorial or other reading matter, such matter will take the rate of postage for other than advertising. In all cases where the publisher has been or is to be compensated in any form whatever the advertising rate of postage will be charged. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding, explicit or tacit, that a "reader" is to be given the advertiser or his products in the publication in which the display advertisement appears are advertising within the meaning of the law. Display advertising is obvious in its character and must be charged with postage at the advertising mailing rate. When a newspaper or periodical advertises its own services or issues, or any other business of the publisher, in the form of either display advertisements, or editorial or reading matter, this is advertising within the meaning of the law and shall be charged the advertising mailing rate therefor. (See § 34.39.)

(d) **Statement of news agent.** When a news agent presents for mailing second-class matter subject to the zone rates of postage, he shall submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisements. Publishers should furnish this information to news agents purchasing copies of their publications in order that such agents may be able to prepare the statements required.

§ 34.47 Mailing requirements for second-class matter—(a) Authority. * * * The Postmaster General may require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing. (Sec. 5, 18 Stat. 232, as amended; 39 U. S. C. 233.)

(b) **Brought to post office.** Second-class matter shall be brought for mailing to the post office, or such other place as is designated to receive it, and there weighed in bulk.

NOTE: See § 42.6 (c) as to prohibited places of mailing; §§ 34.29 (g) and 108.4 as to exceptional dispatch by publishers.

(c) **How prepared.** It shall be inclosed in United States mail sacks, or other suitable receptacles, and shall be separated to routes, States, and cities, in such manner as may be prescribed by the department. The sacks or bundles shall be marked to show the route, State, or city and State, and also the zone when the copies are required to be separated by zones.

(d) **Separate sacks or bundles.** Publishers shall make separate sacks or bundles of (1) sample copies to places within county of publication subject to postage at the rate of 1 cent a pound; (2) sample copies to places outside county of publication; (3) subscribers' copies entitled to free county circulation; (4) subscribers' copies to places within county of publication subject to postage at the rate of 1 cent a pound; (5) subscribers' copies to places outside county of publication. Such mail matter, when so presented, shall be weighed separately.

NOTE: See § 34.49 as to mailing of free-in-county copies; § 43.36 as to bulk and club packages.

(e) **Separation by zones.** In the case of sample copies of a publication carrying advertisements subject to the zone rates of postage as prescribed in § 34.40, the publisher shall arrange and present separately by zones the sacks or bundles of such sample copies addressed to places outside the county of publication. The

publisher shall also arrange and present, by zones, copies addressed to subscribers outside the county of publication, except when such zone separation would interfere with their routing as required by paragraph (c) of this section, or the publisher prefers not to separate the copies, in which case they may be presented under the provisions of paragraph (f) of this section without being separated by zones.

(f) When separation by zones is not practicable; semiannual statement. When it is not practicable because of the large quantity or other reasons to separate the subscribers' copies by zones without disarranging or interfering with their routing as required by paragraph (c) of this section, or when the publisher prefers not to do so, separation by zones shall not be required of the subscribers' copies subject to zone rates addressed to places outside the county of publication, but in such case the publisher shall present to the postmaster semiannually on April 1 and October 1, or more frequently when regarded necessary or the publisher so desires, a statement on Form 3539-A showing the total number of copies, the advertising portions of which are subject to the zone rates which, according to a careful analysis by the publisher of his subscription records at the time of the submission of the statement, are to be mailed to subscribers outside the county of publication, and the per centum of this number to be addressed to each zone. The percentages given in the publisher's statement on Form 3539-A (which shall be retained in the files of the post office) shall until a new statement is due or required be applied by the postmaster to the total weight of the subscribers' copies of each mailing subject to zone rates in order to ascertain the weight of and compute the postage on the portion devoted to advertisements going to the respective zones and the portion devoted to other than advertisements going to all zones. The postmaster shall make periodic tests of the publisher's subscription list or records to determine the accuracy of the percentages given by the publisher on Form 3539-A. In case a postmaster desires information with respect to the manner of making such test, or if it should appear impracticable in any case to use the foregoing method in its entirety, he should address the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, for instructions.

(g) Copies of previous and current issues combined. When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and matter other than advertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue. When such copies are presented under the provisions of paragraph (f) of this section without being separated by zones, they shall be weighed with the copies of the current issue and charged with postage at the zone rates applicable to the latter.

(h) Fractions in weight. In weighing second-class matter, fractions shall be treated as full pounds in all cases.

(i) When copies for same post office to be tied or sacked. Individually addressed copies of a publication intended for subscribers at the same post office shall, if there are more than 5, be securely wrapped or tied in one package; or, if there are more than 30 pieces and weighing 15 pounds or more, be placed in a separate sack addressed to such office. Sacks containing less than that amount of mail (except bulky matter) shall not be made up, except where a direct sack is necessary materially to advance the mail, but the mail shall be securely tied in bundles, properly labeled, and be included in sacks with other mail.

NOTE: See index "Newspapers" in Manual of Instructions for Postal Personnel for article defining newspapers and providing for their distribution and dispatch.

§ 34.48 **Publications sent by printer to publisher.** Publications entered as second-class matter shall not be accepted for mailing at the second-class rates of postage until issued from a known office of publication or a known place of publication. (See § 34.25.) When sent by a printer to a publisher they shall be prepaid at the third- or fourth-class rate, whichever is applicable, according to the physical characteristics of the publication and the weight of the package or parcel.

§ 34.49 **Free-in-county matter to be mailed separately.** All copies of a publication entitled to free county circulation shall be presented for mailing separately from those on which postage is to be paid, and when not so presented postage shall be charged on the whole at the pound rates. Free county matter shall be weighed and recorded in the post-office records separately from that which is mailed at the pound rates.

NOTE: See § 34.51 as to statement of free county mailings.

§ 34.50 **Separations for delivery at letter-carrier post office.** Copies of newspapers and periodicals, excepting weeklies, which are subject to the per copy rates of postage prescribed in § 34.41 by reason of being addressed for local delivery by the city or village letter carriers at the post office of second-class entry shall be separated by the publisher from the copies addressed for delivery through the post office boxes or general delivery, and for delivery by rural or star route carriers of the post office. If this separation is not made by the publisher, each copy which is subject to the per copy rates and which does not have the correct amount of postage affixed to or indicated thereon shall be placed in the boxes or in the general delivery for delivery therefrom.

NOTE: See § 35.4 (e) as to manner of paying postage at the per copy rates without stamps affixed.

§ 34.51 **Postmaster's quarterly statement of second-class mailings—(a) Particulars required.** At the close of each quarter of the calendar year postmasters who have been authorized to accept second-class mailings (see § 34.32) shall send promptly to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, a statement on Form 3551 showing the mailings of second-class publications made by each publisher and news agent (see § 34.60) during the quarter. The amount of postage collected at the second-class pound rates (see §§ 34.40 and 34.41), the weight of the mailings subject to postage, the weight of the free county mailings (see § 34.41), and the amount of second-class application fees collected (see § 34.28) shall be shown on Form 3551 in accordance with the instructions thereon.

(b) **When postmasters changed during quarter.** A new postmaster who takes office during a quarter shall send separate statements on Form 3551 for the mailings and fees handled by himself and for the mailings and fees handled by his predecessor during the quarter. The exact date when the change of postmasters took effect shall be furnished. (See § 34.45 (e).)

(c) **Treatment of receipts.** The duplicate B copies of the receipts issued during each quarter on Form 3539 for second-class pound rate postage and for second-class application fees (see §§ 34.28 (b) and 34.45 (d)) shall be sent to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, with the quarterly newspaper and periodical statement on Form 3551. At post offices which have two or more second-class publications a separation shall be made of the B copies for each publication. The copies for each publication shall then be arranged consecutively by the dates of their issuance and shall be made up in

separate bundles. The B copies shall be cut apart, if necessary, to make this separation. The C copies of the receipts shall not be separated or cut apart, and shall be kept in order according to their serial numbers.

SAMPLE COPIES OF SECOND-CLASS PUBLICATIONS

§ 34.52 **Sample copies mailed as second-class matter—(a) Conditions.** Sample copies, to be acceptable for mailing by publishers at the office of entry at the second-class pound rates, shall be copies sent to persons for the purpose of inducing them to subscribe for, advertise in, or become agents for the publication.

(b) **Complete and regular issues.** Only complete and unaltered copies of regular issues or editions as sent to subscribers shall be mailable as sample copies.

(c) **Wrapping and marking.** Sample copies shall be plainly marked as such on the address side of the exposed part of the publication or package or wrapper. Several sample copies may be inclosed in a single wrapper to one address or may be sent in one wrapper addressed to the post office, with each paper therein properly folded, addressed to some patron of the office, and marked "Sample copy."

(d) **Frequency.** Copies addressed to the same person in excess of three times in any one calendar year shall not be accepted as sample copies.

(e) **Limit within year.** Sample copies shall be accepted for mailing at the pound rates to the extent of not exceeding 10 percent of the total weight of copies mailed to subscribers during the calendar year. Such sample copies may be mailed at any time during the year, based on an estimate of the probable mailings to subscribers during the year, obtained from the best information available. If a publisher offers copies for mailing as sample copies in excess of the limits stated in this paragraph or in paragraph (d) of this section, the postmaster shall require postage on the excess copies at the rates shown in § 34.42. Mailings of a publication (including sample copies) pending consideration of the application for admission thereof as second-class matter shall be accepted as provided in § 34.30.

(f) **When not mailable as sample copies.** Copies mailed by a publisher for advertising purposes under arrangements with advertisers or others, and copies mailed by a publisher acting as an agent for an advertiser or purchaser shall not be accepted as sample copies. Copies marked "Sample copy," but not mailable as such, and copies paid for by advertisers, or paid for by others for advertising purposes, mailed by a publisher, shall be subject to the rates shown in § 34.42, and such mailings shall not be regarded as affecting the second-class status of the publication, except that the regular mailing of large numbers of such copies may be taken to show that the publication is "designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

(g) **Not free-in-county.** Sample copies shall not be admitted to the mail as free county matter. (See § 34.41.)

(h) **Addressed to box holder.** Sample copies may be mailed to box holders with each copy addressed in the simplified manner shown in § 35.10 (e).

SUPPLEMENTS TO SECOND-CLASS PUBLICATIONS

§ 34.53 **Supplements to second-class matter.** Publishers of matter of the second class may without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added

matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication. (Sec. 16, 20 Stat. 359; 39 U.S.C. 228.)

§ 34.54 Acceptability as supplements—(a) Full name of publication. Supplements shall in all cases bear the full name of the publication with which they are folded, preceded by the words "Supplement to," and also the date corresponding to the regular issue.

(b) Folded with regular issue. Supplements shall be folded with the regular issues they purport to supplement. If mailed otherwise, postage shall be prepaid at the third- or fourth-class rate, according to their physical characteristics.

(c) Legal notices. Publications of statutes, ordinances, proceedings of public or deliberative assemblies, boards, or conventions, advertisements of tax rates, or other notices or advertisements required by law to be published, whether gratuitously or for compensation, may be mailed as supplemental matter.

(d) Maps, diagrams, and illustrations. Maps, diagrams, illustrations, and similar inserts which form a necessary part of a publication, shall be admitted, either loose or attached, as a part of the publication itself, without the words "Supplement to _____"

(e) No orders, bills, or receipts. Supplements shall not be combined with orders for subscriptions, or bills, or receipts for subscriptions. (See § 34.57.)

(f) Independent publications. A publication entirely distinct from and independent of the regular issue, but complete in itself, especially if it is not germane to the regular issue nor connected therewith, shall not be accepted as a supplement.

(g) Circulars, handbills, posters, and other special advertisements. Circulars, handbills, show bills, posters, and other special advertisements shall not be accepted as supplements. Advertising sheets consisting entirely of advertisements, or of a combination of literary or pictorial matter and advertisements, issued by business houses and furnished to publishers for the purpose of being circulated with second-class publications, shall not be accepted as supplements or covers to such publications when mailed at the second-class rates of postage.

(h) Matter printed outside publication office. Matter printed elsewhere than at the office of publication, to be used as supplements to various newspapers for the purpose of securing circulation of advertisements of private business, or covers to such publications, when mailed at the second-class rates of postage, shall not be accepted as supplements, even though containing literary matter.

PARTS AND SECTIONS OF SECOND-CLASS PUBLICATIONS

§ 34.55 Publications prepared in parts or sections. (a) The regular pages of publications may be prepared in parts or sections. When so prepared, each part or section shall show the same title and date of issue, and bear appropriate designations such as "Part 1" or "Section 1," and "Part 2" or "Section 2," and a statement shall be printed on the first page of the first part or section showing the number of parts or sections in which the issue is published. Enclosures prohibited by § 34.54 shall not be prepared as parts or sections.

(b) Parts or sections which are obtained by publishers for insertion in copies of their publications must be paid for by the publishers at a rate which is not nominal. Contracts which publishers desire to enter into with producers

of parts or sections should be submitted to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, for approval. Such parts or sections must be identified with the issues with which they are inserted by title, date of issue, and part or section designation.

ADDITIONS TO AND INCLOSURES WITH SECOND-CLASS PUBLICATIONS

§ 34.56 **Permissible writing, printing, or other additions on second-class matter—(a) Authorization.** Mailable matter of the second class shall contain no writing, print, or sign thereon or therein in addition to the original print, except as herein provided, to wit: the name and address of the person to whom the matter shall be sent, index figures of subscription book, either printed or written, the printed title of the publication and the place of its publication, the printed or written name and address without addition of advertisement of the publisher or sender, or both, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end, the correction of any typographical error, a mark except by written or printed words, to designate a word or passage to which it is desired to call attention; the words "Sample copy" when the matter is sent as such, the words "Marked copy" when the matter contains a marked item or article, and publishers or news agents may inclose in their publications bills, receipts, and orders for subscriptions thereto, but the same shall be in such form as to convey no other information than the name, place of publication, subscription price of the publication to which they refer and the subscription due thereon. * * * (Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

NOTE: See §§ 34.58, 35.7, and 35.8 as to inclosures, additions, and accompanying communications.

(b) **Return postage pledge.** A pledge to pay the postage for the return of undeliverable copies (see §§ 34.63 and 43.48) may be printed on wrappers of second-class matter.

(c) **Exchange and similar requests on wrappers prohibited.** The words "Please exchange" and similar requests and directions relative to delivery inconsistent with these regulations shall not be permitted on the wrappers of matter mailed at the second-class rates of postage. (See § 35.10.)

(d) **Number of copies in package.** The number of copies inclosed may be indicated upon the wrapper or face of a package.

(e) **Printed illustrations or photos attached.** Printed illustrations, including photographs, not in the nature of advertisements, may be pasted to the pages of a publication admitted to the mails as second-class matter.

(f) **Coupons, order forms, and other matter for detachment.** Coupons, order forms, and other matter intended for detachment and subsequent use may be included in permanently attached advertisements, or elsewhere, in newspapers and periodicals, provided they constitute only an incidental feature of such publications and are not of such character, or used to such extent, as to destroy the

statutory characteristics of second-class publications, or to bring them within the prohibition of the law denying the second-class rates of postage to publications "designed primarily for advertising purposes," or to give to them the characteristics of books or third-class matter. Coupons and other matter consisting of not more than one-half of one page shall be regarded as an incidental feature.

§ 34.57 Bills, receipts, or orders with second-class matter—(a) Form permitted. Bills or receipts printed or written in substantially the following form may be inclosed with second-class matter:

NEW YORK, N. Y., -----, 19--

Office of -----,
The ----- Weekly,
37 Park Row. P. O. Box 4295.
----- to the ----- Weekly, Dr.

-----, subscription, in advance.

Received payment for the ----- Weekly from ----- to -----.

(b) What may be included. (1) A bill or receipt for subscription may include the names of more than one publication and their regular prices, provided they are all published by the same individual or company, or sent by the same news agent, and may also include any period of subscription or any number of shipments to a news agent.

(2) Orders for subscription may indicate the term or period for which the subscription is ordered. The written or printed words or figures, or both, to indicate when the subscription will end may be placed upon the matter itself, or the wrapper, or upon the bills, receipts, or orders which may be inclosed therewith.

(c) Subscription blanks with coin receptacles. Subscription blanks, otherwise conforming to these requirements, may be mailed with second-class publications at the regular second-class rates of postage, although printed on cardboard and arranged with a receptacle for coin, or when printed on envelopes. Envelopes, including business reply envelopes and business reply cards, are permissible inclosures in copies of publications mailed at the second-class pound rates only when they are prepared with a subscription order form printed thereon and when they do not convey information in excess of that authorized by § 34.56 (a). Such subscription order forms may show only the title of the publication, place of publication, subscription price, and the amount of the subscription due thereon.

(d) Combination subscription order forms. A combination subscription order form for two or more publications is a permissible inclosure, provided each of the publications has second-class entry, the publications are published by the same publishers and the order form does not contain information in excess of that authorized by § 34.56 (a).

§ 34.58 Examination of second-class matter at mailing office—

(a) Authorization. Matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject. Nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same. (Sec. 12, 20 Stat. 359; 39 U. S. C. 225.)

NOTE: See § 34.56 (a) as to permissible additions; § 35.7 as to written or printed additions; § 35.8 as to accompanying communications; § 42.50 as to treatment in transit; § 43.6 (d) as to treatment at office of delivery.

(b) **Advertisements.** All advertisements in periodicals shall be permanently attached thereto.

(c) **For violations of laws and regulations.** Postmasters shall carefully examine mailings of publications entered at their offices as second-class matter to ascertain whether the publishers are complying with the law and these regulations.

(d) **When character of publication in doubt.** Every postmaster having reason to believe that a publication passing in the mails as matter of the second class is not entitled to the second-class mailing privileges shall report the matter promptly, with any evidence or facts in his possession tending to support such belief, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

NOTE: See § 34.36 as to penalty for submitting false evidence as to second-class publications; § 34.37 as to annulment of entry.

§ 34.59 **Detention of matter not entitled to second-class rate—(a) Demand for proper postage.** When the postmaster at the office of mailing finds that a publisher or news agent has deposited matter for mailing at the second-class rates of postage which, in his judgment, is chargeable with a higher rate by reason of illegal inclosures or additions, he shall detain the same, notify the sender, and demand of him proper postage, to be prepaid by stamps affixed to each separately addressed piece.

(b) **Receipt of deposit for proper postage and report to department.** When the decision of the postmaster is questioned, he shall on receipt of a deposit of postage at the higher rate, dispatch the package as second-class matter, and submit to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, a sample of the objectionable matter, with a full statement of the facts in the case. If the publication is held to be entitled to the second-class rates, the excess of the deposit over the second-class rates shall be refunded. If the decision of the postmaster is sustained, the full amount of the deposit shall be converted into postage stamps of a high denomination. The stamps shall be affixed to a sheet of paper, canceled, and sent by registered mail, with a report of the facts, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

NOTE: See § 43.6 (d) as to treatment of second-class mail at the office of delivery; § 42.50 as to treatment in transit.

SECOND-CLASS MAILING PRIVILEGES FOR NEWS AGENTS

§ 34.60 **News agents—(a) Definition.** The term "news agent" shall embrace persons, including newsboys, engaged in business as news dealers or sellers of publications of the second class. A person who restricts himself to advancing the interests of a single publication, or the publications of one publisher, shall not be regarded as a "news agent" within the meaning of the law, but as a local agent of the publisher and not entitled to a "news agent's" mailing privileges.

(b) **Application for registration.** When a person, firm, or corporation desires to mail second-class matter as a news agent at the second-class pound rates of postage, an application for the privilege, accompanied with the fee of \$20 prescribed by § 34.28, shall be submitted to the postmaster on Form 3501-C. The application shall be sent by the postmaster to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

(c) **Registration.** If upon examination of the application it is found that the applicant is entitled to exercise the privileges of a news agent, he shall be duly

registered as such and the postmaster authorized to accept from him, at the applicable second-class postage rates, mailings of publications entered as second-class matter, so long as he complies with the law and these regulations.

§ 34.61 Mailing of publications by news agents—(a) Information required. When periodical publications are presented by a news agency or agent for mailing at the second-class rates of postage, postmasters shall require such agency or agent to furnish satisfactory evidence that the publications offered are entitled to such rates, and have been duly entered at the office of publication, and are being sent to actual subscribers, or to other news agents for the purpose of sale.

(b) Printed notice evidence of entry. A printed notice of entry shall be regarded as sufficient evidence that a publication is entitled to pass in the mails at the second-class rates of postage. Postmasters may refuse to accept at second-class rates publications which do not bear such a notice. (See § 34.32.)

(c) Addressed to other agents. Satisfactory evidence shall also be furnished that the persons to whom bulk packages are sent from a news agency are also news agents, and the addresses upon such bulk packages should show this fact.

(d) Not to be remailed without prepayment of postage. A news agent shall not be permitted to take packages of newspapers or periodicals out of a post office, write an address on each copy, and return them to the office for mailing or delivery without additional prepayment of postage, except in the case of publications entitled to pass free in the county to actual subscribers thereto. (See § 34.41.)

(e) Packages not to be opened. Postmasters shall not open packages addressed to news agents and distribute any of the papers or periodicals therein, through the post office or otherwise.

(f) When subject to transient second-class rates. Unsold second-class matter returned by news agents to either publishers or other news agents, and copies sent by news agents to other news agents, except for the purpose of sale, or to persons not subscribers to such agency, shall be subject to the transient second-class rates of postage prescribed by § 34.42, except when the postage at the second-class pound rates is higher, in which case the latter rates shall apply.

(g) Return of portions of unsold publications. When news agents desire to return to publishers merely the head or small portions of each publication as evidence that the copy has not been sold, such portions shall be rated as third- or fourth-class matter, according to weight. (See §§ 34.65 and 34.73.)

ADDRESSING AND PREPARING COPIES FOR MAILING

§ 34.62 Wrapping and folding of publications—(a) Requirements. No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers. (R. S. 3883; 39 U. S. C. 252.)

(b) Wrappers. Newspapers and periodicals shall be wrapped in such manner that the wrappers can be removed and replaced without destroying them or injuring their inclosures. When envelopes are used as wrappers they shall bear in the upper left corner of the address side the name and address of the publication, and in the upper right corner, a notice of its entry as second-class matter.

(c) Manner of. All publications should be properly folded for separation and delivery. They should be addressed in a legible hand or plain type not smaller than 10 point. When several unwrapped copies for subscribers at the same post

office are sent under one wrapper, each copy should bear the name and post-office address of the subscriber. Postmasters shall request publishers and news agents to fold their publications to a size not larger than 9 by 12 inches when practicable.

(d) **When not addressed or wrapped properly.** Publications which are illegibly addressed and those which are not wrapped and folded in accordance with these regulations shall be held until all other matter is distributed.

NOTE: See §§ 35.6 and 43.6 as to wrapping to permit examination; § 43.36 as to addresses on bulk and club packages.

UNDELIVERABLE SECOND-CLASS MATTER

§ 34.63 **Undeliverable second-class matter—(a) Notification of publisher; return; postage charge.** When copies of any publication of the second class, mailed by a publisher at the pound rate or free in the county of publication, are undeliverable at the address thereon, the postmaster at the office of destination shall promptly notify the publisher of the fact, giving the reason therefor, and copies received five weeks after the mailing of the notice to the publisher, and in no instance until two successive issues thereof have been published, shall, under such regulations as the Postmaster General may prescribe, be separately returned to the publisher thereof charged with postage at the third-class rate: *Provided*, That there shall be a postage charge of 2 cents for such notice regarding undeliverable copies, which shall be collected from the publisher upon delivery of the notice; except that where the undeliverable copies bear the pledge of the sender to pay the return postage no notice shall be sent to the publisher but the copies received during the period specified in this paragraph shall be returned charged with postage due at the rate of 1 cent for each two ounces or fraction thereof, with a minimum charge of 2 cents, and indorsed to show the reason they are undeliverable and the new address of the addressee, if known. (36 Stat. 366, as amended; 39 U. S. C. 277.)

NOTE: See § 43.11 as to use of postage-due stamps.

(b) **Notice to publisher.** The notice to the publisher that copies of his publication are for any reason undeliverable at the address thereon shall be made in duplicate, on Form 3578, the original to be retained by the postmaster as a record of notices furnished and the duplicate, charged with 2 cents postage due, sent to the publisher. Such notice shall not be sent when copies of a publication are undeliverable at the address thereon because of the temporary absence of the addressee.

(c) **Return of publication in lieu of sending notice.** When the copies of a publication bear the pledge of the sender to pay return postage, no notice on Form 3578 shall be sent to the publisher, except in case of local change of address, and the copies received during the period specified in paragraph (a) of this section shall be returned to the publisher charged with postage due at the rate of 1 cent for each two ounces or fraction thereof, with a minimum charge of 2 cents, and the copies shall be indorsed to show the reason they are undeliverable together with the new address of the addressee, if known. (See § 43.48.)

(d) **Conditions for return to publisher.** Copies of all publications received after five weeks from the date of mailing the notice on Form 3578, or the return of the first copy of the publication as prescribed in paragraph (c), this section, but in no instance until two successive issues thereof have been published, which are undeliverable at the address thereon, including local change of address, shall be returned to the publishers under label Form 3579, charged with postage due at the third-class rate. This label shall be pasted on the outside of the publication or its wrapper in such manner as not to cover or obscure the original address or the subscription number thereon. Lines shall be lightly drawn through the original address. The postmaster shall enter in the place provided therefor the amount of postage due at the third-class rate and the date of the notice sent to the publisher.

(e) **When publisher refuses to pay postage due.** If the publisher refuses to pay the postage due on the notice on Form 3578 or the postage due on undeliverable copies of his publication returned to him under Form 3579, the postmaster shall immediately obtain the publisher's statement of his reasons for such refusal and make a full report of the matter to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

(f) **Disposal of undeliverable matter not returned.** The copy which forms the basis for sending the notice on Form 3578 and copies received similarly addressed for the period of five weeks thereafter, or in the event that during the five weeks' period two issues have not been published, then copies received until two issues have been published, shall, if undeliverable at the post office of address, be disposed of as waste (see §§ 6.22 and 43.46), unless there be on file a forwarding order of the addressee, or unless there appears on the face of the publication or wrapper a pledge of the publisher to pay postage for its return, in which events the copies shall be forwarded or returned. (See § 43.12 and paragraph (c), this section, as the case may be.) If the postage for forwarding such matter is not furnished, the copies shall be disposed of as waste.

(g) **Postage rates for return or forwarding.** When second-class matter is forwarded to the addressee under the provisions of § 43.12, the rate is that applicable to transient second-class matter (see § 34.42); the rate of postage applicable to such matter when returned to the publisher under the provisions of this section is the third-class rate or the rate prescribed in paragraph (c), this section, as the case may be. Notice on Form 3578 shall be sent promptly, whether or not the copies bear a guarantee of return or forwarding postage, except as provided in paragraph (c), this section.

(h) **Canadian matter.** Undeliverable Canadian second-class matter shall be given the same treatment as domestic matter of that class.

NOTE: See § 43.11 as to collection of postage due on undeliverable second-class matter returned.

CONTROLLED CIRCULATION PUBLICATIONS

§ 34.64 **Publications issued regularly and circulated free or mainly free—(a) Postage rate.** Publications containing twenty-four pages or more issued at regular intervals of four or more times a year, 25 per centum or more of whose pages are devoted to text or reading matter and not more than 75 per centum to advertising matter, which are circulated free or mainly free, may, upon authorization by the Postmaster General and under such regulations as he may prescribe, be

accepted for mailing at the postage rate of 10 cents a pound or fraction thereof, computed on the entire bulk mailed at one time, but not less than 1 cent per piece, provided the copies of such publications are presented for mailing made up according to States, cities, and routes as directed by the Postmaster General: *Provided*, That publications owned and controlled by one or several individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them shall not be accepted under this section. (62 Stat. 1260; 39 U. S. C. 291b.)

(b) **Applications.** Application to mail copies of a publication under the provisions of paragraph (a) shall be submitted in writing by the publisher through the postmaster at the office where the matter is to be mailed. The application shall set forth the name of the publication, its frequency of issue, where published, and the name of the publisher, and be accompanied with two copies of the issue nearest to the date of the application. The postmaster shall transmit the application and one copy of the publication to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, and pending action thereon shall accept copies of the publication for mailing under deposits of money sufficient to cover postage at the third- or fourth-class rates. Such deposits shall be held in trust and otherwise treated as provided in § 34.30, with respect to second-class matter, until further instructions are received from the Third Assistant Postmaster General.

(c) **Indicia.** The following indicia shall be conspicuously printed on one or more of the first five pages, preferably on the first page, of each copy of a publication accepted under this section:

(1) Title of the publication, which shall always be shown on the first or cover page.

(2) Date of issue.

(3) Frequency of issue.

(4) Office of publication.

(5) Subscription price, if any.

(6) Notice of authority for acceptance under this section, as follows:

“Acceptance under section 34.64, P. L. and R., authorized.” Pending action on an application for acceptance of a publication hereunder there may be printed on the copies the words:

“Application is pending for acceptance under section 34.64, P. L. and R.”

(d) **Marked copy to show percentage of reading matter.** With the first mailing of each issue of such publication the publisher shall file with the postmaster a copy thereof marked to show the matter therein devoted to other than advertising, or at least up to 25 per centum of the entire publication, that is, to text or reading matter, and endorsed on the first page to show such percentage. Advertising in the form of textual or reading matter shall not be included in such percentage. The postmaster shall check the copy to see that it contains at least 25 per centum of text that is not advertising, and that the publication otherwise conforms to the requirements.

(e) **Preparation for dispatch.** Such publication shall be properly prepared and addressed and placed in United States mail sacks or other suitable receptacles

and separated to States, cities, and routes, in the same general manner as prescribed for second-class matter, and shall be brought for mailing to the post office or such other place as is designated to receive it. Copies not so prepared and presented shall be charged with postage at the third- or fourth-class rates. Individually addressed copies intended for the same post office shall, if there be more than five, be securely wrapped or tied in one bundle; or, if there are more than 30 pieces, be placed in a separate sack addressed to such office. Sacks containing less than that amount (except bulky matter) shall not be made up except where a direct sack is necessary materially to advance the mail, but the mail shall be securely tied in bundles, properly labeled, and be included in sacks with other mail.

(f) **Payment of postage.** The postage on a publication mailed under this section shall be prepaid, preferably in money in the manner prescribed by § 35.4 insofar as applicable, or by means of precanceled postage stamps. When a publisher already has a permit to mail matter of any class without stamps affixed as nonmetered mail under the provisions of § 35.4, or a permit for the privilege of using precanceled postage stamps, he may also mail under such permits copies of a publication when its acceptance under this regulation is authorized. When such publications are enclosed in envelopes or wrappers, the inscription "Sec. 34.64, P. L. & R.," must be conspicuously printed in the upper right corner of the envelopes or wrappers over the permit indicia prescribed by § 35.4, the amount of postage paid being omitted from the indicia when the publishers so desire, or over the precanceled postage stamps, according to the manner in which the postage is paid. When the copies are mailed without wrappers, the foregoing inscription should be conspicuously printed on the cover to the right and above the address, sufficient space being left for the address and any necessary postal endorsements.

(g) **When not issued regularly.** When a publication accorded the privileges of this section is not regularly issued 4 or more times a year, or when the copies of an issue do not contain 25 per centum or more of text, the postmaster shall so report to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail.

MATTER OF THE THIRD CLASS—DESCRIPTION—POSTAGE RATES

§ 34.65 **Third-class matter—(a) Definition.** Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products) and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 240 of this title, but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of twenty or more identical copies. When such bills or statements are not identical or are presented in quantities of less than twenty identical copies, they shall be subject to

postage at the first-class rate. (Sec. 206, 43 Stat. 1067, as amended; 39 U. S. C. 235.)

NOTE: Third-class matter does not include any matter exceeding 8 ounces in weight.

(b) Rate of postage. The rate of postage on third-class matter shall be 2 cents for the first two ounces or fraction thereof, and 1 cent for each additional ounce or fraction thereof up to and including eight ounces in weight, except that the rate of postage on books and catalogs of twenty-four pages or more, seeds, cuttings, bulbs, roots, scions, and plants not exceeding eight ounces in weight shall be 1½ cents for each two ounces or fraction thereof: *Provided*, That upon payment of a fee of \$10 for each calendar year or portion thereof and under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails, separately addressed identical pieces of third-class matter in quantities of not less than twenty pounds, or of not less than two hundred pieces, subject to pound rates of postage applicable to the entire bulk mailed at one time: *Provided further*, That the rate of postage on third-class matter mailed in bulk under the foregoing provision shall be 14 cents for each pound or fraction thereof with a minimum charge per piece of 1 cent, except that in the case of books and catalogs of twenty-four pages or more, seeds, cuttings, bulbs, roots, scions, and plants the rate shall be 10 cents for each pound or fraction thereof with a minimum charge per piece of 1 cent: *And provided further*, That pieces or packages of such size or form as to prevent ready facing and tying in bundles and requiring individual distributing throughout shall be subject to a minimum charge of 3 cents each. (Sec. 202, 62 Stat. 1260; 39 U. S. C. 290a.)

(c) Articles of odd size or form. Among the articles to which the 3-cent minimum charge shall apply are those exceeding 9 inches in width, or 12 inches in length, or less than 3 inches in width and 4 inches in length; round, cylindrical, or other irregular shaped pieces or packages, and those with contents forming a hump or which are otherwise so uneven as to prevent stacking or tying in packages; also articles in bags or addressed by means of tags.

(d) Hotel and steamship room keys. (1) On hotel and steamship room keys with metal or fiber tags securely attached thereto, there being indelibly stamped upon such tags explicit post-office address and instructions directing that key and tag be returned to the hotel or steamship of their origin, postage shall be charged at the rate of 5 cents for each two ounces or fraction thereof if postage be collected on delivery. (44 Stat. 890; 39 U. S. C. 302.)

(2) When hotel or steamship room keys conforming to the conditions prescribed in paragraph (e) of this section are presented for mailing or deposited in the mails without prepayment of any postage, they shall be dispatched to the post office of address and delivered to the hotel or steamship of origin in accordance with the instructions on the tags attached to the keys on payment of postage thereon at the rate of 5 cents for each 2 ounces or fraction thereof. Postage-due stamps representing the amount of postage collected shall be affixed to the tags in accordance with the general procedure governing the collection of postage due set forth in §§ 43.8 and 43.11.

NOTE: See §§ 34.66 and 35.4 as to payment of postage on third-class matter in money.

§ 34.66 Pound rate for bulk mailings of third-class matter—(a) Authorization. * * * Upon payment of a fee of \$10 for each calendar year or portion thereof and under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails separately addressed identical pieces of third-class matter in quantities of not less than twenty pounds, or of not less than two hundred pieces subject to pound rates of postage applicable to the entire bulk mailed at one time: * * *. (Sec. 202, 62 Stat. 1260; 39 U. S. C. 290a.)

(b) Method of paying postage. The postage on bulk mailings of third-class matter mailed under the provisions of this section must be prepaid in money as metered, nonmetered, or with precanceled stamps, or the matter enclosed in Government precanceled stamped envelopes. (See §§ 35.4 and 35.5.)

(c) Application for privilege—(1) Procedure. Persons desiring the privilege of mailing third-class matter in bulk under the provisions of this section shall make application to the postmaster for a permit to pay postage under one of the methods described in paragraph (b). He shall transmit it to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, except when otherwise instructed by that office, and await the receipt of a permit and instructions as to procedure. Until such authority and instructions are received, no postmaster shall accept third-class matter for mailing under the provisions of this section.

(2) Fee. A fee of \$10 for each calendar year or portion thereof is required for the privilege of making bulk mailings of separately addressed identical pieces of third-class matter in quantities of not less than 20 pounds or of not less than 200 pieces, regardless of whether the matter is mailed without stamps affixed as metered or nonmetered mail or the postage thereon is paid by precanceled stamps affixed. In addition, each application for a permit to mail third-class matter without stamps affixed as nonmetered mail under the provisions of this section shall be accompanied with the fee of \$10 prescribed by § 35.4 (e).

(d) Indicia. (1) There shall be printed in the upper right corner of the address side of each separately addressed piece of third-class matter mailed under the provisions of this section without stamps affixed the words "U. S. Postage Paid," the name of the post office and State where mailed, and such other information as may be required in instructions issued by the Third Assistant Postmaster General. Matter mailed without stamps affixed under the provisions of this section shall not be postmarked.

(2) When the postage on third-class matter mailed under the provisions of this section is paid by means of precanceled stamps, each separately addressed piece shall bear such printed indicia as may be prescribed by the Third Assistant Postmaster General to show that the matter is being so mailed.

(3) In the upper left corner of the address side of such matter should be placed the name and complete address of the sender.

(e) **Statement to accompany mailing.** Each mailing of third-class matter under the provisions of this section shall be accompanied with a statement on a form provided therefor, signed by the sender, showing such information as may be required. To facilitate the handling of such matter the mailer shall separate and securely "tie out" all mailings under this section, whether without stamps affixed or under precanceled stamps, into direct packages for post offices whenever there are as many as 10 pieces for any post office in any mailing, and the mailer shall separate and securely "tie out" the pieces or packages into properly labeled State packages whenever there are as many as 10 pieces or packages for any State. Mailers shall also make separations of such mail for post office stations and branches if the name of a post-office station or post-office branch forms a part of the address. Any mailings offered without the separations being made as outlined shall be refused.

(f) **Computation of postage.** Postage on the entire quantity, except when prepaid by means of precanceled stamps, shall be paid at or before the time the matter is presented either in money or at the option of the postmaster and at his risk by check drawn to his order. Such postage shall be collected at the rate of 14 cents a pound or 10 cents a pound, according to the character of the particular matter (see § 34.65), and shall be computed on each pound or fraction thereof unless the postage at the pound rate amounts to less than 1 cent for each piece, in which event postage at the latter rate shall be collected.

(g) **Examination and verification of mailings.** (1) Except when the postage on third-class matter mailed under the provisions of this section is paid by means of precanceled stamps affixed, the mailings shall be examined, counted, weighed, and verified and receipts (Form 3603) issued therefor in the manner prescribed for matter mailed without stamps affixed under the provisions of § 35.4 insofar as they may be applicable, and in accordance with such further instructions as may be issued by the Third Assistant Postmaster General.

(2) When the postage on matter mailed under the provisions of this section is paid by means of precanceled stamps, each mailing shall be carefully examined to see that the proper amount of postage is affixed.

(h) **Accounting for postage.** The postage on mailings without stamps affixed under the provisions of this section shall be accounted for in the manner prescribed by § 35.4 (n).

(i) **Not to be registered, insured, or sent c. o. d.** Matter mailed under the provisions of this section shall be accepted only as ordinary mail, and cannot be registered or sent as insured or c. o. d. mail, since the pieces are not accepted and handled individually at the mailing office, but only in bulk.

§ 34.67 Circulars—(a) Definition. The term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressed and of

the sender shall be written therein, nor by the correction of mere typographical errors in writing. (Sec. 18, 20 Stat. 360; 39 U. S. C. 236.)

(b) **Written additions.** When a name (except that of the addressee or sender), date (other than that of the circular), or anything else is handwritten or typewritten in the body of a circular for any other reason than to correct a genuine typographical error, postage shall be charged at the first-class rate. (See § 34.8.)

NOTE: See § 34.72 as to permissible additions to matter of third class.

§ 34.68 **Printed matter; definition.** "Printed matter" is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence. (Sec. 19, 20 Stat. 360; 19 U. S. C. 237.)

§ 34.69 **Typewritten matter; facsimile copies.** Typewriting and carbon and letter-press copies shall be accepted for mailing only as first-class matter. (See § 34.5.) Facsimile copies of handwriting or typewriting, produced by a mechanical process such as the printing press, mimeograph, multigraph, etc., shall be treated as matter of the third or fourth class according to weight, provided they are presented for mailing at the post-office windows, or other depositories designated by postmasters, in a minimum number of 20 identical unsealed copies. If mailed elsewhere, or in less number, payment of the first-class rate of postage shall be required.

§ 34.70 **Letters for the blind.** * * * All letters written in point print or raised characters or on sound-reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter. (33 Stat. 313, as amended; 39 U. S. C. 331.)

§ 34.71 **Transient copies of Congressional Record.** The postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent. (Sec. 13, 18 Stat. 237, 39 U. S. C. 290.)

NOTE: See § 37.2 as to transmission of Congressional Record free under frank of Members of Congress, etc.

PERMISSIBLE ADDITIONS ON THIRD-CLASS MATTER

§ 34.72 **Permissible additions on third-class matter—(a) Authority for.** * * * Upon matter of the third * * * [class] or upon the wrapper or envelope inclosing the same or the tag or label attached thereto, the sender may write his own name, occupation, and residence or business address, preceded by the word "From," and may make marks other than by written or printed words to call attention to any word or passage in the text, and may correct any typographical errors. There may be placed upon the blank leaves or cover of any book or printed matter of such * * * [class] a

simple manuscript dedication or inscription not of the nature of a personal correspondence. Upon the wrapper or envelope or the tag or label attached thereto may be printed any matter mailable as third class matter. * * * but there must be left on the address side * * * a space sufficient for a legible address and necessary stamps. * * * (Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

(b) **“Please do not open until Christmas.”** * * * There may be placed on third- * * * class mail matter, or on the package, wrapper, or envelope inclosing the same, or on a tag or label attached thereto, either in writing or otherwise, the words “Please do not open until Christmas,” or words to that effect. * * * (Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

NOTE: See § 34.85 as to fourth-class matter.

(c) **Same as on fourth-class.** The written additions permissible on fourth-class matter are likewise permissible on matter of the third class.

(d) **Designation of contents; inscriptions.** It shall be permissible to place on third-class matter, or on a card inclosed therewith, a written designation of contents, a serial number, and such simple inscriptions as “Merry Christmas,” “Happy New Year,” “Dear Sir,” “My Dear Friend,” “Sincerely yours,” “With best wishes.”

(e) **Imprints by hand stamp.** Imprints by hand stamp upon printed matter of the third class shall not affect its classification except when the added print is in itself personal, or converts that to which it is added into a personal communication; in the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical unsealed copies shall be sufficient evidence of impersonal character to entitle such matter to the third-class rate of postage.

(f) **Hand-stamped, marked, or punched dates on cards.** Printed cards which do not conform to the requirements for post cards bearing a hand-stamped, marked, or punched date, giving information as to when the sender will call or deliver something, or when some event will occur, or some article was received, etc., mailed in a less number than 20 identical copies, shall be charged with postage at the letter rate; but when not less than 20 identical unsealed copies are mailed at the same time they shall be accepted at the third-class rate.

NOTE: See § 34.67 as to definition of circular and additions thereto.

MATTER OF THE FOURTH CLASS: PARCEL POST—DESCRIPTION

§ 34.73 **Fourth-class matter—(a) Definition.** (1) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the

third class as defined in section 235 of this title, not exceeding 70 pounds in weight, nor greater in size than 100 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery. (R. S. 3879, as amended; 39 U. S. C. 240.)

(2) Such official matter exceeding 4 pounds in weight as is not mailable free under the penalty privilege shall be embraced in mail of the fourth class.

NOTE: The orders of the Postmaster General modifying the fourth-class limits of weight and size, rate, and classification, issued in pursuance of the authority contained in 39 U. S. C. 247 (see § 34.79), are as follows: Order No. 7349 of July 25, 1913, increasing the weight limit of fourth class from 11 pounds to 20 pounds in the first and second zones and reducing the rates of postage in these zones, effective August 15, 1913; Order No. 7705 of December 6, 1913, extending the classification of articles mailable as parcel post to include books, effective March 16, 1914; Order No. 7706 of December 6, 1913, increasing the limit of weight of fourth class for delivery within the first and second zones from 20 to 50 pounds and in the third, fourth, fifth, sixth, seventh, and eighth zones from 11 to 20 pounds, and reducing the rates of postage in the third, fourth, fifth, and sixth zones, effective January 1, 1914; Order No. 9005 of July 10, 1915, increasing the limit of size of parcels of fourth class from 72 inches to 84 inches in length and girth combined, effective July 10, 1915; Order No. 1140 of February 26, 1918, increasing weight limit from 50 pounds in first and second zones and 20 pounds in the third zone to 70 pounds, and in all other zones from 20 to 50 pounds, effective March 15, 1918; Order No. 3880 of February 4, 1926, extending the classification of articles mailable as fourth-class to embrace such official matter exceeding 4 pounds in weight as is not mailable free under the penalty privilege; Order No. 1416 of July 14, 1931, increasing the limit of weight of fourth-class matter in the fourth, fifth, sixth, seventh, and eighth zones from 50 to 70 pounds, and increasing the limit of size from 84 to 100 inches in length and girth combined; Order No. 2388, April 7, 1932, modifying the rates of postage in the eight zones, effective October 1, 1932.

(b) **Units of area; zones.** For fourth-class mail matter the United States and its several Territories and possessions * * * shall be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

(1) **First zone.** The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately fifty miles from the center of any given unit of area.

(2) **Second zone.** The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately one hundred and fifty miles from the center of a given unit of area.

(3) **Third zone.** The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately three hundred miles from the center of a given unit of area.

(4) **Fourth zone.** The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately six hundred miles from the center of a given unit of area.

(5) **Fifth zone.** The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately one thousand miles from the center of a given unit of area.

(6) **Sixth zone.** The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately one thousand four hundred miles from the center of a given unit of area.

(7) **Seventh zone.** The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately one thousand eight hundred miles from the center of a given unit of area.

(8) **Eighth zone.** The eighth zone shall include all units of area outside the seventh zone. (Sec. 8, 37 Stat. 557; 39 U. S. C. 292.)

NOTE: See § 43.40 as to delivery of matter in excess of weight or size inadvertently dispatched; § 35.12 as to determination of admissibility of matter to the mails; §§ 35.13 to 35.18, inclusive, as to preparation for mailing of liquids, disease germs, and matter liable to injure mails or persons; §§ 42.21 and 43.40 as to treatment of dangerous matter excluded from mails.

§ 34.74 **Excess size—(a) Not acceptable.** If a parcel of fourth-class matter exceeds the size, in length and girth combined, or the weight, prescribed in § 34.73 (a), it shall not be accepted for mailing.

NOTE: See § 35.6 (d) as to tying two or more boxes or pieces together.

(b) **How measured.** In measuring a parcel the greatest distance in a straight line between its ends, *but not around the parcel lengthwise*, shall be taken as the length, while the distance around it at its thickest part shall be taken as the girth. For example, a parcel 10 inches wide, 5 inches high, and 35 inches long has a girth of 30 inches, its length and girth combined being 65 inches.

RATES OF POSTAGE ON FOURTH-CLASS MATTER

§ 34.75 **Pound basis of postage rates on fourth-class matter.** On fourth-class matter (limit of weight over eight ounces to seventy pounds) the rate of postage except as herein provided for catalogs (limit of weight over eight ounces up to and including ten pounds), books, and library books, shall be by the pound as hereinafter provided, the postage in all cases to be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General. (Sec. 204 (a), 62 Stat. 1260; 39 U. S. C. 292a.)

§ 34.76 **Fourth-class postage rates by zones.** The rate of postage on matter of the fourth class shall be as follows:

(a) **Local.** On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any

office for local delivery, the postage shall be 10 cents for the first pound or fraction thereof, 1 cent for each additional pound or fraction thereof up to and including ten pounds, and $\frac{3}{4}$ cent for each pound or fraction thereof exceeding ten pounds.

(b) First and second zones. For delivery within the first and second zones, except as provided for in paragraph (1), and except when the distance by the shortest regular mail route from the office of origin to the office of delivery is three hundred miles or more in which case the rates of postage shall be the same as for delivery within the third zone, 12 cents for the first pound or fraction thereof, $2\frac{1}{10}$ cents for each additional pound or fraction thereof up to and including ten pounds, and 2 cents for each pound or fraction thereof exceeding ten pounds.

(c) Third zone. For delivery within the third zone, 13 cents for the first pound or fraction thereof, 3 cents for each additional pound or fraction thereof up to and including ten pounds, and $2\frac{8}{10}$ cents for each pound or fraction thereof exceeding ten pounds.

(d) Fourth zone. For delivery within the fourth zone, 14 cents for the first pound or fraction thereof, $4\frac{1}{2}$ cents for each additional pound or fraction thereof up to and including ten pounds, and $4\frac{1}{4}$ cents for each pound or fraction thereof exceeding ten pounds.

(e) Fifth zone. For delivery within the fifth zone, 15 cents for the first pound or fraction thereof, 6 cents for each additional pound or fraction thereof up to and including ten pounds, and $5\frac{1}{2}$ cents for each pound or fraction thereof exceeding ten pounds.

(f) Sixth zone. For delivery within the sixth zone, 16 cents for the first pound or fraction thereof, $7\frac{1}{2}$ cents for each additional pound or fraction thereof up to and including ten pounds, and $7\frac{1}{4}$ cents for each pound or fraction thereof exceeding ten pounds.

(g) Seventh zone. For delivery within the seventh zone, 17 cents for the first pound or fraction thereof, $9\frac{1}{2}$ cents for each additional pound or fraction thereof up to and including ten pounds, and $9\frac{1}{4}$ cents for each pound or fraction thereof exceeding ten pounds.

(h) Eighth zone. For delivery within the eighth zone, 18 cents for the first pound or fraction thereof, $11\frac{1}{2}$ cents for each additional pound or fraction thereof up to and including ten pounds, and $11\frac{1}{4}$ cents for each pound or fraction thereof exceeding ten pounds.

(i) Parcels over 84 inches. On parcels measuring more than 84 inches but not more than one hundred inches in length and girth combined the minimum postage charge shall be the zone charge applicable to a ten-pound parcel. (Sec. 204 (b), 62 Stat. 1260; 39 U. S. C. 292a.)

(j) Table of rates. In accordance with the foregoing, postage shall be charged on matter of the fourth class mailed for delivery within the several zones indicated in subparagraphs (a) to (i) hereof as follows:

TITLE IV—DOMESTIC MAIL MATTER

§34.76

Postage rates

Weight in pounds	Local	Zones						
		1-2	3	4	5	6	7	8
		Up to 150 miles	150-300 miles	300-600 miles	600-1,000 miles	1,000-1,400 miles	1,400-1,800 miles	Over 1,800 miles
1	\$0.10	\$0.12	\$0.13	\$0.14	\$0.15	\$0.16	\$0.17	\$0.18
2	.11	.15	.16	.19	.21	.24	.27	.30
3	.12	.17	.19	.23	.27	.31	.36	.41
4	.13	.19	.22	.28	.33	.39	.46	.53
5	.14	.21	.25	.32	.39	.46	.55	.64
6	.15	.23	.28	.37	.45	.54	.65	.76
7	.16	.25	.31	.41	.51	.61	.74	.87
8	.17	.27	.34	.46	.57	.69	.84	.99
9	.18	.29	.37	.50	.63	.76	.93	1.10
10	.19	.31	.40	.55	.69	.84	1.03	1.22
11	.20	.33	.43	.59	.75	.91	1.12	1.33
12	.21	.35	.46	.63	.80	.98	1.21	1.44
13	.22	.37	.49	.68	.86	1.06	1.31	1.56
14	.22	.39	.52	.72	.91	1.13	1.40	1.67
15	.23	.41	.54	.76	.97	1.20	1.49	1.78
16	.24	.43	.57	.80	1.02	1.27	1.58	1.89
17	.25	.45	.60	.85	1.08	1.35	1.68	2.01
18	.25	.47	.63	.89	1.13	1.42	1.77	2.12
19	.26	.49	.66	.93	1.19	1.49	1.86	2.23
20	.27	.51	.68	.97	1.24	1.56	1.95	2.34
21	.28	.53	.71	1.02	1.30	1.64	2.05	2.46
22	.28	.55	.74	1.06	1.35	1.71	2.14	2.57
23	.29	.57	.77	1.10	1.41	1.78	2.23	2.68
24	.30	.59	.80	1.14	1.46	1.85	2.32	2.79
25	.31	.61	.82	1.19	1.52	1.93	2.42	2.91
26	.31	.63	.85	1.23	1.57	2.00	2.51	3.02
27	.32	.65	.88	1.27	1.63	2.07	2.60	3.13
28	.33	.67	.91	1.31	1.68	2.14	2.69	3.24
29	.34	.69	.94	1.36	1.74	2.22	2.79	3.36
30	.34	.71	.96	1.40	1.79	2.29	2.88	3.47
31	.35	.73	.99	1.44	1.85	2.36	2.97	3.58
32	.36	.75	1.02	1.48	1.90	2.43	3.06	3.69
33	.37	.77	1.05	1.53	1.96	2.51	3.16	3.81
34	.37	.79	1.08	1.57	2.01	2.58	3.25	3.92
35	.38	.81	1.10	1.61	2.07	2.65	3.34	4.03
36	.39	.83	1.13	1.65	2.12	2.72	3.43	4.14
37	.40	.85	1.16	1.70	2.18	2.80	3.53	4.26
38	.40	.87	1.19	1.74	2.23	2.87	3.62	4.37
39	.41	.89	1.22	1.78	2.29	2.94	3.71	4.48
40	.42	.91	1.24	1.82	2.34	3.01	3.80	4.59
41	.43	.93	1.27	1.87	2.40	3.09	3.90	4.71
42	.43	.95	1.30	1.91	2.45	3.16	3.99	4.82
43	.44	.97	1.33	1.95	2.51	3.23	4.08	4.93
44	.45	.99	1.36	1.99	2.56	3.30	4.17	5.04
45	.46	1.01	1.38	2.04	2.62	3.38	4.27	5.16
46	.46	1.03	1.41	2.08	2.67	3.45	4.36	5.27
47	.47	1.05	1.44	2.12	2.73	3.52	4.45	5.38
48	.48	1.07	1.47	2.16	2.78	3.59	4.54	5.49
49	.49	1.09	1.50	2.21	2.84	3.67	4.64	5.61
50	.49	1.11	1.52	2.25	2.89	3.74	4.73	5.72
51	.50	1.13	1.55	2.29	2.95	3.81	4.82	5.83
52	.51	1.15	1.58	2.33	3.00	3.88	4.91	5.94
53	.52	1.17	1.61	2.38	3.06	3.96	5.01	6.06
54	.52	1.19	1.64	2.42	3.11	4.03	5.10	6.17
55	.53	1.21	1.66	2.46	3.17	4.10	5.19	6.28
56	.54	1.23	1.69	2.50	3.22	4.17	5.28	6.39
57	.55	1.25	1.72	2.55	3.28	4.25	5.38	6.51
58	.55	1.27	1.75	2.59	3.33	4.32	5.47	6.62
59	.56	1.29	1.78	2.63	3.39	4.39	5.56	6.73
60	.57	1.31	1.80	2.67	3.44	4.46	5.65	6.84
61	.58	1.33	1.83	2.72	3.50	4.54	5.75	6.96
62	.58	1.35	1.86	2.76	3.55	4.61	5.84	7.07
63	.59	1.37	1.89	2.80	3.61	4.68	5.93	7.18
64	.60	1.39	1.92	2.84	3.66	4.75	6.02	7.29
65	.61	1.41	1.94	2.89	3.72	4.83	6.12	7.41
66	.61	1.43	1.97	2.93	3.77	4.90	6.21	7.52
67	.62	1.45	2.00	2.97	3.83	4.97	6.30	7.63
68	.63	1.47	2.03	3.01	3.88	5.04	6.39	7.74
69	.64	1.49	2.06	3.06	3.94	5.12	6.49	7.86
70	.64	1.51	2.08	3.10	3.99	5.19	6.58	7.97

§ 34.77 Postage rates on individually addressed catalogs—(a) Parcel-post zone basis. Catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds shall be subject to postage rates based on the eight parcel-post zones as follows:

(1) When mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and when mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, the postage shall be $7\frac{1}{2}$ cents for the first pound or fraction thereof and 1 cent for each additional pound.

(2) For delivery within the first and second zones, except as provided for in paragraph (1), and except when the distance by the shortest regular mail route from the office of origin to the office of delivery is three hundred miles or more in which case the rates of postage shall be the same as for delivery within the third zone, 8 cents for the first pound or fraction thereof and $1\frac{1}{2}$ cents for each additional pound or fraction thereof.

(3) For delivery within the third zone, 9 cents for the first pound or fraction thereof and 2 cents for each additional pound or fraction thereof.

(4) For delivery within the fourth zone, 10 cents for the first pound or fraction thereof and $2\frac{1}{2}$ cents for each additional pound or fraction thereof.

(5) For delivery within the fifth zone, 12 cents for the first pound or fraction thereof and 3 cents for each additional pound or fraction thereof.

(6) For delivery within the sixth zone, 13 cents for the first pound or fraction thereof and 4 cents for each additional pound or fraction thereof.

(7) For delivery within the seventh zone, 14 cents for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof.

(8) For delivery within the eighth zone, 15 cents for the first pound or fraction thereof and 6 cents for each additional pound or fraction thereof. (Sec. 204 (c), 62 Stat. 1260; 39 U. S. C. 292a.)

(b) Table of rates. In accordance with the foregoing, postage shall be charged on catalogs and similar printed advertising matter of the fourth class in bound form having 24 or more pages and weighing more than 8 ounces but not exceeding 10 pounds, and individually addressed, as follows:

Pounds	Zones							
	Local	First and Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
1.....	7½	8	9	10	12	13	14	15
2.....	8½	9½	11	12½	15	17	19	21
3.....	9½	11	13	15	18	21	24	27
4.....	10½	12½	15	17½	21	25	29	33
5.....	11½	14	17	20	24	29	34	39
6.....	12½	15½	19	22½	27	33	39	45
7.....	13½	17	21	25	30	37	44	51
8.....	14½	18½	23	27½	33	41	49	57
9.....	15½	20	25	30	36	45	54	63
10.....	16½	21½	27	32½	39	49	59	69

(c) **Exception.** In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate is the same as for the third zone.

§ 34.78 **Special handling of fourth-class matter—(a) Special-handling stamps.** To procure the most expeditious handling and transportation practicable of mail matter of the fourth class, special-handling stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than two pounds, 15 cents; matter weighing more than two but not more than ten pounds, 20 cents; matter weighing more than ten pounds, 25 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary stamps of equivalent value may be accepted in lieu of the special-handling stamps herein specified. (Sec. 204 (f), 62 Stat. 1260; 39 U. S. C. 292a.)

(b) **Dispatch of special-handling mail; baby chicks.** Fourth-class mail matter with the required special-handling stamps affixed thereto, other than baby chicks, shall be dispatched and handled in transit in the same manner as special-delivery mail (see § 53.7), but the dispatch and handling of baby chicks shall, so far as may be practicable, be confined to the routes (rail, electric, or star) which will involve the least exposure to severe weather conditions in transit and in transfer at connecting points.

(c) **Endorsement.** All fourth-class mail on which the special-handling charge is prepaid, whether by means of special-handling postage stamps or ordinary postage stamps, shall be endorsed "Special Handling," preferably in the space immediately below the postage stamps and above the address. Postmasters shall request mailers to place the endorsement on the articles involved, but if any such articles not so endorsed are deposited in the mails, the required endorsement shall be placed thereon by the postmaster or other postal employee.

§ 34.79 **Authority to reclassify articles, weights, rates, zones, and other conditions of mailability.** The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under sections 240, 293, and 294 of this title [fourth-class matter], if the Postmaster General shall find on experience that they or any of them are such as to prevent the

shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof. (Sec. 207, 43 Stat. 1067, as amended; 39 U. S. C. 247.)

§ 34.80 **Fourth-class rates to Alaska, Hawaiian Islands, and Canal Zone.** The eighth-zone rates of postage shall apply to fourth-class mail transported between Alaska and the United States proper or its possessions; between the Hawaiian Islands and the United States proper or its possessions; between Alaska and the Hawaiian Islands; between the Canal Zone and the United States (including Alaska and Hawaii) or its other possessions. (See § 34.2.)

§ 34.81 **Fourth-class rates to naval vessels.** The eighth-zone rate of postage shall apply to parcels of fourth-class mail, subject to the pound rates, exchanged between the United States, or any of its possessions, and United States naval vessels stationed in foreign waters where the foreign port appears as part of the address. When such vessels are stationed in a port of the United States or any of its possessions, or mail intended for them is addressed in care of a continental fleet post office, the rates applicable to or from the post office at such port shall be charged.

§ 34.82 **Rate of postage on shipments of gold.** The rate of postage on gold coin, gold bullion, and gold dust offered for mailing between any two points in Alaska, or between any point in Alaska and any point in the United States or its possessions, shall be 2 cents an ounce or fraction thereof, regardless of distance. Such gold coin, gold bullion, or gold dust shall be inclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

NOTE: See § 58.3 for amount of registry fee.

§ 34.83 **Rates of postage on library books—(a) Provisions.** Books, consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when sent by public libraries, organizations, or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, as a service to county or other unit libraries or as a loan to readers or when returned by the latter libraries or readers to such public libraries, organizations, or associations shall be charged with postage at the rate of 4 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof, except, that the rates now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection for books under this classification: *Provided*, That this rate shall apply only to such books as are addressed for local delivery, for delivery in the first, second, or third zone, or within the State in which mailed. Public libraries, organizations, or associations before being entitled to the foregoing rates shall

furnish to the Postmaster General, under such regulations as he may prescribe, satisfactory evidence that none of their net income inures to the benefit of any private stockholder or individual. (Sec. 204 (e), 62 Stat. 1260; 39 U. S. C. 292a.)

(b) Request to mail at library book rate. When any public library, organization, or association desires to mail books to county or other unit libraries or as a loan to readers at the rate of postage provided in this section, such library, organization, or association shall first submit to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, through the postmaster at the office where it is desired to mail the books, a request for such privilege, together with satisfactory evidence, such as its articles of incorporation, constitution, by-laws, etc., to establish that the library, organization, or association is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual. No books shall be accepted for mailing under the provisions of this section until such evidence has been furnished and the Third Assistant Postmaster General has approved the request of the applicant.

(c) Definition; indorsement. Books mailed under the provisions of this section shall consist wholly of reading matter and contain no advertising matter other than incidental announcements of books. Parcels of such books when mailed by or returned to an authorized library, organization, or association, shall bear over the return card of the sender in the upper left corner of the address side, an indorsement reading "Contents: Library Books. Mailed under Sec. 34.83, P. L. and R."

(d) Further conditions. Books to be entitled to be mailed by an authorized library, organization, or association at the reduced rates prescribed in this section shall be sent as a service to a county or other unit library or as a loan to readers. Books may be returned to an authorized library, organization, or association at the rates prescribed in this section only by a county or other unit library, or by a reader to whom the books have been sent as a loan.

§ 34.84 Rates of postage on other books—(a) Computation of. Books, permanently bound for preservation consisting wholly of reading matter or reading matter with incidental blank spaces for student's notations and containing no advertising matter other than incidental announcements of books and when in parcels not exceeding seventy pounds in weight, may be sent at the postage rate of 8 cents for the first pound or fraction thereof and 4 cents for each additional pound or fraction thereof. (Sec. 204 (d), 62 Stat. 1260; 39 U. S. C. 292a.)

(b) Definition of "book." A book, within the contemplation of paragraph (a), shall be a volume permanently bound in cloth or paper having 24 or more pages, of which at least 22 are printed, and with the exception of textbooks containing incidental spaces for students' notations, shall not contain ruled or blank pages intended for records or memoranda purposes.

(c) Students' work books. The provision for the acceptance at the rate stated in paragraph (a) of books with incidental blank spaces applies only to textbooks which are intended for students and which do not have more than one-half, preferably less than half, of the total number of pages prepared with blank spaces or ruled lines for the insertion of students' notations. This rate does not apply after such notations are made in the books.

(d) **Indorsement.** All parcels of books mailed at this rate should be indorsed by the mailers "Book" or "Books."

(e) **No special permit necessary.** No special permit is necessary to mail books at this rate. Books mailed at this rate are subject to the same rate when forwarded to the addressee or returned to the sender.

(f) **Rate not applicable to foreign mailings.** The special book rate applies to books for delivery in the United States and its possessions but does not apply to books mailed to foreign countries.

(g) **Inclosures—(1) What are permissible.** The following are permissible inclosures with books mailed at this rate :

A reply envelope, post card, a single order form, and a single sheet not larger than approximately the size of a page, relating exclusively to the book with which inclosed. An invoice showing the price, etc., of the book may also be inclosed, as provided in § 34.85, Postal Laws and Regulations.

(2) **Loose inclosures.** Since the law provides that books mailed at the special pound rate may contain incidental announcements of books, such announcements, whether appearing in the books themselves or in the form of loose circular inclosures not weighing in excess of one and one-third ounces, will be permissible in addition to the inclosures described in the preceding paragraph, without affecting the postage chargeable at that rate, such postage, of course, to be computed on the full weight of each parcel. However, loose inclosures of this kind weighing in excess of one and one-third ounces and other circulars or printed matter such as folders, pamphlets, calendars, catalogs, etc., which would not otherwise be permissible, may be inclosed in parcels of books, provided a permit is obtained and postage on such inclosures is paid at the third-class rate of 2 cents for the first two ounces or fraction thereof, plus 1 cent for each additional ounce or fraction thereof in addition to the regular postage on the books themselves. In authorizing these inclosures, it is contemplated that they shall be merely incidental, in no case exceeding eight ounces. The wrapper of the parcel in such case should bear a printed or hand stamped indorsement in the following form :

"Additional Postage at the Third-Class Rate Paid for Inclosures.
New York, N. Y., Permit No. 1."

(3) **Permit necessary to mail inclosures.** Each patron desiring to mail such inclosures with books should obtain a permit from his postmaster for this privilege, the permits being numbered consecutively, for which no fee shall be charged, unless it is desired to mail the matter under a nonmetered permit under § 35.4 and the patron has no such permit, in which event the regular \$10 application fee will be necessary.

(4) **Further permissible additions.** The permissible additions to and enclosures with fourth-class matter as set forth in § 34.85 shall also be permissible in the case of books mailed under the provisions of paragraph (a).

PERMISSIBLE ADDITIONS ON FOURTH-CLASS MATTER

§ 34.85 **Permissible additions on fourth-class matter—(a) Authority for.** * * * Upon matter of the * * * fourth (class) or upon the wrapper or envelope inclosing the same or the tag or label attached thereto, the sender may write his own name, occupation, and residence or business address, preceded by the word "From," and

* * * any marks, numbers, names, or letters for purpose of description, or may print thereon the same, and any printed matter not in the nature of a personal correspondence, but there must be left on the address side or face of the package a space sufficient for a legible address and necessary stamps. (Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

(b) "Please do not open until Christmas." * * * There may be placed on * * * fourth-class mail matter, or on the package, wrapper, or envelope inclosing the same, or on a tag or label attached thereto, either in writing or otherwise, the words "Please do not open until Christmas," or words to that effect. (Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

(c) Further additions. The written additions permissible on third-class matter are likewise permissible on matter of the fourth class. (See §34.72.)

(d) Tag or label. The tag or label, with the printing or writing authorized thereon, may be attached to the whole parcel or separate tags or labels, bearing the same, may be attached to each of one or more articles contained in the parcel.

(e) Inscriptions. Inscriptions such as "Merry Christmas," "Happy New Year," "With best wishes," and the like, may be placed on matter of the fourth class or on a card inclosed therewith.

(f) Inclosure of invoice. There may be inclosed with matter of the fourth class an invoice showing, in writing or printing, the name and address of the sender and of the addressee; the names and quantities of articles inclosed, together with inscriptions indicating, "for purpose of description," the price, style, stock number, size, and quality of the articles; the order or file number, date of order, and date and manner of shipment; and the initials or name of the salesman or of the person by whom the articles were packed or checked.

AIR MAIL

§ 34.86 Postage rates for air mail (except postal cards) weighing eight ounces or less. The rate of postage on domestic air mail [as defined in Public Law 730, Seventy-ninth Congress (see § 34.89)] weighing eight ounces or less [except in the case of postal cards and private mailing or post cards] shall be 6 cents for each ounce or fraction thereof: *Provided*, That the rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided for air parcels but in no case shall be less than 3 cents an ounce or fraction thereof. (Sec. 3, Public Law 819, approved June 29, 1948, 62 Stat. 1097, 39 U. S. C. 436, as amended by sec. 201, Public Law 900, approved July 3, 1948, 62 Stat. 1260, 39 U. S. C. 463a.)

NOTE: See Decision B-78848 of Comptroller General, dated August 9, 1948.

§ 34.87 Postage rates for postal and post cards sent by air mail. The rate of postage on postal cards and private mailing or post cards (conforming to the conditions prescribed by the Act entitled "An Act

to amend the postal laws relating to use of postal cards" approved May 19, 1898 (U. S. C., 1940 edition, title 39, sec. 281) [see § 34.7], when sent by air mail, shall be 4 cents each. (Sec. 201, 62 Stat. 1260; 39 U. S. C. 463a.)

§34.88 Postage rates for air parcel post—(a) Law. * * * the rate of postage on mailable matter exceeding eight ounces in weight, but not weighing more than seventy pounds nor measuring more than one hundred inches in length and girth combined, when carried by air and including other transportation to and from air-mail routes, shall, except as otherwise herein provided, be determined on the basis of the eight postal zones established for fourth-class matter, as follows:

(1) **First or second zones.** For delivery within the first or second zones, 55 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 4 cents for each additional pound or fraction thereof.

(2) **Third zone.** For delivery within the third zone, 60 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 8 cents for each additional pound or fraction thereof.

(3) **Fourth zone.** For delivery within the fourth zone, 65 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 14 cents for each additional pound or fraction thereof.

(4) **Fifth zone.** For delivery within the fifth zone, 70 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 24 cents for each additional pound or fraction thereof.

(5) **Sixth zone.** For delivery within the sixth zone, 75 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 33 cents for each additional pound or fraction thereof.

(6) **Seventh zone.** For delivery within the seventh zone, 75 cents for the first pound, or fraction of a pound in excess of eight ounces, plus 45 cents for each additional pound or fraction thereof.

(7) **Eighth zone.** For delivery within the eighth zone, which, with respect to air parcel post, shall include all offices located in continental United States beyond the seventh zone, 80 cents for the first pound or fraction thereof over eight ounces, plus 65 cents for each additional pound or fraction thereof.

(8) **Territories and possessions.** For air parcels exchanged between offices in continental United States and offices in Territories and possessions of the United States, in either direction, and between offices within such Territories and possessions, the applicable zone rate shown in paragraphs (1) to (6) of this section shall apply to and including the seventh zone: *Provided*, That for offices falling in the eighth zone the rate of postage for air parcels weighing in excess of eight ounces shall be 80 cents for each pound or fraction thereof.

(9) **Surcharge for size.** Mailable matter of light weight in relation to size shall be subject to such surcharge as may be determined by the Postmaster General to be warranted by reason of the extra space and care required in handling and transporting such mail matter.

(10) **Rules and regulations for transportation.** The Postmaster General is authorized and directed to make such rules and regulations, not inconsistent with the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious transportation by air of mail matter weighing in excess of eight ounces.

(11) **Adjustment of rates and requirements.** The Postmaster General is further authorized and directed for the period of two years, notwithstanding the provisions of paragraphs (1) to (9), inclusive, of this section, to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions, or either, in order to promote the service to the public and assure the receipt of revenue from such service adequate to pay the cost thereof. (Sec. 1, 62 Stat. 1097; 39 U. S. C. 475.)

(b) **Regulations—(1) Conditions.** The zone rates prescribed for parcels carried by air (including other transportation to and from air-mail routes) shall apply to mailable matter of any class weighing over 8 ounces but not more than 70 pounds nor exceeding 100 inches in length and girth combined, including written and other matter of the first class, whether sealed or unsealed, except that in the case of mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof.

(2) **Domestic.** The rate of 6 cents an ounce or fraction of an ounce will apply to all domestic air mail weighing up to and including 8 ounces, regardless of distance or zone; the zone rates prescribed by this section will apply to such mail weighing over 8 ounces, fractions of a pound being charged as a full pound (provided that on air mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof).

(3) **Zone basis.** The air-zone rates provided by this law shall be based on the eight postal zones applicable to fourth-class (parcel post) mail, such zones being described in § 34.73.

(4) **Rate tables.** The zone rates for parcels carried by air are shown in the following tables:

AIR PARCEL-POST ZONE RATES

Zones	First pound over 8 ounces	Additional pounds
	<i>Cents</i>	<i>Cents</i>
1 and 2	55	4
3	60	8
4	65	14
5	70	24
6	75	33
7	75	45
8	80	65

TABLE OF RATES

Weight	Zones 1 and 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Over 8 ounces to—							
1 pound.....	\$0.55	\$0.60	\$0.65	\$.70	\$0.75	\$0.75	\$0.80
2 pounds.....	.59	.68	.79	.94	1.08	1.20	1.45
3 pounds.....	.63	.76	.93	1.18	1.41	1.65	2.10
4 pounds.....	.67	.84	1.07	1.42	1.74	2.10	2.75
5 pounds.....	.71	.92	1.21	1.66	2.07	2.55	3.40
6 pounds.....	.75	1.00	1.35	1.90	2.40	3.00	4.05
7 pounds.....	.79	1.08	1.49	2.14	2.73	3.45	4.70
8 pounds.....	.83	1.16	1.63	2.38	3.06	3.90	5.35
9 pounds.....	.87	1.24	1.77	2.62	3.39	4.35	6.00
10 pounds.....	.91	1.32	1.91	2.86	3.72	4.80	6.65
11 pounds.....	.95	1.40	2.05	3.10	4.05	5.25	7.30
12 pounds.....	.99	1.48	2.19	3.34	4.38	5.70	7.95
13 pounds.....	1.03	1.56	2.33	3.58	4.71	6.15	8.60
14 pounds.....	1.07	1.64	2.47	3.82	5.04	6.60	9.25
15 pounds.....	1.11	1.72	2.61	4.06	5.37	7.05	9.90
16 pounds.....	1.15	1.80	2.75	4.30	5.70	7.50	10.55
17 pounds.....	1.19	1.88	2.89	4.54	6.03	7.95	11.20
18 pounds.....	1.23	1.96	3.03	4.78	6.36	8.40	11.85
19 pounds.....	1.27	2.04	3.17	5.02	6.69	8.85	12.50
20 pounds.....	1.31	2.12	3.31	5.26	7.02	9.30	13.15
21 pounds.....	1.35	2.20	3.45	5.50	7.35	9.75	13.80
22 pounds.....	1.39	2.28	3.59	5.74	7.68	10.20	14.45
23 pounds.....	1.43	2.36	3.73	5.98	8.01	10.65	15.10
24 pounds.....	1.47	2.44	3.87	6.22	8.34	11.10	15.75
25 pounds.....	1.51	2.52	4.01	6.46	8.67	11.55	16.40
26 pounds.....	1.55	2.60	4.15	6.70	9.00	12.00	17.05
27 pounds.....	1.59	2.68	4.29	6.94	9.33	12.45	17.70
28 pounds.....	1.63	2.76	4.43	7.18	9.66	12.90	18.35
29 pounds.....	1.67	2.84	4.57	7.42	9.99	13.35	19.00
30 pounds.....	1.71	2.92	4.71	7.66	10.32	13.80	19.65
31 pounds.....	1.75	3.00	4.85	7.90	10.65	14.25	20.30
32 pounds.....	1.79	3.08	4.99	8.14	10.98	14.70	20.95
33 pounds.....	1.83	3.16	5.13	8.38	11.31	15.15	21.60
34 pounds.....	1.87	3.24	5.27	8.62	11.64	15.60	22.25
35 pounds.....	1.91	3.32	5.41	8.86	11.97	16.05	22.90
36 pounds.....	1.95	3.40	5.55	9.10	12.30	16.50	23.55
37 pounds.....	1.99	3.48	5.69	9.34	12.63	16.95	24.20
38 pounds.....	2.03	3.56	5.83	9.58	12.96	17.40	24.85
39 pounds.....	2.07	3.64	5.97	9.82	13.29	17.85	25.50
40 pounds.....	2.11	3.72	6.11	10.06	13.62	18.30	26.15
41 pounds.....	2.15	3.80	6.25	10.30	13.95	18.75	26.80
42 pounds.....	2.19	3.88	6.39	10.54	14.28	19.20	27.45
43 pounds.....	2.23	3.96	6.53	10.78	14.61	19.65	28.10
44 pounds.....	2.27	4.04	6.67	11.02	14.94	20.10	28.75
45 pounds.....	2.31	4.12	6.81	11.26	15.27	20.55	29.40
46 pounds.....	2.35	4.20	6.95	11.50	15.60	21.00	30.05
47 pounds.....	2.39	4.28	7.09	11.74	15.93	21.45	30.70
48 pounds.....	2.43	4.36	7.23	11.98	16.26	21.90	31.35
49 pounds.....	2.47	4.44	7.37	12.22	16.59	22.35	32.00
50 pounds.....	2.51	4.52	7.51	12.46	16.92	22.80	32.65
51 pounds.....	2.55	4.60	7.65	12.70	17.25	23.25	33.30
52 pounds.....	2.59	4.68	7.79	12.94	17.58	23.70	33.95
53 pounds.....	2.63	4.76	7.93	13.18	17.91	24.15	34.60
54 pounds.....	2.67	4.84	8.07	13.42	18.24	24.60	35.25
55 pounds.....	2.71	4.92	8.21	13.66	18.57	25.05	35.90
56 pounds.....	2.75	5.00	8.35	13.90	18.90	25.50	36.55
57 pounds.....	2.79	5.08	8.49	14.14	19.23	25.95	37.20
58 pounds.....	2.83	5.16	8.63	14.38	19.56	26.40	37.85
59 pounds.....	2.87	5.24	8.77	14.62	19.89	26.85	38.50
60 pounds.....	2.91	5.32	8.91	14.86	20.22	27.30	39.15
61 pounds.....	2.95	5.40	9.05	15.10	20.55	27.75	39.80
62 pounds.....	2.99	5.48	9.19	15.34	20.88	28.20	40.45
63 pounds.....	3.03	5.56	9.33	15.58	21.21	28.65	41.10
64 pounds.....	3.07	5.64	9.47	15.82	21.54	29.10	41.75
65 pounds.....	3.11	5.72	9.61	16.06	21.87	29.55	42.40
66 pounds.....	3.15	5.80	9.75	16.30	22.20	30.00	43.05
67 pounds.....	3.19	5.88	9.89	16.54	22.53	30.45	43.70
68 pounds.....	3.23	5.96	10.03	16.78	22.86	30.90	44.35
69 pounds.....	3.27	6.04	10.17	17.02	23.19	31.35	45.00
70 pounds.....	3.31	6.12	10.31	17.26	23.52	31.80	45.65

(5) **Exceptions.** The rate of 80 cents for first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof shall be charged on parcels transported by air as follows:

(i) Between any point in continental United States and any point in its Territories and possessions falling in the eighth delivery zone, namely, Hawaii, Alaska, Guam, etc.

(ii) Between or within Territories and possessions of the United States where the eighth zone is applicable.

(iii) Between continental United States or its Territories and possessions and the Canal Zone.

(iv) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices, as well as naval vessels and commands afloat addressed in care of Fleet Post Offices, New York, N. Y., or San Francisco, Calif.

In the case of first-class matter weighing 8 ounces transported by air, the rate of 3 cents an ounce or fraction is applicable to parcels of the weights and in the zones indicated below:

Zones 1 and 2: All parcels weighing over 1 pound 3 ounces.

Zone 3: All parcels weighing over 1 pound 6 ounces.

Zone 4: All parcels weighing over 1 pound 10 ounces.

Zone 5: Parcels weighing over 1 pound 15 ounces, but not more than 2 pounds. All parcels weighing over 2 pounds 7 ounces.

Zone 6: Parcels weighing over 2 pounds 15 ounces, but not over 3 pounds. Parcels weighing over 3 pounds 10 ounces, but not over 4 pounds. All parcels weighing over 4 pounds 5 ounces.

Zone 7: Parcels weighing over 10 pounds 15 ounces, but not over 11 pounds. Parcels weighing over 11 pounds 14 ounces, but not over 12 pounds. Parcels weighing over 12 pounds 13 ounces, but not over 13 pounds. Parcels weighing over 13 pounds 12 ounces, but not over 14 pounds. Parcels weighing over 14 pounds 11 ounces, but not over 15 pounds. Parcels weighing over 15 pounds 10 ounces, but not over 16 pounds. Parcels weighing over 16 pounds 9 ounces, but not over 17 pounds. Parcels weighing over 17 pounds 8 ounces, but not over 18 pounds. Parcels weighing over 18 pounds 7 ounces, but not over 19 pounds. Parcels weighing over 19 pounds 6 ounces, but not over 20 pounds. Parcels weighing over 20 pounds 5 ounces, but not over 21 pounds. Parcels weighing over 21 pounds 4 ounces, but not over 22 pounds. Parcels weighing over 22 pounds 3 ounces, but not over 23 pounds. Parcels weighing over 23 pounds 2 ounces, but not over 24 pounds. All parcels weighing over 24 pounds 1 ounce.

Parcels weighing less than 10 pounds but exceeding 84 inches in length and girth combined shall be subject to the 10-pound rate.

(6) Special delivery; inclusion of writing or printing in parcels. Parcels on which postage is prepaid at the rates prescribed by this section are entitled to the most expeditious handling, transportation (by surface or air), and delivery practicable, but not special delivery. If special delivery at the office of address is desired the regular special delivery fees according to the class of matter are applicable. The rate of postage or fees otherwise chargeable on air parcels will not be affected by the inclusion of such written, printed or other matter as lawfully may be enclosed in mail of the second, third or fourth class sent by surface transportation.

(7) Marking of parcels. All parcels sent via Air Parcel Post should be prominently endorsed "Via Air Mail," or "Via Air Parcel Post," not only on the address side but on each end and side. When available, printed labels bearing these words should be affixed to parcels. All parcels must bear the name and address of the sender.

(8) **Forwarding or return.** Air parcel post undeliverable as addressed, whether prepaid at zone rate or 3 cents an ounce rate, is subject to forwarding and return postage. If it bears pledge to pay such postage without instructions as to whether by air or surface, it shall be sent by air, properly rated up. If sender requests forwarding or return by surface, it shall be rated and transmitted accordingly. This also applies to registered, insured, and c. o. d. matter sent via air parcel post, which is accepted with the understanding that forwarding and return postage is guaranteed. In case of other than registered, insured, and c. o. d. matter, if air parcels bear no pledge to pay forwarding or return postage, they should be held and sender notified with information as to amount required for both surface and air transportation.

(9) **Domestic registered, insured, and c. o. d.** Domestic registered, insured, and c. o. d. mail may be sent by air parcel post upon payment of the prescribed fees, which are in addition to the air zone postage, and surcharges when required on registered mail. All domestic registered mail sent by air parcel post must be securely sealed and postage must be prepaid thereon at the zone rates but in no case less than 3 cents an ounce or fraction thereof. First-class matter sent c. o. d. by air parcel post must also be sealed and be prepaid at the zone rates but not less than 3 cents an ounce or fraction thereof. Indemnity for insured mail sent at the air zone rates will be payable only for fourth-class matter. All domestic registered, insured, and c. o. d. mail prepaid at the air parcel post rates will be accepted with the understanding that the senders guarantee any return or forwarding postage which may be necessary.

(10) **Matter acceptable for air mail.** Any mailable matter, except that liable to damage from freezing, may be sent by air mail at the applicable rates of postage including sealed parcels not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined. This includes harmless live animals, queen bees and cut flowers. Day-old chicks, day-old ducks, etc., and honey bees are prohibited.

§ 34.89 Definition of "domestic air mail"—(a) Proviso. As used in this Act, "domestic air mail" shall embrace all mailable matter being transported as mail by air within the continental United States, within any Territory or possession of the United States, within any geographical area which is a protectorate of the United States, or between any of the aforesaid: * * *. (Sec. 2, 60 Stat. 1062; 62 Stat. 1097; sec. 201, 62 Stat. 1260; 39 U. S. C. 436, 462a, 463a, 475.)

(b) **Alaska.** The act of October 14, 1940, referred to in section 2 of the act of August 14, 1946, and in paragraph (a) of this section relates to mail carried by aircraft to, from, or within Alaska and authorizes the Postmaster General to fix the postage rate thereon. Accordingly the rate of 6 cents for each ounce or fraction thereof on air mail weighing eight ounces or less, and the zone rate for air mail exceeding eight ounces in weight, shall be applicable to all classes of mail carried to, from, or within that territory which the sender designates for transportation by air, except that postage at the rate of 80 cents for the first pound or fraction thereof in excess of eight ounces and 80 cents for each additional pound or fraction thereof shall be chargeable on parcels transported by air between points within Alaska and points outside of that Territory

to which the domestic rates and conditions are applicable. Mail of any class on which postage at the regular rates only is prepaid and which is not designated by the sender for transmission by air when carried to, from, or within Alaska shall continue to be handled as heretofore, that is, transported by surface means except where otherwise specifically directed.

§ 34.90 **Official penalty or franked matter.** Official matter in penalty or franked envelopes may not be sent free by air mail, but shall be chargeable with postage at the air-mail rate, except in the case of urgent official communications of the Post Office Department only, when their prompt dispatch is desirable.

§ 34.91 **Air-mail stamps and envelopes.** Special air-mail stamps should be used for the payment of postage on air mail, but ordinary postage stamps may be used. Air-mail stamps may not be used on other than air mail. All mail intended to be carried by airplane should be plainly marked "VIA AIR MAIL" in the space immediately below the stamps and above the address. Envelopes of distinctive design approved by the department for air mail may be used for air mail only.

§ 34.92 **Prepayment of postage.** The postage on air mail should be fully prepaid in order to expedite its handling, and postmasters shall make every effort to have patrons prepay the full amount of such matter. Nevertheless, short-paid mail weighing 8 ounces or less intended to be carried by airplane shall, if it bears at least one full rate (that is, 6 cents), be rated with the deficiency and dispatched as intended by the sender. The amount shall be collected upon delivery of the matter.

NOTE: See § 35.2 as to limit of weight and size; § 58.3 as to registration; §§ 96.1 to 96.7, inclusive, as to air-mail service.

MISCELLANEOUS PROVISIONS

§ 34.93 **Supplies for parcel post system.** The Postmaster General may provide by purchase, rental, or otherwise, such equipment and supplies, including vehicles, maps, stamps, directories, and printed instructions, as may be necessary, to carry out the provisions of * * * [this chapter] with reference to fourth-class mail matter, and appoint and compensate such employees as may be required. (Sec. 8, 37 Stat. 558, as amended; 39 U. S. C. 242.)

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

Sec.	RECEIPTS OR CERTIFICATES OF MAILING	Sec.	MAILING OF MATTER WITHOUT POSTAGE STAMPS AFFIXED
35.1	Receipt or certificate of mailing.	35.4	Mailing of matter without stamps affixed.
	LIMIT OF WEIGHT AND SIZE OF MAIL MATTER		USE OF PRECANCELED GOVERNMENT-STAMPED ENVELOPES AND PRECANCELED STAMPS
35.2	Limit of weight and size of mail matter.	35.5	Precanceled Government-stamped envelopes and postal cards.
35.3	When weight limit not applicable.		

Sec.	MISCELLANEOUS PROVISIONS	Sec.	
35.6	Wrapping of packages to permit examination.	35.15	Mailable nonintoxicating, non-inflammable, and noninjurious matter.
35.7	Higher class matter inclosed with lower class.	35.16	Motion-picture films.
35.8	Attachment of first-class letter to matter of other class.	35.17	Diseased tissues and other specimens.
35.9	Overcharges on mail matter.	35.18	Special packing of certain matter.
35.10	Address of mail matter.	35.19	Perishable articles.
35.11	Weight limit of fourth-class matter to one addressee.	35.20	Meats and meat products.
	MATTER LIABLE TO DAMAGE THE MAILS OR INJURE THE PERSON; PREPARATION AND PACKING WHERE ADMISSIBLE; PLANT QUARANTINE	35.21	Dead bodies of wild animals or birds.
35.12	Matter liable to damage mail or injure person.	35.22	Bees.
35.13	Nonmailable articles and compositions.	35.23	Other live insects; dried insects and reptiles.
35.14	Inflammable substances.	35.24	Live day-old chicks.
		35.25	Harmless live creatures.
		35.26	Insurance and c. o. d. of fowl, bees, and animals.
		35.27	Plant quarantine.
		35.28	Terminal inspection of plants and plant products by States.

RECEIPTS OR CERTIFICATES OF MAILING

§ 35.1 **Receipt or certificate of mailing.** Upon request and the payment of the fee prescribed therefor a receipt or certificate, as evidence of mailing only, and as many additional copies thereof as may be desired, shall be issued to the sender of any domestic ordinary mail of any class, and as many additional receipts or certificates, as evidence of mailing only, as may be desired for registered, insured, and collect-on-delivery mail, in accordance with the provisions of § 63.18, but such receipt or certificate of mailing for ordinary mail shall not include any reference to the postage paid.

LIMIT OF WEIGHT AND SIZE OF MAIL MATTER

§ 35.2 **Limit of weight and size of mail matter—(a) Provisions.**

* * * [The weight (of mail matter) is hereby declared to be not exceeding 4 pounds for each package thereof except in case of single books weighing in excess of that amount (fourth-class mail matter not exceeding 70 pounds in weight, nor greater in size than 100 inches in length and girth combined), and] except for books and documents published or circulated by order of Congress * * * when mailed by the Superintendent of Public Documents or under the franking privilege. (Sec. 3, 58 Stat. 394; 39 U. S. C. 321e.)

NOTE: The words inserted within parentheses in above paragraph placing books in fourth-class matter and increasing the weight limits and size of fourth-class or parcel-post matter, are based upon orders of the Postmaster General issued in pursuance of the authority conferred upon him by law. (See § 34.79.)

(b) **First-class matter.** The limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class. (See § 34.73.) (Sec. 11, 39 Stat. 162; 39 U. S. C. 223.)

(c) **Matter for the blind.** Parcels of books, pamphlets, and other reading matter for the blind, either in raised characters or in the form of sound-reproduction

records, when mailed free of postage under the conditions prescribed in § 37.22, shall not exceed fifteen pounds in weight.

(d) **Refusal of matter over weight limit.** Postmasters shall decline to accept for mailing packages offered to them weighing in excess of the limit provided by law, whether such packages are presented as free matter by officers of the Government, under the penalty label (see § 37.14), or under prepaid postage, except as provided herein and in the following section.

NOTE: See § 43.40 as to delivery of matter in excess of weight inadvertently dispatched.

(e) **Air mail.** Mail carried by airplane shall not exceed 70 pounds in weight and shall not exceed 100 inches in length and girth combined.

NOTE: § 34.86 to 34.89 as to postage; § 96.1 as to airplane service.

No limit of size is prescribed for mail other than that of the fourth class (see § 34.73) air mail, and post cards (see § 34.73) 34.7

§ 35.3 **When weight limit not applicable—(a) Second-class matter.** Mail matter of the second class prepaid at either the publishers' second-class pound rates or the transient second-class rate shall be accepted for mailing regardless of the weight thereof.

(b) **Public documents.** Books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege shall be accepted for mailing at any post office, without regard to their weight and whether wrapped separately or not.

(c) **Official matter.** Official matter weighing more than 4 pounds, but not exceeding the limit of weight prescribed by § 35.2 may be accepted for mailing only when postage is prepaid thereon. (For further information with respect to the acceptance of official matter see § 37.14.)

(d) **Matter relating to postal service.** The weight of official matter relating to the postal service, including postal supplies and equipment, sent in the mails from any post office shall not exceed the maximum weight limit for fourth-class mail (see § 34.73) except in special cases where specific instructions are issued.

(e) **Postage stamps and stamped paper; copyright matter.** Packages of postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps, and copyright matter in its simplest mailable form addressed to the Register of Copyrights, Washington, D. C., shall be accepted at any post office regardless of the weight thereof. (See §§ 37.14 and 37.21.)

MAILING OF MATTER WITHOUT POSTAGE STAMPS AFFIXED

§ 35.4 **Mailing of matter without stamps affixed—(a) First-class matter.** The Postmaster General, under such regulations as he may prescribe for the collection of such postage, is hereby authorized to accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law: *Provided*, That such first-class matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting and which automatically locks upon the exhaustion of such impressions may, if through inadvertence it is not fully prepaid but is prepaid at least * * * [one full rate], be accorded the same treatment as is provided for such short-paid first-class matter

mailed with postage stamps affixed. (Sec. 5, 41 Stat. 583, as amended; 39 U. S. C. 273.)

NOTE: See §§ 34.12, 43.6, and 43.8 for treatment of short-paid first-class matter.

(b) Identical pieces of second-, third-, and fourth-class matter; mailings of currency and securities by Treasury Department. Under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than 300 identical pieces of third-class matter and of second-class matter and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first- or fourth-class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter. (Sec. 2, 33 Stat. 440, as amended; 39 U. S. C. 295.)

(c) Metered mailings. (i) Metered permit matter of the third class, except bulk mailings of such matter under the provisions of section 291 of this title, may be mailed in such quantities as the Postmaster General may prescribe. (Sec. 5, 41 Stat. 583, as amended; 39 U. S. C. 291a.)

(ii) Metered third-class matter without stamps affixed, except bulk mailings under the provisions of § 34.66, may be accepted for mailing in any quantity, irrespective of whether the pieces are identical.

(d) Fourth-class matter. (1) On fourth-class matter * * * postage * * * shall * * * be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General. (Sec. 8, 37 Stat. 557, as amended; 39 U. S. C. 293.)

(2) Metered fourth-class matter mailed without stamps affixed—that is, such matter on which the required indicia are printed by means of a device having recording mechanism set by the postmaster for a given number of impressions or amount of postage and which automatically locks when such impressions or amounts have been exhausted—may be accepted for mailing in any quantity, irrespective of whether the pieces are identical, and bulk mailings of large quantities of nonidentical parcels of fourth-class matter may be accepted without stamps affixed, under conditions prescribed by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(e) Permit for nonmetered mailing—(1) Provisions. Each application for a permit to mail matter without stamps affixed as provided by sections 221a, 273, 291, 291a, and 295 of this title, and the regulations made pursuant thereto by the Postmaster General, shall be accompanied with a fee of \$10: *Provided*, That no fee shall be re-

quired to accompany applications for permits to mail matter without stamps affixed as metered mail. (47 Stat. 647; 39 U. S. C. 273a.)

(2) **Fee.** Each application for a permit to mail matter of any class without stamps affixed as nonmetered mail shall be accompanied with the fee of \$10 prescribed by the preceding subparagraph (e) (1).

(3) **When postmaster previously authorized to issue permits.** When the fee is collected, postmasters who have already been authorized by the Third Assistant Postmaster General to do so, may issue the permit and accept nonmetered matter for mailing without stamps affixed thereunder. A receipt shall be issued promptly on Form 3603 for the \$10 fee, which shall be endorsed "Nonmetered Application Fee." The total amount of such fees shall be accounted for separately in the quarterly postal account under account No. 21, nonmetered application fees. (See par. (n) this section.) Each such application shall be endorsed by the postmaster to show the permit number assigned, the date issued, and the quarter in which the \$10 fee is accounted for. The applications shall be retained in the files of the post office permanently.

(4) **When postmaster not previously authorized to issue permits.** Postmasters who have not been authorized to issue permits and accept nonmetered matter for mailing without stamps affixed shall send the first application, endorsed to show that the \$10 has been collected, to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. The \$10 shall not be sent with the application but shall be held in trust pending receipt of authority and instructions from the Third Assistant.

(5) **Fees not affecting compensation and allowances.** In determining the compensation and allowances at post offices, credit shall not be allowed for the application fees received under the provisions of this paragraph and § 34.66 (c) (2).

(f) **Postmaster to apply for authority to receive mailings.** Postmasters at whose offices patrons desire to avail themselves of the privilege of this section shall apply to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, for authority to receive such mailings and instructions as to procedure. Until such authority and instructions are received no postmaster shall receive matter of any class for mailing under this section without stamps affixed. Only such second-class matter may be accepted under the provisions of this section as is chargeable with the transient second-class rate of postage (see § 34.42) or the per copy rates prescribed by § 34.41 (a), (i), and (j). Controlled circulation publications chargeable with the rate of postage prescribed by § 34.64 may be accepted under the provisions of this section.

(g) **Application for mailing privilege.** Persons desiring the privilege of mailing matter of any class without stamps affixed, under the provisions of this section, shall make application therefor on Form 3612 to the postmaster, who shall after he has been properly authorized, as provided in the foregoing paragraph, issue a permit on the prescribed form (3601 for nonmetered matter of the second, third, and fourth classes, 3601-A for metered matter of any class, and 3601-B for nonmetered first-class matter), which shall contain the regulations, so far as they affect the sender of such matter, and those regulations shall in every case be strictly complied with, or the postmaster shall refuse so to receive the matter in the mails. Such permit shall be issued in triplicate, the original to be handed to the prospective mailer, the duplicate to be given to the superintendent of

mails or superintendent of second-class matter, as the case may be, and the triplicate sent to the cashier.

(h) **Indicia.** In the upper right corner of the address side of the envelope, wrapper, address label, or tag of each separately addressed piece of such matter shall be printed by means of a printing press or other device a statement showing the amount of postage paid on the piece, the word "Paid," the name of the post office and State where mailed, the permit number, and, in the case of first-class matter, such other information as may be required, all in the form and in the size of type prescribed in instructions issued by the Third Assistant Postmaster General. Matter mailed without stamps affixed under the provisions of this section shall not be postmarked.

NOTE: See § 42.12 (d) and (e) as to advertisements, slogans, pictures, and insignia used in connection with meter indicia.

(i) **Statement to accompany mailings; separations required.** Except as otherwise provided in instructions issued by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, each mailing shall be accompanied with a statement on a form provided therefor, signed by the sender, and showing such information as may be required. To facilitate the handling of such matter in the mails, the mailer shall comply with all reasonable requests of the postmaster for the separation thereof into States, cities, etc. Postage on the entire quantity shall be paid at or before the time the matter is presented for mailing, either in money or, at the option of the postmaster and at his risk, by check drawn to his order. When the mailing of matter of the second, third, or fourth class extends over two or more consecutive days, and the number of pieces presented on the last day to complete the mailing is less than that prescribed, such number shall be accepted and an indorsement made on receipt Form 3603, as follows:

This is the remainder of mailing of _____

(Give date of preceding mailing.)

(j) **Receipts—(1) For nonmetered mailings.** A receipt (Form 3603) for each mailing of nonmetered matter shall be issued by the postmaster to the sender. This receipt shall show the class of matter mailed, the permit number, the total number of pieces in the mailing, the amount of postage chargeable on a single piece, and the total amount paid. Such receipt shall be issued in triplicate by manifold process; the original to be delivered to the mailer, the duplicate to be sent with the quarterly postal account at the end of the quarter as stated in paragraph (n), and the triplicate retained in the post office.

(2) **For collection when setting meter.** A receipt on Form 3603-A for the amount collected at the time of setting a meter device shall be issued in triplicate as above indicated instead of a receipt for each mailing as presented.

(k) **Procedure for acceptance of metered and nonmetered matter.** Postmasters shall follow such special instructions as may be given by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, with respect to the procedure governing the acceptance of metered and nonmetered permit matter for mailing and the accounting for the postage thereon.

(l) **Verification of mailer's statement of mailing.** Postmasters shall require each mailing of nonmetered matter to be verified with the statement on Form 3602 referred to in paragraph (1) of this section in the manner prescribed by the instructions on the front cover of receipt book (Form 3603 L or S) after which the employees making such verification shall indorse that fact on the back of

Form 3602, and promptly make a record of the mailing on Form 3609. At third- or fourth-class offices the same employees shall sign each copy of the receipt, which is issued in triplicate. Such verification shall be done by two employees in all instances at offices of the first and second classes and at all other offices where two or more employees, including the postmaster, are on duty, but when only one is available this duty may be performed by him. In all cases the employees concerned shall be given due notice that the performance of this duty in a careless or perfunctory manner will result in the administering of severe disciplinary action. At the larger offices, the superintendent of mails, or the employee in charge of the mailing division, shall be held responsible for the strict enforcement of this regulation.

(m) Monthly statement of mailing furnished to mailer. At the expiration of each month, or as soon thereafter as possible, the postmaster (or Superintendent of Postal Finance at two-division plan offices) shall send to every permit holder desiring the same, a statement of mailings (Form 3613). In the event that there have been no mailings, a statement to that effect may be sent.

(n) Quarterly statement of postage collected. At the close of each quarter the postmaster shall send with the quarterly postal account the duplicate receipts on Form 3603 and Form 3603-A and a certificate (Form 3604), showing the total amount of postage collected during the quarter on matter mailed under the provisions of this section, and the total amount of "nonmetered application fees," which amount shall be charged in separate items in the quarterly postal account.

(o) Matter mailed by U. S. Treasury. The envelope, wrapper, or label of matter mailed by the United States Treasury Department under the provisions of this section shall bear in the upper right corner the words "_____ cents paid, Washington, D. C.," followed by the permit number.

(p) Employment security and veterans' readjustment allowance mail—(1) Provisions for. * * * the Social Security Board is hereby authorized to certify to the Secretary of the Treasury for payments to the Postmaster General for postage, out of the amount herein appropriated, such amounts as may be necessary and at such intervals as shall be determined by the Board, under a procedure to be prescribed and agreed upon by and between the Board and the Postmaster General, for the transmission of official mail matter heretofore transmitted free, pursuant to the provisions of section 13 of the act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (29 U. S. C. 491), and for the transmission of official mail matter in connection with the unemployment compensation administration of States receiving grants out of the funds herein appropriated; the Postmaster General is hereby authorized and directed to extend to the States receiving such grants the privilege of transmission without prepayment of postage of official mail of the class upon which the Board is hereinabove authorized to certify amounts for payment of postage (54 Stat. 589).

(2) **Indicia.** The envelope, wrapper, or label of matter mailed by State Employment Security offices cooperating with the Social Security Board shall, under the provisions of this section, bear in the upper left corner the name and address of the agency by which it is mailed over the words "Official Business" and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for under act of Congress (§ 35.4 (p) (1), P. L. & R.)."

NOTE: Pursuant to the enactment of the Servicemen's Readjustment Act of 1944 (Public 346, 78th Cong.), the arrangement in effect with respect to the collection of postage on State employment security mail was extended to veterans' readjustment allowance mail.

USE OF PRECANCELED GOVERNMENT-STAMPED ENVELOPES AND PRECANCELED STAMPS

§ 35.5 **Precanceled Government-stamped envelopes and postal cards—(a) Authorization.** The Postmaster General is authorized, under such regulations as he may prescribe, to issue a permit to persons using Government-stamped envelopes and to persons using Government postal cards to deface the postage stamps thereon in connection with the placing on the envelopes and postal cards of the name of the post office and State of mailing, together with such other indicia as may be prescribed. (46 Stat. 264; 39 U. S. C. 370.) * * * When practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used—under such regulations as the Postmaster General may prescribe. (R. S. 3921, as amended; 39 U. S. C. 365.)

(b) **Postmaster to apply for authority to issue permits.** Postmasters at whose offices patrons desire to avail themselves of the privilege of this section shall apply to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, for authority to issue permits therefor and instructions as to the procedure. Until such authority and instructions are received no postmaster shall issue permits for the privilege of using Government stamped envelopes and Government postal cards precanceled by the mailer.

(c) **Application for privilege.** Persons desiring the privilege of using Government stamped envelopes and Government postal cards precanceled by themselves shall make application therefor to the postmaster, who shall follow the instructions as to procedure given by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(d) **Indicia.** The name of the post office and State, the permit number, and, in the case of first-class mail, the date of mailing, together with such other indicia as may be required, shall be placed on the envelopes and cards by the mailer in such form as may be prescribed. The return card of the mailer should appear in the upper left corner of the address side of the envelopes.

(e) **Mailer to face and separate mailings.** To facilitate the handling of matter mailed in Government stamped envelopes and Government postal cards precanceled by the mailer, persons and concerns accorded this privilege will be expected to face their mailings, and also to separate them according to States and cities when in sufficient quantity to make it advantageous to the mailer and the Postal Service to do so.

(f) **Permit issued only on authorization of Department.**—Precanceled postage stamps may be used only by persons or concerns to whom they have been furnished by a postmaster after special authority in each case has been obtained from the Department. Any person desiring to use such stamps should file an application with the postmaster at the post office of mailing, showing:

- (1) The class and character of the matter to be mailed.
- (2) The approximate total number of pieces to be mailed.
- (3) Business in which applicant is engaged.

The application, together with the postmaster's recommendation thereon, shall be forwarded to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, except where otherwise specifically authorized. All applications for permits from persons or concerns engaged in the selling, trading, or collection of precanceled stamps must be submitted to the Department.

(g) **Issuance of permit; conditions.** On receipt of the Department's authorization the postmaster will issue a permit to the applicant and furnish precanceled stamps and accept mailings bearing them under the following conditions:

(1) The name of the post office and State shall be printed between two parallel heavy black lines across the face of each stamp, ink furnished by the Department to be used for that purpose.

(2) Stamps may be precanceled only under the supervision of the postmaster or a sworn employee of the post office.

(3) Precanceled stamps are good for the payment of postage on matter of the third and fourth classes, and second-class matter mailed at the transient rate or the rates applicable at city delivery offices, and, when specially authorized, on first-class matter, presented at the office where precanceled. Precanceled stamps above the 6-cent denomination may be used only in accordance with special instructions issued by the Third Assistant Postmaster General.

(4) The date of mailing in connection with lines similar to those used in a cancellation postmark shall be placed by the mailer on each piece of first-class matter.

(5) Any number of pieces may be mailed at one time, regardless of whether they are identical, except in the case of third-class matter mailed under § 34.66, when each mailing must consist of not less than 20 pounds or 200 pieces and be accompanied with a statement of mailing on Form 3602-PC.

(6) Matter bearing precanceled stamps shall be presented in such manner as to permit of easy examination and facilitate its handling in the mails. It is expected that the mailer will comply with all reasonable requests of the postmaster for the separation of the matter into States, cities, etc.

(7) Precanceled postage stamps may not be used for the payment of postage on matter mailed in boxes, cases, bags, or other containers specially designed to be reused for mailing purposes.

(h) **Provisions of law; penalties.** If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy

shall not exceed the maximum punishment provided for such misdemeanor. (62 Stat. 701; 18 U. S. C. 371.)

(i) **Withdrawal of permit.** The permit to use precanceled postage stamps, issued to any person or concern, will be withdrawn by the Department if such person or concern should not comply strictly with the foregoing conditions, or should sell precanceled stamps either before or after they have been used. This includes the sale of such stamps affixed to wrappers of parcels returned to the sender and disposed of as waste paper.

(j) **Report of irregularities.** Postmasters should carefully observe the use of precanceled stamps and promptly report to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, any irregularity in connection with the use of such stamps coming to their attention, whether occurring at their offices or elsewhere.

NOTE: For conditions under which mailers may affix precanceled stamps to first-class matter apply to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

MISCELLANEOUS PROVISIONS

§ 35.6 Wrapping of packages to permit examination—(a) First class otherwise. The Postmaster General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class. (Sec. 24, 20 Stat. 361; 39 U. S. C. 250.)

(b) **Second- and third-class matter.** Matter of the second and third classes should be inclosed in an unsealed envelope or wrapped in such manner that the contents of the package can be easily examined. (See § 34.62.) Unfolded cards and double advertising cards with detachable parts for reply may be mailed without cover. In all cases the matter should be prepared in such form as to facilitate its handling in the mails.

(c) **Fourth-class matter.** Parcels of fourth-class matter shall not be accepted for mailing unless packed so as to assure safe shipment and permit the contents to be easily examined. (See § 35.18.) Such matter inclosed in boxes to which the lids are nailed or screwed may be accepted for mailing at the fourth-class rates of postage if, with reasonable effort, the lids can be removed by the use of a chisel, screw driver, or other suitable instrument for the purpose of permitting examination of the contents. When a postmaster to whom is presented for mailing a bag which is sewed up is satisfied from an examination of it that it contains only fourth-class mail, he shall accept it at the fourth-class rates of postage and mark it "Examined at mailing office; contains only fourth-class mail."

(d) **Two or more pieces mailed as single parcel.** Two or more pieces or packages of fourth-class matter shall, in order to be mailable as a single parcel, be of approximately the same size or shape or constitute parts of one article, and be securely tied, wrapped, or otherwise firmly fastened together.

(e) **Seeds and other articles in sealed transparent envelopes.** Seeds or other articles not prohibited, which are liable from their form or nature to loss or

damage unless specially protected, shall, if not labeled as is provided in paragraph (f), be put up in sealed envelopes made of material sufficiently transparent to show the contents clearly without opening, and accepted as third- or fourth-class mail, according to the weight of the parcels.

(f) **Proprietary articles; farm and factory products.** Proprietary articles of merchandise not in themselves unmailable (see §§ 34.73, 35.13, and 36.2), such as fancy soaps, tobacco, harmless medicinal preparations, fruits, nuts, and other farm and factory products, put up in fixed quantities by the manufacturer, producer, or shipper, for sale by himself and others, which may be sealed in such manner as properly to protect the articles, but to allow examination of such package in its simplest mercantile form, shall be accepted for mailing at the third- or fourth-class rates of postage, according to the weight of the parcels, provided the parcels are labeled in printing to show the specific nature and quantity of contents, together with the name of the manufacturer, producer, or shipper.

(g) **Merchandise in sealed parcels; printed inscription required.** Articles of merchandise or other articles embraced in mail of the third or fourth class (except circulars and miscellaneous printed matter in parcels weighing 8 ounces or less), which are not in themselves unmailable (see §§ 34.73, 35.13, and 36.2), when inclosed in sealed parcels labeled in printing to show the nature of contents as, for example, "Contents: Merchandise—fourth-class mail," together with the printed inscription "Postmaster: This parcel may be opened for postal inspection if necessary," in connection with the printed, hand-stamped, or written name and address of the sender, shall be accepted for mailing at the third- or fourth-class rates of postage, according to the weight of the parcels.

NOTE: See § 35.7 as to penalty for inclosing matter of a higher class in that of a lower class and mailing same at a lower rate than would be required for such higher class.

(h) **Parcels closed against inspection.** When any matter offered for mailing is sealed against inspection, except as provided in paragraphs (e) and (f) of this section, or contains or bears writing not permissible (see §§ 34.56, 34.72, and 34.85), it shall be charged with postage at the first-class rate and treated as first-class matter (see §§ 34.12 and 42.16). When in doubt as to classification, postmasters shall submit samples to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(i) **Examination.** Postmasters shall examine parcels when presented for mailing to ascertain that the postage is fully prepaid. (See §§ 34.56, 34.58, 34.59, 34.72, and 34.85.)

(j) **Window envelopes.** So-called "window" envelopes, having an opening or a transparent panel in the front, through which the address upon the inclosure is disclosed, may be accepted for mailing under conditions prescribed by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, if domestic ordinary mail is concerned, or by the Division of Registered Mails, if domestic registered mail is concerned. (See Manual of Instructions for Postal Personnel, or Official Postal Guide.)

§ 35.7 Higher class matter inclosed with lower class—(a) Treatment and penalty. Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first

class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster General such postage shall be remitted.

Whoever knowingly conceals or incloses any matter of a higher class in that of a lower class, and deposits the same for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than \$100.00. (62 Stat. 784; 18 U. S. C. 1723.)

NOTE: See §§ 34.56, 34.72, and 34.85 for permissible additions to second-, third-, and fourth-class matter; § 35.6 as to merchandise in sealed parcels.

(b) **Report of violations to Department.** When the postmaster at the office of mailing is satisfied that the sender of a piece of mail matter has knowingly concealed or inclosed matter of a higher class in that of a lower, in violation of this section, he shall report the case to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, on Form 3595, giving all the facts and circumstances, including the name of the sender, if known, addressee, office and date of mailing, and a description of the package and of the matter inclosed or concealed therein.

(c) **When violation noted at office of address.** When the postmaster at the office of address is satisfied that there has been a violation of this section, he shall deliver the package to the addressee on payment of the proper postage and report the facts to the Third Assistant Postmaster General, on Form 3595, as above set forth. If the proper postage is not paid, the package shall be retained by the postmaster to be used as evidence, and he should be able to establish its identity.

§ 35.8 **Attachment of first-class letter to matter of other class.** When the sender desires that a parcel of third- or fourth-class matter on which the postage is fully prepaid at the rate for the respective class, or a package of second-class matter prepaid at the rates prescribed in § 34.42 (a), or at publishers' second-class rates, be accompanied with a communication, or other matter of the first class, which is not a permissible inclosure at the lower rate, the communication may be placed in an envelope, and after the full amount of postage at the first-class rate is affixed to the envelope it may be tied to or otherwise securely attached to the outside of the parcel or package in such manner as to prevent its separation therefrom and not to interfere with the address thereon. The envelope shall be addressed to correspond with the address on the parcel. Combination envelopes or containers having separate portions for a letter and matter of a lower class may be used for mailing together two classes of matter. Parcels or packages with which communications are mailed in this manner shall be treated as second-, third-, or fourth-class matter, as the case may be. When second-class matter accompanied with a communication under the provisions of this section is prepaid at publishers' second-class rates, a notice of entry as second-class matter shall be placed in the upper right corner of the address side of the package. Properly prepaid third-class matter inclosed in unsealed envelopes indorsed "Third class" may be mailed with fully prepaid packages of second-, third-, or fourth-class matter under these conditions.

§ 35.9 **Overcharges on mail matter—(a) Refunds.** Whenever it shall be shown to the satisfaction of the Postmaster General that any

postage is paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, he may, in his discretion, authorize the postmaster at the office where paid to refund the proper amount out of the postal receipts in the possession of the postmaster. (Sec. 2, 33 Stat. 1091; 39 U. S. C. 300.)

(b) Application for refund. Applications for refunds under the provisions of this section should be addressed to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, if they relate to refunds on domestic ordinary mail of the first, third, and fourth classes; or to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, if they relate to refunds on second-class matter; or to the Third Assistant Postmaster General, Division of Registered Mail, if they relate to refunds on domestic registered, insured, or c. o. d. mail. Applications for refunds shall be combined with a full statement of facts, and, when possible, the envelope or wrapper in which the matter was mailed. Postmasters shall not make refunds under this section until instructed by the Department.

(c) Payment of refund, and receipt. Upon receipt of instructions on Form 3533 to make a refund, a postmaster shall pay the amount authorized out of postal receipts in his possession and secure the signature of the payee on Form 3533 if payment is made in cash from official funds on hand or by postmaster's check drawn on a local bank. At larger offices where the Treasury check system has been authorized the postmaster shall show the check number on Form 3533 in lieu of the payee's signature.

(d) Credit in quarterly postal account. Credit for the payment shall be claimed by the postmaster in his postal account for the quarter in which the refund is made. The original Form 3533 shall accompany the quarterly postal account and the duplicate shall be retained on file in the post office.

NOTE: See § 34.28 as to return of second-class application fees; § 43.8 as to procedure in cases where addressee objects to the payment of postage due; § 114.11 as to refund of postage on foreign mail.

§ 35.10 Address of mail matter—(a) Inclusions. (1) * * *
In all cases directions for transmit [transmission], delivery, forwarding, or return shall be deemed part of the address; * * *
(Sec. 1, 25 Stat. 1, as amended; 39 U. S. C. 249.)

(2) The words "personal," or "to be called for," and return requests and other directions as to delivery, forwarding, or return, shall be deemed part of the address, and permissible.

(b) Space for address. Space must be left on the address side of all mail for a complete and legible address and for all directions permissible thereon, for postage stamps, postmarking, rating, and any words necessary for forwarding or return. Not less than 3½ inches of clear space should be left for such purposes at the right end of the address side of all envelopes, folders, or wrappers of mail matter, but a plain narrow border not exceeding approximately five thirty-seconds of an inch in width may be placed around the outer edges thereof.

(c) Return card required on fourth-class matter. A parcel of fourth-class matter shall not be accepted for mailing unless it bears the name and address of the sender, which should be preceded by the word "From." When a parcel

of fourth-class matter which does not bear the name and address of the sender is deposited for mailing, and the sender is known or can be ascertained from the contents of the parcel, it shall be returned to him with the information that his name and address must be placed on it. If the sender is not known, or can not be ascertained, the parcel shall be marked "Sender unknown" and dispatched.

(d) **Completeness and arrangement of address.** All mail shall bear a complete, definite, and legible address, and, when intended for delivery at a letter-carrier office, the address should include the street and number or post-office box number of the addressee, and the postal delivery zone number. The address should be placed in the lower right portion of the face or address side of envelopes, cards, or wrappers, the postage stamps or permit indicia (see §§ 34.66 and 35.4) indicating amount of postage paid being placed in the upper right corner, and the return card of the sender in the upper left corner of the side used for the address. Unaddressed matter and matter bearing dual addresses shall not be accepted for mailing. Names of more than one post office shall not appear in the address on any mail.

(e) **Addressed to "box holder"—(1) Requirements.** When it is desired to send a piece of advertising or other matter (see § 34.52 (h)) as ordinary mail to (1) every rural or star-route box holder served from any post office having rural or star-route delivery, or (2) every post-office box holder at post offices, not having city letter carrier service, the name, box, and route numbers or local street address may be omitted from the matter, provided each piece is definitely addressed in the following manner, respectively:

- (1) Rural or star-route box holder,

(Post office and State)

- (2) Post-office box holder,

(Post office and State)

Provided further, That postage at the proper rate is fully prepaid on the matter, preferably in money under permit in accordance with §§ 34.66 or 35.4, or by means of precanceled stamps under the conditions governing their use, and all the pieces for the same post office are put up by the mailer, so far as may be practicable, in packages of 50, each package to be labeled, preferably by means of a facing slip, as follows, according to the distribution desired:

- (1) For distribution to rural or star-route box holders,

(Post office and State)

- (2) For distribution to post-office box holders,

(Post office and State)

(2) **Name of post office and State or "local."** It is preferable that the names of the post office and State be included in the address on each piece of matter mailed under this regulation, but, when the sender so desires, such names may also be omitted, provided the word "Local" be used in lieu thereof; provided further, the packages in which the pieces are put up and labeled as prescribed in the preceding subparagraph (a) are securely tied or otherwise prepared so that there will be no likelihood of the packages breaking open and the pieces scattered in the mails.

(3) **Number of boxes.** The total number of boxes served by rural and star-route carriers from each office having rural or star-route delivery service, ir-

respective of the number of routes served from the respective post offices, shall be shown in the county list of post offices in the Official Postal Guide. The number of post-office box holders at offices not having city letter-carrier service shall also be shown in such list.

(f) **Addressed to "occupant" or "householder."** When it is desired to reach all families in a house-to-house manner through the medium of advertising or other matter, this may be accomplished by addressing the matter to the occupants of particular houses or premises in places having city or village letter-carrier service, without addressing the occupants by name, by using the following form of address:

Occupant,	or	Householder,
1001 Main Street,		1001 Main Street,
-----		Local.
(Post office and State)		

(g) **Return card.** The sender's name and complete address shall be placed on all window envelopes, on all fourth-class mail and on all registered mail and should be placed on all other mail, in the upper left corner of the address side.

NOTE: See § 41.6 as to furnishing information concerning number of rural routes and number of boxes served by each carrier.

§ 35.11 **Weight limit of fourth-class matter to one addressee.** When more than 200 pounds of parcel post, other than perishable matter, is offered for mailing by one sender to one addressee on the same day, and the delivery thereof to destination will involve its transportation over a star route, the postmaster shall apply to the Second Assistant Postmaster General, Surface Postal Transport, for special authorization before accepting such shipment.

MATTER LIABLE TO DAMAGE THE MAILS OR INJURE THE PERSON; PREPARATION AND PACKING WHERE ADMISSIBLE; PLANT QUARANTINE

§ 35.12 **Matter liable to damage mail or injure person—(a) Determination of.** The Second Assistant Postmaster General shall determine, subject to the laws and regulations, what matter shall be absolutely excluded from the mails, as liable to destroy, deface, or otherwise damage the contents of the mail bags or harm the person of anyone engaged in the Postal Service (see §§ 34.73 and 35.13), and what precautions shall be observed as to preparation and packing where such matter is admitted to the mails. (See § 35.6 and §§ 35.13 to 35.19, inclusive.)

(b) **Submission of questions.** Postmasters shall submit questions of this character to the Second Assistant Postmaster General, Surface Postal Transport, with a full statement of the facts necessary to a proper decision.

(c) **Report to Department of improper admission of matter.** General superintendents shall report to the Second Assistant Postmaster General, Surface Postal Transport, if, in their judgment, any matter is admitted to the mails which should be excluded therefrom. Such report shall be accompanied with a statement of any injury to the mails caused by the admission of such matter, and the reasons which lead them to anticipate any damage from the continued admission thereof.

(d) **Sample of doubtful matter.** Inquiries regarding doubtful matter shall, where possible, be accompanied with a sample of the same.

NOTE: See § 34.73 as to authority for excluding matter liable to injure mails, etc.

§ 35.13 Nonmailable articles and compositions—(a) Provisions of law. All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, reptiles, and all explosives, inflammable materials, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material which may kill or injure another, or injure the mails or other property, whether or not sealed as first-class matter, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier.

The Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

The transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe.

All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, unless in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, whether or not transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, with intent to kill or injure another, or injure the mails or other property, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (62 Stat. 781; 18 U. S. C. 1716.)

(b) Intoxicating liquors, poisons, explosives, and other nonmailable materials—(1) Characteristics. Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, poisons of every kind, and articles, preparations, compounds, and mixtures which are poison (except as prescribed in § 35.15), and

poisonous animals, insects, and reptiles, corrosive materials, fireworks, matches, except as prescribed in § 35.14 (f), and explosives of every kind, and inflammable materials liable to cause fire by self-ignition through friction, through absorption of moisture, or through spontaneous chemical changes, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and disease germs or scabs (except as prescribed in § 35.17, and other natural or artificial articles, compositions, or materials of whatever kind which may kill or in any wise hurt, harm, or injure a person or damage, deface, or otherwise injure the mail or other property, live animals, insects, birds or fowls (except as prescribed in §§ 35.22 to 35.26, inclusive), fresh hides or pelts, or any articles exhaling bad odor, whether sealed as first-class matter or not, shall not be admitted to the mails.

(2) **Definition of "intoxicating."** Beverages containing not more than 3.2 percent of alcohol by weight, when addressed for delivery within any State, Territory, or District of the United States, the laws of which do not prohibit the manufacture or sale therein of beverages containing an alcoholic content of not more than 3.2 percent by weight, do not come within the term "Intoxicating" as used in this section.

(3) **Sale of intoxicating liquors to Indians prohibited.** Any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent or agent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished for the first offense by imprisonment for not more than one year, and by a fine of not more than \$500, and for the second offense and each offense thereafter by imprisonment for not more than five years, and by a fine of not more than \$2,000: *Provided, however,* That the person convicted shall be committed until fine and costs are paid: *And provided further,* That first offenses under this section may be prosecuted by information, but no person convicted of a first offense under this section shall be sentenced to imprisonment in a penitentiary or required to perform hard labor. It shall be a sufficient defense to any charge of introducing

or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this section shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 3041 of Title 18. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense. (R. S. 2139, as amended; 25 U. S. C. 241.)

(4) **Liquors not to be mailed to Indian wards.** Beer, lager beer, ale, porter, wine, or other liquors, regardless of alcoholic content, may not be mailed to Indian wards anywhere or into any present Indian reservation or to those parts of opened Indian reservations which are still reserved for Government or tribal use or which are held in trust for individual Indians prior to their request for fee patents for such lands.

§ 35.14 **Inflammable substances—(a) When mailable.** Inflammable liquids and substances having a flash point by the closed cup test between 80° and 20° F., such as paints, varnishes, automobile tire-repair outfits containing rubber cement, etc., that are not liable to cause fire by self-ignition through friction, through absorption of moisture, or through spontaneous chemical changes, and are not poisonous or explosive or unmailable for reasons other than their inflammability, shall be accepted for transmission in the domestic mails except the air mail service when in quantities of not more than 4 ounces and when contained in tightly closed metal boxes or cans and packed in strong papier-mâché tubes or in boxes made of good quality double-faced corrugated pasteboard. The word "inflammable" and the proper name of the article shall be plainly marked on the outside of the package. Articles having a flash point by the closed cup test below 20° F. are held to be explosive and shall not be accepted for mailing.

(b) **Packing and marking.** Substances mentioned in the preceding paragraph (a) when in larger quantities shall be accepted for transmission in the domestic mails except the air mail service, when in tight and strong metal containers inclosed in tight and strong outside wooden or fiber board boxes or cases: *Provided*, That the maximum quantity of any inflammable liquid packed in one outside container shall not exceed 5 gallons and the containers shall not be entirely filled—not less than 2 percent of their capacity to be left vacant. The proper name of the inflammable substance contained therein shall be plainly marked on the outside of the package and caution labels (red for liquid and yellow for solids) shall be attached thereto by the shipper. These caution labels shall be diamond shaped, each side 4 inches long, with the wording printed

in black letters inside of a black-lined border measuring $3\frac{1}{2}$ inches on each side. The wording on the red labels shall be:

Notice to postal employees. Caution. Do not drop. Keep away from fires, stoves, radiators, lighted matches, lanterns, and direct sunlight. Any leaking package shall be removed to a safe place. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Post Office Department.

(Shipper's name)

The wording on the yellow labels shall be:

Notice to postal employees. Caution. Do not drop. Keep fire and lights away. Sweep up and remove carefully contents of broken packages. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Post Office Department.

(Shipper's name)

All such parcels shall be handled outside of mail bags.

(c) **Specifications of containers.** Substances mentioned in the preceding paragraphs (a) and (b) shall be accepted for transmission in the domestic mails except the air mail service, when in quantities not exceeding 1 gallon in any one outside container in inside containers of glass or earthenware cushioned with cells of air at least three-fourths of an inch deep formed by extended tips of each compartment or partition, or with excelsior or other effective cushioning material, or in fiberboard cans at least 0.120 of an inch thick with metal top and bottom, the top being of the friction type which must be fastened on with six equally spaced single indentations at least 0.050 of an inch deep, or six double indentations equally spaced, the indentations being 0.034 of an inch deep on each of the opposite sides of the friction ring. The interior of the fiberboard container must be so lined or treated as to prevent penetration by the material with which the can is filled. The fiberboard can requires no cushioning.

The inside containers, whether of glass, earthenware or fiberboard must then be enclosed in a wooden, solid fiberboard or double-faced corrugated fiberboard box testing at least 200 pounds per square inch, all seams to be sealed with kraft $2\frac{1}{2}$ -inch gummed paper tape. When the quantity in any one parcel exceeds 4 ounces the parcel must bear the proper red caution label and shall be handled outside of mail bags.

(d) **In overseas mails.** (1) Inflammable liquids having a flash point by the closed cup test of 80° F. or lower; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; poisonous articles or substances; are prohibited in the overseas mails.

(2) Combustible liquids having a flash point by the closed cup test of 150° or lower, but above 80° F. shall be accepted for transmission in the overseas mails when in quantities not exceeding 1 quart (except in the case of paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler liquid and lacquer base liquid, and thinning, reducing and removing compounds, and driers liquid therefor, when the quantity shall be less than 1 gallon.) (See Official Postal Guide, Part II, as to packing.)

(e) **Nitrate of soda and nitrate of potassium.** Nitrate of soda and nitrate of potassium in packages not exceeding 25 pounds shall be accepted for trans-

mission in the domestic mail when prepared as provided in paragraph (b) of this section or when packed in strong cotton bags lined with two thicknesses of kraft paper, cemented together with asphaltum and cemented to the outside cotton bags. Care shall be taken to avoid any of the product getting on the outside of the parcels, and the package shall be capable of withstanding a drop of 4 feet without any escaping of contents. Each package shall bear the yellow caution label referred to in paragraph (b) of this section.

(f) Matches. (1) Safety matches (strike-only-on-box-or-book variety) shall be accepted for transmission in the domestic mails when packed in tightly closed metal containers, or in strong containers of other nonfragile material having a securely glued inside lining consisting of either aluminum foil 0.0004 inch thick, or long fiber asbestos paper 0.006 inch thick. The aluminum foil or asbestos lined containers must be completely filled with safety matches and the flaps reinforced with strong gummed paper tape.

(2) Pull-and-light types of safety matches tested and approved by the proper Government agency, shall be accepted for transmission in the domestic mails when packed in completely filled, tightly closed strong cardboard containers. A small number of cards of these matches may be accepted for mailing in a strong securely fastened mailing envelope.

(3) No matches of any kind shall be accepted in the mails for transmission between continental United States and the overseas possessions and Territories of the United States, including Alaska, or for transmission between any such possession or Territory and any other such possession or Territory.

NOTE: For detailed instructions for packing see Manual of Instructions for Postal Personnel and Official Postal Guide.

(g) Mercury. Mercury in quantities not exceeding 15 pounds shall be accepted for transmission in the domestic mails when in a tightly closed container of glass or earthenware, securely cushioned in a double-faced corrugated fiberboard box. This box shall then be cushioned in a larger double-faced corrugated fiberboard box, tightly closed and securely fastened. Both fiberboard boxes must be of at least 175-pound test board. Mercury in small quantities such as contained in switches used to make and break an electric current may also be packed in approved mailing tubes when the glass tube of mercury is completely surrounded with at least one-half inch of soft cushioning material.

§ 35.15 Mailable nontoxicating, noninflammable, and noninjurious matter—
(a) Conditions. Liquids not spirituous, vinous, malted, fermented, or otherwise intoxicating, and not liable to explosion or spontaneous combustion or ignition by shock or jar, and not inflammable, fruits or vegetable matter liable to decomposition, comb honey, soft soap, pastes or confections, ointments, salves, and articles of similar consistency, shall be admitted to the mails for transmission in the domestic mails when inclosed in packages in conformity with the conditions prescribed in §§ 35.18 and 35.19.

(b) Medicines. Medicines which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable (see §§ 34.73 and 36.2), shall be admitted to the mails for transmission in the domestic mails when inclosed in packages in conformity with the conditions prescribed in § 35.18: *Provided*, That the term "medicines" shall not be construed to mean poisons: *Provided further*, That the article mailed bears the label or superscription of the manufacturer thereof or dealer therein, or of the licensed physician, surgeon, dentist, pharmacist, druggist, or veterinarian preparing or prescribing the same.

(c) **Insecticides, fungicides, and germicides.** Insecticides, fungicides, and germicides not outwardly or of their own force dangerous or injurious to life, health, or property, and not in themselves unmailable (see §§ 34.73 and 36.2), shall be admitted to the mails for transmission in the domestic mails when securely packed for safe transmission: *Provided*, That the container of the article mailed is plainly labeled to show its contents, is also marked "Poisonous Composition," and bears the label or superscription of the manufacturer thereof. (See § 35.18 (d) (7) as to packing.)

(d) **Preparations not mailable.** Poisonous preparations, such as raticides, for the extermination of rodents and other destructive mammals are not included in the above classification and are not mailable.

(e) **Poisonous drugs and anesthetic agents.** Poisonous drugs and medicines and anesthetic agents which are not outwardly or of their own force dangerous or injurious to life, health, or property, and not otherwise unmailable (see §§ 34.73 and 36.2), when securely packed for safe transmission shall be admitted to the mails for transmission in the domestic mails when sent by the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, when addressed as such: *Provided*, That the container of the article mailed is plainly labeled to show its contents, is marked "Poison," and bears the label or superscription of the manufacturer thereof.

§ 35.16 **Motion-picture films—(a) Packing and marking.** Motion-picture films shall be packed in spark-proof metal boxes or cans, complying with specification No. 32 of the Interstate Commerce Commission regulations for the shipment of dangerous articles. Case and cover shall be lined throughout with hard fiberboard at least one-eighth inch thick. Each outside metal case shall be plainly and permanently marked in the metal by embossing the following symbol, consisting of a rectangle and the following mark:

I. C. C.—32 A

The letters and figures in this symbol shall be at least one-half inch high, and the final letter may be either A, B, C, D, E, F, or G.

(b) **Further packing provisions.** Motion-picture films may also be packed in outside wooden boxes complying with Specification No. 15C of the Interstate Commerce Commission regulations for the transportation of dangerous articles, provided each reel is placed in a tightly closed inside metal container. Marking on boxes to indicate compliance with the specification is

I. C. C.—15C***

the stars being replaced by figures indicating the maximum gross weight for which the box is authorized. The letters and figures in this symbol shall be at least one-half inch high. Boxes marked I. C. C.—19 as previously authorized may be accepted if made prior to October 1, 1930.

(c) **Short films.** Short motion-picture films (not exceeding 25 feet in length) shall be accepted when placed in tightly closed metal cans and in outside containers of corrugated strawboard or other suitable material. Motion-picture films not exceeding 1,000 feet in length shall be accepted for mailing when placed in tightly closed metal cans lined with asbestos, in outside fiberboard or corrugated fiberboard containers, securely sealed, without the yellow caution label, to be dispatched inside of mail bags. Such films also shall be

accepted for mailing when placed in tightly closed metal cans without lining, in outside fiberboard or corrugated fiberboard containers, securely sealed, with the yellow caution label, to be dispatched outside of mail bags.

(d) **Use of fiberboard boxes.** Motion-picture films referred to in paragraphs (a), (b), and (c) may also be packed in one-piece fiberboard boxes complying with I. C. C. Specification 12B (paragraph 30 (b)) when each film is in a tightly closed metal film-reel can or strong cardboard or fiberboard box with cover held in place by adhesive tape or paper, containing not over 2,000 feet (approximately) of film; cans or boxes to be adequately braced in center of box by fiberboard, at least 175-pound test, extending full depth of box. Gross weight not over 65 pounds. Closing of box must be effected by coating entire contact surfaces of flaps with efficient adhesive; stitched closure not authorized. Boxes that have been filled, shipped, and opened are not authorized for reuse.

(e) **Noninflammable films.** Noninflammable motion-picture films shall be accepted without other restriction when packed in sufficiently strong containers; each outside container shall be plainly marked "Motion-picture films—Not dangerous."

(f) **Pyroxylin plastics; packing of.** Pyroxylin plastics (celluloid, fiberoid, pyralin, viscoloid, zylonite, etc.) in sheets, rolls, or tubes, shall be packed in strong spark-proof wooden boxes, or sheet pyroxylin may also be packed flat in double-faced corrugated strawboard packages, provided that the total thickness of sheet material in one package does not exceed one-half inch in thickness. The pyroxylin plastic shall be wrapped in paper and the box shall not be less than two thicknesses of double-faced corrugated strawboard at all points. When material is in rolls, it shall be placed in fiber or strawboard cylinders with walls not less than 0.045 inch thick, for a net weight of 6 pounds or less or 0.115 inch thick for a net weight of 15 pounds or less, and the cylinders shall be lined with single-faced corrugated strawboard two-tenths inch thick.

(g) **Inflammable films or pyroxylin plastics; caution label.** All packages containing inflammable motion-picture films (except short lengths) or pyroxylin plastics (except manufactured articles) shall have attached thereto by the shipper a diamond-shaped yellow label, each side 4 inches long, with the wording printed in black letters inside of a black line border measuring $3\frac{1}{2}$ inches on each side, reading as follows:

Caution. Keep away from fire, heat, and open-flame lights. Sweep up and remove carefully contents of broken packages. This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation, according to the regulations prescribed by the Post Office Department.

(Shipper's name)

All such parcels shall be handled outside of mail bags.

(h) **Examination of shipments.** Postmasters shall exercise special care in accepting motion-picture films and pyroxylin plastics for shipment and see that containers are in good condition and have attached thereto the required caution label.

(i) **Address labels.** The address labels shall be plain, with the name of the shipper shown in the upper left corner less conspicuously than the name and address of the addressee, which shall appear on the lower half of the label, and all old labels and postage stamps shall be removed.

(j) **Size and weight limit.** Packages of motion-picture films shall not exceed the size and weight limit for parcel-post mail.

(k) **Loading of motion-picture film.** Motion-picture films with yellow caution label and other material with approved caution label shall be loaded in cars occupied by a postal or railroad employee and in a place that will permit of their ready removal in case of fire. They shall not be loaded in cars nor stored in stations or offices in contact with steam pipes or other sources of heat. Motion-picture films with yellow caution label may be accepted for transmission in the domestic air-mail service to be carried in the regular mail compartment outside of mail bags.

§ 35.17 **Diseased tissues and other specimens—(a) When mailable—(1) Conditions.** Specimens of diseased tissues, blood, serum, and cultures of pathogenic micro-organisms may be admitted to the mail for transmission to United States, State, municipal, or other laboratories in possession of permits referred to in paragraph (b) of this section only when enclosed in mailing cases constructed in accordance with this regulation, provided that bacteriologic or unfixed pathologic specimens of plague and cholera shall not be admitted to the mails except when prepared as hereinafter specifically provided.

(2) **Pathologic specimens of plague and cholera.** Pathologic specimens of plague and cholera which have been immersed for at least 72 hours in four times their volume of 4 percent formaldehyde gas in water, or other fluid of equal or superior disinfecting power for a period sufficient to fix or harden the central portions of the specimen, may be admitted to the mails if packed in the same manner as herein prescribed for other unfixed pathologic tissues (par. (c), subpars. (1), (2), (3)).

(3) **Cultures and infectious material.** Cultures and infectious material of plague, cholera, anthrax, undulant fever and tularaemia may be admitted to the mails if enclosed in stout glass tubes sealed by fusion of the glass and packed in a larger stout glass container with a layer of absorbent cotton soaked in 4 percent formaldehyde surrounding the inner container. The outer glass container shall be closed with a rubber stopper or cork of good quality or by fusion of the glass. This double glass container shall then be packed in accordance with the provisions of paragraph (c), subparagraphs (2) and (3).

(b) **Permit from Postmaster General before delivery.** No package containing diseased tissue, blood, serum, or cultures of pathogenic micro-organisms shall be delivered to any representative of any of the said laboratories until a permit shall have first been issued by the Postmaster General, certifying that said laboratory has been found to be entitled, in accordance with the requirements of this regulation, to receive such specimens.

(c) **Specimens of sputum or other infectious materials—(1) Packing.** Specimens of sputum, feces, pus, unfixed diseased tissue, or other infectious material fluid in nature or shipped with nondisinfesting fluid shall be placed in stout glass containers of suitable size (but not more than 3 inches in diameter) closed with a metal cover with a rubber, cork, or paraffined paper leakproof washer or with a cork or rubber stopper of good quality or by fusing the glass, provided that large fixed specimens of diseased tissue may be prepared for shipment outside of mail bags when packed in accordance with the provisions of subparagraph (2).

(2) **Specifications of container.** The aforesaid glass container shall then be placed in (1) a cylindrical sheet-metal box, with soldered joints, closed by a metal screw cover, or (2) a paraffin impregnated heavy cardboard container with ends made of metal, or a suitable substitute for metal and/or cardboard. A sleeve type of closure may be employed provided that the overlap is at least one-third the length of the cylinder and in any case at least two inches. The

closure shall be sealed with tape. Or, (3) a one-piece bored wooden cylinder at least three-sixteenths of an inch thick in its thinnest part with a threaded screw top.

The screw top covers shall be provided with rubber or felt washers and shall be threaded with sufficient screw threads to require at least one and one-half full turns before they will come off.

The vial or test tube in the above containers shall be completely and evenly surrounded by absorbent cotton or other suitable absorbent in quantity sufficient to absorb the contents of the glass container, should it be broken.

(3) **Sheet-metal box to be enclosed.** The sheet-metal box with its contents shall then be enclosed in a closely fitting wooden or papier-mâché box or tube, at least three-sixteenths of an inch thick in its thinnest part or in a sheet-metal box or tube of sufficient strength to resist rough handling and support the weight of the mails piled in bags. This tube shall be tightly closed with a screw-top cover with sufficient screw threads to require at least one and one-half full turns before it will come off.

(4) **Further provisions for mailing.** Cultures in solid media, blood, serum, spinal fluid, fixed and completely disinfected diseased tissue and infectious materials on swabs shall be transmitted in a stout glass container of suitable size (but not more than 3 inches in diameter) closed with a metal cover with a rubber, cork, or paraffined paper washer or with a stopper of rubber, paraffined cork, or cotton, the last sealed with paraffin or covered with a tightly fitting rubber cap. The tube shall then be packed in a single wooden or papier-mâché cylindrical box or tube, at least three-sixteenths of an inch thick in its thinnest part or in a sheet-metal box or tube, of sufficient strength to resist rough handling and support the weight of the mails piled in bags. The glass container in this box or tube shall be completely and evenly surrounded by absorbent cotton or other suitable absorbent packing material. Cultures in media that are fluid at the ordinary temperature (below 45° C. or 113° F.) may be mailed if packed in stout glass vials closed by fusing the glass and enclosed as in subparagraphs (2) and (3).

(5) **Blood specimens.** Specimens of blood dried on glass microscopic slides for the diagnosis of malaria or typhoid fever by the Widal test or of other conditions shall be sent in any strong mailing case which is not liable to breakage or loss of the specimen in transit.

(6) **Large shipments of pathological specimens.** Large pathological specimens of fixed diseased tissue and shipments of large numbers of small specimens may be prepared for shipment outside of mail bags. Small specimens of sputum, blood, serum, spinal fluid, pus, feces, fixed or unfixed diseased tissue or other material fluid in nature or shipped with fluid, forming part of such a shipment shall be placed in stout glass containers as in subparagraph (1) and individually evenly wrapped in absorbent cotton or other suitable absorbent material in sufficient quantity to absorb all the fluid in case of breakage. Large specimens of fixed diseased tissue shall be placed in securely sealed glass containers or in securely closed (hermetically sealed or screw-top or approved patent-top) metal containers with the necessary preservative fluid. The container shall be surrounded by sawdust or other suitable absorbent material to protect against breakage or leakage. Small and large specimens so prepared shall be shipped in a strong securely closed box marked "Fragile—Liquid. This Side Up," or with similar inscription, and be transported outside of mail bags.

(d) **Indorsement on packages.** Upon the outside of every package of diseased

tissue, blood, serum, or cultures of pathogenic micro-organisms admitted to the mails shall be written or printed the words "Specimen for bacteriological examination. This package shall be pouched with letter mail." Except that large specimens or shipments prepared under paragraph (c), subparagraph (6), shall be marked "Specimen for bacteriologic examination."

§ 35.18 **Special packing of certain matter—(a) Requirements.** Admissible articles which, from their form or nature, might damage other mail matter or equipment or injure the person of any postal employee shall be accepted when packed in accordance with the following conditions:

(b) **When fragile.** In case of articles liable to break, the inner bag, box, envelope, or wrapping shall be surrounded by sawdust, excelsior, cotton, or other similar substance.

(c) **Liquids and oils for local delivery.** Admissible liquids and oils (see § 35.13) in packages not exceeding the limit of weight of fourth-class matter (see § 34.73) shall be accepted for mailing when intended for delivery at the office of mailing or on a rural route starting therefrom when inclosed in strong and securely closed containers, provided it is not necessary to transport them over steam or electric railways.

(d) **Liquids and oils for nonlocal delivery—(1) Conditions.** Admissible liquids and oils, pastes, salves, or other articles easily liquefiable shall be accepted for mailing, regardless of distance, when they conform to the following conditions:

(2) **In bottles of 4 ounces or less.** When in strong glass bottles holding 4 ounces or less, the total quantity sent in one parcel shall not exceed 24 ounces, liquid measure. Each bottle shall be wrapped in absorbent material and then all placed in a box made of cardboard or other suitable material and packed in a container made of double-faced corrugated fiberboard or solid fiberboard or wood. The corners of the container shall fit tightly and be reinforced with tape, so as to prevent the escape of any liquid if the inside container should be broken, and the whole parcel shall be securely wrapped with strong paper and tied with twine. Such parcels shall be indorsed "Fragile—Liquid," and be dispatched inside of mail bags. Single bottles of liquid holding 4 ounces or less may also be packed as prescribed in the following paragraphs (3) and (4):

(3) **In bottles of more than 4 and not more than 16 ounces.** When in glass bottles holding more than 4 and not more than 16 ounces, the bottle shall be very strong and shall be inclosed in a block or tube of metal, wood, papier-mâché or similar material, and there shall be provided between the bottle and the block or tube a cushion of cotton, felt, or other absorbent. The block or tube, if of wood or papier-mâché, shall be of sufficient strength to afford proper protection to contents, and withstand handling in the mails, and shall be rendered watertight by an application on the inside of paraffin or other suitable substance, and shall be closed by a screw-top cover with sufficient screw threads to require at least one and one-half complete turns before it will come off. The cover of the block or tube shall be provided with a washer so that no liquid could escape if the bottle should be broken. Such bottles may also be packed in strong and tight receptacles of wood, metal, or solid fiberboard or waterproof double-faced corrugated fiberboard if surrounded with bran, sawdust, or other absorbent material in sufficient quantity to absorb all the liquid if the bottle should be broken. Parcels prepared in this manner shall be indorsed "Fragile—Liquid" and be dispatched inside of mail bags.

(4) **In bottles of more than 16 ounces.** Mailable liquids, in quantities of more than 16 ounces, when in securely sealed glass bottles, shall be accepted for mailing

when packed in strong boxes and surrounded with sawdust or other suitable substance to protect the contents from breakage. All such packages shall be marked "Fragile—Liquid. This Side Up," or with similar inscription, and be transported outside of mail bags.

(5) **In metal containers.** Mailable liquids in securely closed (hermetically sealed or screw top or approved patented top) metal containers, when in quantities of less than 1 gallon and inclosed in double-faced corrugated fiberboard or solid fiberboard or wooden boxes for shipment inside of mail bags, shall be accepted for mailing, but when in friction-top cans the tops shall be securely soldered on or so fastened by effective indentations at not less than six places, or the cans be surrounded with sawdust, bran, or other suitable absorbent material in sufficient quantity to absorb all the liquid if the top of the can should come off. Such parcels shall be marked "Fragile—Liquid."

(6) **To be marked "Fragile."** Mailable liquids in tightly closed metal containers in quantities of 1 gallon or more shall be accepted for mailing when suitably boxed or crated to be dispatched outside of mail bags and labeled "Fragile—Liquid. This Side Up," but when in extra strong metal containers, such as heavy milk cans, the boxing or crating may be omitted.

(7) **Insecticides, fungicides, and germicides.** Insecticides, fungicides, and germicides, when accepted for mailing, must be in inside containers of metal, glass or fiber cans or boxes and in outside containers of metal, wood, or fiberboard, tightly closed and securely fastened. When in liquid form, the inside container must not only be surrounded with sufficient absorbent material to absorb all the liquid should the container be broken but packed in cushioning material. (Excelsior is not considered an absorbent.) When in solid or powdered form, the inside container must be surrounded with cushioning material.

(e) **Pastes and salves.** Pastes, salves, etc., not easily liquefiable shall be accepted for mailing when inclosed in watertight containers and cushioned in a double-faced corrugated fiberboard or solid fiberboard or wooden box.

(f) **Samples to be submitted.** Manufacturers or dealers intending to transmit articles in considerable quantities should submit to the postmaster at the mailing office for approval a specimen parcel showing the manner of packing.

(g) **Sharp instruments or tools.** Sharp-pointed or sharp-edged instruments or tools shall be capped or incased so that they cannot cut through their covering. Blades shall be bound so that they will remain firmly attached to each other or within their handles or sockets. Plowshares, stove castings, pieces of machinery, etc., shall have all points, edges, and corners thoroughly protected with excelsior or similar material and be wrapped in burlap, cloth, or tough paper, or be properly boxed to prevent damage to mail or equipment, when intended for other than local delivery.

(h) **Powders.** Ink powders, pepper, snuff, or other similar powders not explosive, or any similar pulverized dry substance not poisonous, shall be accepted when inclosed in the manner prescribed herein for liquids, or when inclosed in cases made of metal, wood, papier-mâché, or similar material, in such manner as to render impossible the escape of any of the contents.

(i) **Candles, confections, yeast cakes, soaps.** Candles, confectionery, yeast cakes, soap in hard cakes, etc., shall be inclosed in boxes and so wrapped as to prevent damage to other mail matter.

(j) **Hides and pelts.** Mailable hides and pelts which are thoroughly dried or

cured (§§ 35.18 and 35.21) shall be so wrapped as to prevent grease soaking through the package and damaging other mail matter.

(k) **Ammunition; guns.** Cartridges and loaded shells shall not be accepted for mailing. (See § 35.13.) Unloaded guns, other than firearms that can be concealed on the person (see § 36.12) may be sent in the mails, but the postmaster shall carefully examine such packages and shall receive them only when sure they are harmless. In no case shall a loaded firearm be accepted for mailing.

(l) **Fragile articles.** Fragile articles, such as millinery, toys, musical instruments, etc., and articles consisting wholly or in part of glass, or contained in glass, shall be securely packed and cushioned in strong double-faced corrugated fiberboard or solid fiberboard or wooden boxes and the parcel stamped or labeled "Fragile." Parcels so labeled shall be handled with the greatest possible care. Parcels which do not contain fragile articles shall not be marked "Fragile."

§ 35.19 **Perishable articles—(a) Acceptance and marking.** Postmasters and other employees shall endorse all parcels containing perishable articles with the word "Perishable" on the wrapper directly above the name of the addressee. Articles likely to spoil within the time reasonably required for transportation and delivery shall not be accepted for mailing.

(b) **When acceptable.** Butter, lard, and perishable articles, such as fish, fresh meats, dressed fowls, vegetables, fruits, berries, and articles of a similar nature, which decay quickly, shall be accepted for mailing to any office which in the ordinary course of mail they can reach without spoiling, when inclosed in crates, boxes, baskets, or other suitable containers, so constructed as properly to protect the contents and prevent the escape of anything therefrom. Such parcels shall be labeled "Perishable," and, if necessary for safe shipment, shall be transported outside of mail bags. Berries, fruits, and vegetables shall not be accepted for mailing unless they are in good dry shipping condition.

(c) **Eggs—(1) Containers.** Eggs shall be accepted for mailing when packed in crates, boxes, baskets, or other suitable containers, so constructed as properly to protect the contents. Such packages shall be transported outside of mail bags. All parcels containing eggs shall be plainly marked "EGGS." When necessary, they should be marked "THIS SIDE UP."

(2) **For hatching.** Eggs for hatching shall be accepted for mailing, when each egg is wrapped separately and surrounded with excelsior, woodwool, or other suitable material and packed in a basket, preferably with a handle, or other suitable container, lined with paper, fiberboard, or corrugated pasteboard. Such parcels shall be labeled "Eggs for hatching," "Keep from heat and cold," "Please handle with care," or other suitable words, and shall be handled outside of mail sacks.

§ 35.20 **Meats and meat products—(a) When acceptable.** Fresh, salted, dried, smoked, or cured meats and other meat products may be admitted to the mails and may be transported, regardless of distance, from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia when the provisions of the act of March 4, 1907, as amended and extended, and the regulations promulgated thereunder by the Department of Agriculture have been complied with: *Provided, however,* That fresh meat in any form shall be accepted for mailing only to post offices to which, in the ordinary course of mail, it can be sent without spoiling. (See § 35.19.)

(b) **Regulations of Department of Agriculture.** The regulations promulgated by the Department of Agriculture, referred to in the preceding paragraph, provide as follows:

(1) **Certificate required before transport.** No carrier or other person shall transport or receive for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, any article derived wholly or in part from cattle, sheep, swine, or goats unless and until a certificate is made and furnished to him in one of the following forms prescribed for the purpose showing that such meat or meat-food product has been either inspected and passed or exempted from inspection according to act of Congress of March 4, 1907, as amended and extended.

(2) **Certificate of inspection.** When any meat or product which has been inspected and passed and bears the inspection legend is offered to any carrier for transportation from one State or Territory or the District of Columbia, to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in the following form:

Date-----, 19---

Name of common carrier-----
 Shipper-----
 Point of shipment-----
 Consignee-----
 Destination-----

I hereby certify that the following described meat or meat-food products which are offered for shipment in interstate or foreign commerce, have been U. S. inspected and passed by Department of Agriculture, are so marked, and at this date are sound, healthful, wholesome, and fit for human food.

Kind of product.	Amount and weight.
-----	-----
-----	-----
-----	-----
-----	(Signature of shipper)
-----	(Address of Shipper)

The signature of the shipper or of his agent shall be written in full. This certificate may be stamped upon or incorporated in any form which is ordinarily used in the transportation of meat and products. Certificates of this form or copies thereof need not be forwarded to the Meat Inspection Division at Washington.

(3) **Certificate of exemption by retail butchers or dealers.** When any meat or product which has not been inspected and passed under these regulations is offered for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, by any retail butcher or retail dealer who holds a certificate of exemption issued by the Secretary of Agriculture, the carrier shall require, and such retail butcher or retail dealer shall make and deliver to the carrier, a certificate in duplicate in the following form:

Date-----, 19---

Name of common carrier-----
 Shipper-----
 Point of shipment-----
 Consignee-----
 Destination-----
 Number of exemption certificate-----

I hereby certify that I am a retail butcher or a retail dealer in meat or meat-food products; that the following-described meat or meat-food products are offered for shipment in interstate or foreign commerce under a certificate of exemption issued to me by the United States Department of Agriculture, and that at this date they are sound, healthful, whole-

some, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Kind of product.

Amount and weight.

-----	-----
-----	-----
	(Signature of shipper)
	(Address of shipper)

The signature of the shipper or of his agent shall be written in full, and each certificate shall show the exemption number of the shipper. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier (Postmaster) to the Chief of Meat Inspection Division, Washington 25, D. C.

(4) **Certificate of exemption as to animals slaughtered on farms.** When cattle, sheep, swine, or goats have been slaughtered by a farmer on the farm and any meat or product derived therefrom which has been marked by him with his name and address is offered to a carrier for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, the carrier may so transport such meat or product which is identified as derived from any of such animals slaughtered by a farmer on the farm.

The carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form:

Date _____, 19____.

Name of common carrier _____
 Shipper _____
 Point of shipment _____
 Consignee _____
 Destination _____

I hereby certify that the following-described uninspected meat or meat-food products are from animals slaughtered by a farmer on the farm, and are offered for transportation in interstate or foreign commerce as exempted from inspection according to the Meat Inspection Act of March 4, 1907, as amended and extended, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal Meat Inspection Regulations.

Kind of product.

Amount and weight.

-----	-----
-----	-----
	(Signature of shipper)
	(Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier (Postmaster) to the Chief of Meat Inspection Division, Washington 25, D. C.

NOTE: The exemptions set forth in paragraphs (b) (3) and (b) (4) of this section, applying to animals slaughtered by any farmer on a farm and to retail butchers and retail dealers in meat-food products do not apply to meat or meat-food products of horses slaughtered or handled by farmers or retail butchers or dealers. See par. (g) of this section.

(c) **Parcel unaccompanied with proper certificate not to be accepted.** Postmasters shall not accept for mailing any parcel containing any carcass, part of carcass, or meat-food product of cattle, sheep, swine, or goats offered for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or for foreign shipment, unless and until the person offering the parcel for mailing shall furnish

the certificate applicable in the particular case under the requirements of the regulations issued by the Department of Agriculture embodied in the preceding paragraph.

(d) **Instructions for making out certificate.** In making out the certificate the sender or shipper shall give the United States mails as the carrier, the post office of mailing as the point of shipment, the name of the addressee as the consignee, and the post office of address as the destination.

(e) **Duplicate certificates required.** Paragraphs (b) (3) and (b) (4) of this section require the certificate to be made in duplicate. Postmasters shall promptly send the duplicates to the Chief of Meat Inspection Division, Washington 25, D. C. The originals required by these paragraphs, as well as the certificate required by paragraph (b) (2), shall be retained in the files of the post office for one year.

(f) **Forms to be furnished by sender.** The required certificates shall be prepared by the sender or shipper. (Form 3583-B for retail butcher shipments and Form 3583-F for farmer's shipments may be used.)

(g) **Horse meat and products thereof.** Under the act of July 24, 1919, providing for the inspection of horse meat and products thereof and the regulations promulgated in connection therewith by the Department of Agriculture, horse meat and food products thereof may be accepted for mailing from one State or Territory or the District of Columbia to another State, Territory, or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, only when labeled or marked "Horse meat" or "Horse-meat products" and each shipment is accompanied with a certificate in the form indicated in paragraph (b) (2) of this section, changed to read "Horse meat or horse-meat products" instead of "Meat or meat-food products."

NOTE: The regulations of the Department of Agriculture provide that the domestic meat labels for horse meat or meat-food products thereof shall be printed on paper light green in color. The legend composing the body of each label shall be as follows: "The horse meat or meat-food product thereof contained herein has been United States inspected and passed by the Department of Agriculture," and in lieu of the phrase "domestic meat label" there shall be printed thereon the phrase "domestic horse meat or horse-meat product."

§ 35.21 **Dead bodies of wild animals or birds—(a) When available.** Postmasters shall not accept for mailing any parcel containing the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, which have been killed or taken or are offered for shipment contrary to any law of the United States or of any State, Territory, District of Columbia, or foreign country or State, Province, or other subdivision thereof: *Provided, however,* That the foregoing shall not be construed to prevent the acceptance for mailing of the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any wild birds, killed or taken during the season when the same may be lawfully killed or taken and the shipment of which is not prohibited by law in the State, Territory, District, or foreign country, in which the same are killed or taken or offered for shipment.

(b) **Marking.** Parcels containing the dead bodies of any wild animals, or birds, or parts thereof (except furs, hides, or skins of such animals, for which provision is hereinafter made), or the eggs of such birds, may be admitted to the mails only when plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee (addressee), and with an accurate statement showing by number and kind the contents thereof: *Provided, however,* That fresh game in any form may be accepted for transmission only to post offices to which, in the ordinary course of mail, it can be sent without spoiling. (See § 35.19.)

(c) **Furs, hides, or skins of wild animals.** Parcels containing furs, hides, or skins of wild animals may be accepted for mailing only when properly dried, and plainly and clearly marked, labeled, or tagged on the outside thereof with the names and addresses of the shipper and consignee (addressee), together with such other indorsement, if any, as may be required by the game laws of the State, Territory, or District in which mailed.

NOTE: Sections 43 and 44 of revised title 18, United States Code, make it unlawful to ship the dead bodies, or parts thereof, of any wild animals or birds, or the eggs of any such birds, contrary to the laws of the United States or of any State, Territory, District, or foreign country, and prescribe how parcels containing the same lawfully shipped shall be marked or labeled.

§ 35.22 **Bees—(a) Queen bees.** Queen bees and their attendant bees, when accompanied with a copy of a certificate of the current year from a State or Government apiary inspector to the effect that the apiary from which said queen bees are shipped is free from disease or by a copy of a statement by the beekeeper made before a notary public or other officer having a seal that the honey used in making the candy used in the queen mailing cage has been diluted and boiled in a closed vessel may be sent in the mails when so put up as to render it practically impossible that the package shall be broken in transit, or the persons handling the same be injured, or the mail bags or their contents soiled.

(b) **Honey bees.** Honey bees in quantities may be sent in the mails under the same conditions as are prescribed for queen bees and their attendant bees when delivery can be made to the addressee within a period of 5 days. If the cages are wooden, the material of which they are constructed shall not be less than three-eighths of an inch thick and the saw cuts therein or space between slats shall not be over one-eighth of an inch wide; if wire screen is used for the sides of the cages the screen may be of one thickness. Semiliquid food consisting of sugar sirup inclosed in a tin can with small holes in the bottom of the can to permit of a proper leakage of the food supply may be placed in the cages. The food can shall be securely suspended in the cage with the top of the can wedged against the top of the cage. Cleats approximately 1 inch high shall be securely fastened on the bottom of the cages to prevent the escape therefrom of any sirup that the bees may fail to consume. Each cage shall be provided with a suitable handle and be marked on the top with the words "THIS SIDE UP." Such parcels shall be transported outside of mail bags.

§ 35.23 **Other live insects; dried insects and reptiles.** Other live nonpoisonous or disease-conveying insects when addressed to the Bureau of Entomology and Plant Quarantine, U. S. Department of Agriculture, or to departments or divisions of entomology in State agriculture colleges, or experiment stations, or to persons holding official entomology positions, or when accompanied by a permit issued by the Bureau of Entomology and Plant Quarantine, U. S. Department of Agriculture, authorizing their interstate movement; and dried insects and reptiles may be sent in the mails when so put up as to render it practically impossible that the package shall be broken in transit, or the persons handling the same be injured, or the mail bags or their contents soiled.

§ 35.24 **Live day-old chicks.** Live day-old chicks, day-old ducks, day-old geese, day-old guinea fowl, and day-old turkeys shall be accepted for mailing when the package in which they are contained is properly prepared and can be delivered to the addressee within 72 hours from the time they are hatched. Shipments of day-old chicks and other live day-old poultry shall not be forwarded to the addressee from the office of original address nor returned to the sender

if delivery cannot be made to either the addressee or sender within the 72-hour period from the time of hatching.

NOTE: See § 43.47 (b) (1), for instructions covering the disposition of undeliverable shipments.

§ 35.25 Harmless live creatures. Baby alligators not exceeding 20 inches in length, baby terrapin, baby turtles, bloodworms, chameleons, earthworms, frogs, goldfish packed in moss, hellgrammites, horned toads, hydras, leeches, lizards, meal worms, newts, planaria, salamanders, shellfish, snails, soft crabs, soft crawfish and tadpoles may be sent in the mails to points they may reasonably be expected to reach in good condition. They shall be properly prepared for safe transmission, and containers shall be labeled "Perishable" and the nature of the contents marked thereon.

§ 35.26 Insurance and c. o. d. of fowl, bees, and animals. Live day-old chicks, day-old ducks, day-old geese, day-old guinea fowl, day-old turkeys, queen bees and their attendant bees, honey bees, and harmless live animals, mailed under the conditions set forth in the preceding paragraphs of this section, may be accepted for insurance or collection-on-delivery, and indemnity in connection therewith will be paid in accordance with the provisions of §§ 64.38 to 64.41, inclusive, and § 119.1.

§ 35.27 Plant quarantine—(a) Mailing restricted by. When any State, Territory, or District of the United States, or any portion thereof, is quarantined by order of the Secretary of Agriculture, with respect to a plant disease or insect infestation, under the provisions of the plant quarantine act of August 20, 1912 (37 Stat. 315; 7 U. S. C. 154), or acts amendatory thereof, the acceptance for mailing from such quarantined State, Territory, or District, or any portion thereof, into or through any other State, Territory, or District, of any class of nursery stock, plants, or plant products, covered by such quarantine order, shall be subject to the restrictions of that order.

(b) Nursery stock; certificate of inspection. Nursery stock, including all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such nursery stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such nursery stock is plainly marked to show the nature of the contents and the name and address of the sender.

§ 35.28 Terminal inspection of plants and plant products by States—(a) Operation of—(1) Postal procedure. When any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in

part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plants or plant products (including seed) are found upon inspection to be free from injurious pests and not in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forward[ed] to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection or in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, the State inspector shall so notify the postmaster at the place of inspection who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction. (38 Stat. 1113, as amended; 7 U. S. C. 166.)

(2) **Marking of packages.** It shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. (38 Stat. 1113, as amended; 7 U. S. C. 166.)

(3) **Regulations.** The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (38 Stat. 1113, as amended; 7 U. S. C. 166.)

(b) **Instructions to postmasters.** (1) When the Secretary of Agriculture furnishes the Postmaster General a list of plants and plant products subject to terminal inspection under the provisions of the preceding paragraph, appropriate instructions in regard thereto shall be issued to postmasters by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(2) Any State which has established terminal inspection under the provisions of paragraph (a) of this section should submit through the United States Department of Agriculture a list of plants and plant products and the plant pests transmitted thereby, the shipment of which to or within the State is prohibited or regulated by State plant-quarantine laws or plant-quarantine regulations pertaining to injurious pests. Upon receipt of notice from the Secretary of Agricul-

ture of the approval of such list of plants or plant products by the United States Department of Agriculture, appropriate instructions shall be issued to postmasters by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, to prevent the acceptance of such plants or plant products when presented for mailing in violation of State plant-quarantine laws or regulations pertaining to injurious pests.

(c) **Postage for forwarding package to place of inspection and return.** When a package containing plants or plant products subject to terminal inspection is received at the post office of address, the postmaster shall at once notify the addressee of the required amount of postage for forwarding it to the place of inspection and return. Upon payment of the required amount, the postmaster shall affix to the parcel stamps sufficient to cover the postage from his office to the place of inspection, and place in an official envelope, to be attached to the parcel and addressed to the postmaster at the place of inspection, the stamps representing the amount of postage furnished by the addressee for its return. The postmaster shall then indorse on the wrapper of the parcel the words—

Forward to _____ for inspection,
(Give post office of inspection)

and transmit the parcel to the postmaster at the place of inspection.

(d) **Treatment of parcel at post office of inspection—(1) Procedure.** On receipt of the parcel at the post office of inspection the postmaster shall deliver it to the proper State official, and if such official shall return it to him marked to show that it has been inspected and passed, the postmaster shall affix to the parcel the postage furnished for returning it to the post office of address and promptly transmit it to that office. It shall then be delivered to the addressee.

(2) **Disposition of infected products.** If the State official to whom a parcel containing plants or plant products has been sent for inspection shall inform the postmaster at the place of inspection that such plants or plant products are infected with injurious pests and incapable of satisfactory disinfection, or are in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, the postmaster shall promptly notify the sender that the parcel is undeliverable, giving the reason therefor, together with the name and address of the addressee, and stating the amount of postage required for its return, and that if the postage is not promptly furnished the parcel will be turned over to the State authorities for destruction. After the sending of such notice the postmaster shall wait the length of time prescribed in § 43.48 (h), when, if postage be not received by that time, he shall inform the State authorities that the parcel may be destroyed by them.

(e) **Return of unused postage stamps.** When a parcel containing plants or plant products is returned to the sender or destroyed under the provisions of the preceding paragraph, the postage stamps representing the amount of postage furnished by the addressee for the return of such parcel from the post office of inspection to the office of address shall be sent by the postmaster at the former office to the addressee, together with a letter of information as to the disposition of the parcel.

(f) **State inspector to be notified if addressee fails to furnish postage.** If the addressee, after having been notified, as prescribed in paragraph (c) of this section, fails to furnish the required postage for sending the parcel to the place of inspection and return, the postmaster shall so notify the State inspector at that place and advise him of the amount of postage required for sending the

parcel to him. If such official furnishes the postage the postmaster shall, after affixing the necessary stamps, indorse on the wrapper of the parcel the words:

Forward to----- for inspection,
(Give post office of inspection)

together with the words "Postage paid by State," and transmit it to the postmaster at the place of inspection. If the State inspector shall return the parcel to the postmaster at the point of inspection, marked to show that it has been inspected and passed, and having postage properly prepaid, it shall be transmitted to the office of address and delivered to addressee. Should the State inspector fail to furnish the postage for sending the parcel to him for inspection, the parcel shall be treated as other undeliverable fourth-class matter, as prescribed in § 43.48.

(g) **Parcel addressed in care of State plant inspector.** When desired, in order to simplify and expedite the handling of parcels of plant material subject to terminal inspection, the addressee may have the parcels addressed to himself in care of a State plant inspector at an inspection point and arrange with the inspector, to have the latter forward the parcels to the addressee, after inspection and passing, upon payment of the forwarding postage which shall be furnished to the inspector by the addressee, or the addressee may have the sender place a pledge to pay the forwarding postage on the parcels, in which case they shall, after being inspected and passed, be forwarded, rated with the forwarding postage, such postage to be collected upon delivery as provided by § 43.12 (d). In following the latter procedure the parcels shall be labeled as follows:

Shipped for (or on a/c)

W. H. Jones,
Garfield, Utah.

From:

John Doe Nurseries,
Shenandoah, Iowa.
Forwarding Postage Guaranteed
Contents:

To:

W. H. Jones,
% State Plant Inspector,
Salt Lake City, Utah.

When forwarding parcels under the foregoing arrangement, the inspector shall first cross out "% State Plant Inspector," and the name of the post office at the point of inspection appearing in the original address, and insert the name of the post office to which the parcels are to be forwarded for delivery to the addressee upon payment of forwarding postage.

PART 36—UNMAILABLE MATTER

Sec.		Sec.	
36.1	Unmailable matter; definition and classification.	36.8	Spurious, fraudulent, and fictitious matter.
36.2	Obscene matter unmailable; scope and penalty.	36.9	Delivery of mail to persons or concerns conducting lotteries or fraudulent enterprises.
36.3	Threat to harm the President.	36.10	Fictitious matter.
36.4	Libelous or indecent matter on wrapper, envelope, or postal card.	36.11	Matter concerning procurement of divorce in foreign country.
36.5	Disloyal matter.	36.12	Mailing of pistols, revolvers, and other firearms.
36.6	Lottery and related matter.	36.13	Mailing of dentures.
36.7	Postmaster not to give opinion on questionable matter.		

§ 36.1 **Unmailable matter; definition and classification.** Unmailable matter shall include all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted in the mails, or which by reason of illegible, incorrect, or insufficient address it is found impossible to forward to destination and is classified as follows:

(a) Matter which is insufficiently prepaid to entitle it to be dispatched in the mail.

(b) Matter without address or so incorrectly, insufficiently, or illegibly addressed that it cannot be transmitted to its destination.

(c) Matter which from its harmful nature is forbidden in the mails. (See §§ 35.13 to 35.18, inclusive.)

(d) Matter so damaged in transit that it cannot be forwarded to its destination, matter of value found loose in the mails without address so that the destination cannot be known, and all matter recovered after depredations in the mails, which shall be forwarded to the department for disposition. (See §§ 45.5 and 20.5.)

(e) Packages exceeding the limit of weight or size allowed. (See §§ 34.73, 35.2, and 35.3.)

(f) Obscene matter. (See § 36.2.)

(g) Libelous and indecent matter on outside of mail. (See § 36.4.)

(h) Treasonable matter. (See § 36.5.)

(i) Lottery matter. (See § 36.6.)

(j) Fraudulent matter. (See § 36.8.)

(k) Publications which violate copyrights granted by the United States. (See § 34.23.)

(l) Firearms capable of being concealed on the person. (See § 36.12.)

(m) Mail matter addressed to foreign countries, posted in violation of law or treaty stipulations. (See § 43.48.)

(n) Matter soliciting the procurement of divorces in foreign countries. (See § 36.11.)

§ 36.2 **Obscene matter unmailable; scope and penalty.** Every obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character; and—

Every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and

Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by

what means conception may be prevented or abortion produced, whether sealed or unsealed; and

Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and

Every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing—

Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

The term "indecent", as used in this section includes matter of a character tending to incite arson, murder, or assassination. (62 Stat. 769; 18 U. S. C. 1461.)

§ 36.3 Threat to harm the President. Whoever knowingly and willfully deposits for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or knowingly and willfully otherwise makes any such threat against the President, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. (62 Stat. 740; 18 U. S. C. 871.)

NOTE: See § 36.7 as to treatment of matter when mailability is in question, and § 180.53 as to threats to extort.

§ 36.4 Libelous or indecent matter on wrapper, envelope, or postal card. (a) All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, and all postal cards upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, or obscene character are written or printed or otherwise impressed or apparent, are nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes

the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (62 Stat. 769; 18 U. S. C. 1463.)

(b) All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which is written or printed or otherwise impressed or apparent any delineation, epithet, term, or language of libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, is nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 782; 18 U. S. C. 1718.)

NOTE: See § 42.18 as to treatment of scurrilous matter, etc., at mailing offices; § 42.50 at offices in transit; § 43.17 at offices of delivery; § 36.7 as to treatment of matter when mailability is in question.

§ 36.5 Disloyal matter. (a) Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, in violation of sections 499, 506, 793, 794, 915, 954, 956, 957, 960, 964, 1017, 1542, 1543, 1544 or 2388 of this title or which contains any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

(b) Whoever uses or attempts to use the mails or Postal Service of the United States for the transmission of any matter declared by this section to be nonmailable, shall be fined not more than \$5,000 or imprisoned not more than ten years or both.

(c) No person other than a duly authorized employee of the Dead Letter Office, or other person upon a search warrant authorized by law, shall open any letter not addressed to himself. (62 Stat. 782; 18 U. S. C. 1717.)

NOTE: Paragraph (a) above relates to mail matter of any class which is in violation of any of the provisions of the act of June 15, 1917 (40 Stat. 217; 50 U. S. C. 31-42), and when the United States is at war applies specifically to all matter which is intended to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, or which is intended to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or which is intended to obstruct the recruiting or enlistment service of the United States. (See 40 Stat. 217; 50 U. S. C. 31-42.)

See § 36.7 as to treatment of matter when mailability is in question.

§36.6 Lottery and related matter—(a) Mailing prohibited.

Whoever knowingly deposits in the mail, or sends or delivers by mail;

Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme;

Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes—

Shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. (62 Stat. 762; 18 U. S. C. 1302.)

(b) Postmaster or employee as lottery agent. Whoever, being a postmaster or other person employed in the Postal Service, acts as agent for any lottery office, or under color of purchase or otherwise, vends lottery tickets, or knowingly sends by mail or delivers any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than \$100 or imprisoned not more than one year, or both. (62 Stat. 763; 18 U. S. C. 1303.)

NOTE: See §§ 36.9 and 72.17 as to forbidding delivery of mail matter and payment of money orders to persons or concerns conducting lotteries or fraudulent enterprises; § 130.56 as to penalty for importing, etc., lottery tickets; § 36.7 as to treatment of matter when mailability is in question.

§36.7 Postmaster not to give opinion on questionable matter—(a) Matter to be withheld. The postmaster shall not give opinions to the public, and when in doubt as to the mailability of any matter under §§ 36.2, 36.4 to 36.6, inclusive, 36.8, 36.10, and 36.11, he shall withhold the same from dispatch or delivery and submit the question with sample of the matter to the Solicitor for the Post Office Department for instructions.

(b) **Firearms.** (1) Where there is doubt as to the mailability of unloaded firearms under § 36.12 the parcel shall be withheld from dispatch or delivery and the question, with a complete statement of the facts, submitted to the Solicitor for the Post Office Department for instructions.

(2) Where parcels containing firearms are found in the mails obviously in violation of § 36.12, the facts shall be reported to the inspector in charge of the division in which the office of mailing is located.

NOTE: See § 35.12 as to the admission of matter liable to injure the person or damage the mails; § 41.1 as to breaking seal of letters or packages supposed to contain unmailable matter; § 42.18 as to treatment of lottery matter at mailing offices; § 42.50 at offices in transit; § 43.17 at offices of delivery; § 117.2 as to lottery matter in foreign mails.

§ 36.8 Spurious, fraudulent, and fictitious matter. All matter the deposit of which in the mails is made punishable by sections 338 and 339 of Title 18 [sections 1341 and 1342 of revised 18 U. S. C. (§ 130.52)] is hereby declared nonmailable; but nothing [herein] contained * * * shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, to open any letter not addressed to himself. (Sec. 4, 25 Stat. 874; 39 U. S. C. 256.)

NOTE: See § 41.1 as to breaking seal of letters or packages supposed to contain unmailable matter; § 42.18 as to treatment of fraudulent matter at mailing offices; § 42.50 at offices in transit; § 43.17 at offices of delivery; § 117.2 as to fraudulent matter in foreign mails; § 130.52 as to matter relating to schemes for obtaining money by false pretenses; §§ 36.9 and 72.17 as to forbidding delivery of mail matter and payment of money orders to persons or concerns conducting fraudulent schemes; § 36.7 as to treatment of matter when mailability is in question.

§ 36.9 Delivery of mail to persons or concerns conducting lotteries or fraudulent enterprises—(a) Statutory provisions. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters or any other letters or mail matter arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such mail matter to the postmaster at the office at which it was originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such mail matter so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe. Nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to

himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by mail to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself. (R. S. 3929, as amended; 39 U. S. C. 259.)

(b) **Where and when the law to be enforced.** This law shall be enforced at offices of delivery and then only upon the specific order of the Postmaster General. When mail is returned to senders under fraud orders, there shall be plainly written or stamped on the outside thereof the words: "FRAUDULENT: Mail to this address returned by order of Postmaster General."

NOTE: See § 72.17 as to forbidding payment of money orders to persons or concerns conducting lotteries or fraudulent enterprises; § 60.4 as to treatment of registered matter under "fraud order"; §§ 114.2 and 74.16 as to treatment of matter addressed to, and money orders payable in, foreign countries.

§ 36.10 **Fictitious matter—(a) Treatment of.** The Postmaster General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the post-office establishment of the United States, any business scheme or device in violation of the provisions of sections 338 and 339 of Title 18 [sections 1341 and 1342 of revised 18 U. S. C. (§§ 36.8 and 130.52)], instruct any postmaster at any post office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post office and be identified; and if the party so notified fails to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal cards, or packages shall be forwarded to the Dead Letter Office as fictitious matter. (Sec. 3, 25 Stat. 873; 39 U. S. C. 255.)

(b) **Delivery only from post office.** Whenever the Postmaster General is satisfied that letters or packets sent in the mails are addressed to places not the residence or business address of the persons for whom they are intended, to enable such persons to escape identification, he may direct postmasters to deliver such letters only from the post office upon identification of persons addressed. (Sec. 5, 25 Stat. 874; 39 U. S. C. 257.)

NOTE: See §43.18 as to identification of persons claiming fictitious matter; § 36.7 as to treatment of matter, when mailability is in question.

§ 36.11 **Matter concerning procurement of divorce in foreign country.** Every written or printed card, circular, letter, book, pam-

phlet, advertisement, or notice of any kind, giving or offering to give information concerning where or how or through whom a divorce may be secured in a foreign country, and designed to solicit business in connection with the procurement thereof, is nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly deposits, for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, shall be fined not more than \$5,000 or imprisoned for not more than one year, or both. (62 Stat. 782; 18 U. S. C. 1714.)

§ 36.12 Mailing of pistols, revolvers, and other firearms—(a) Restrictions and penalty. Pistols, revolvers, and other firearms capable of being concealed on the person are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service. Such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Coast Guard, Marine Corps, or Officers' Reserve Corps; to officers of the National Guard or Militia of a State, Territory, or District; to officers of the United States or of a State, Territory, or District whose official duty is to serve warrants of arrest or commitments; to employees of the Postal Service; to officers and employees of enforcement agencies of the United States; and to watchmen engaged in guarding the property of the United States, a State, Territory, or District. Such articles also may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other, under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm declared nonmailable by this section, shall be fined not more than \$1,000 or imprisoned not more than two years, or both. (62 Stat. 782; 18 U. S. C. 1715.)

(b) Conditions of mailing. Pistols, revolvers, and other firearms capable of being concealed on the person shall be treated as nonmailable matter unless the conditions hereinafter prescribed have been complied with by the sender and addressee of such articles.

(c) **Parcels to be marked.** All parcels containing unloaded firearms capable of being concealed on the person shall be plainly marked by the sender—

FIREARMS

For _____

(State excepted class)

Postmasters see § 36.12, P. L. and R.

the word "Firearms" to be in bold gothic (block) letters not less than 36 point [about one-half inch high and of corresponding width]. The particular class of persons to which the addressee belongs authorized by the law to receive firearms through the mails shall be indicated by inserting on the blank line under "Firearms" words descriptive of his official position or business such as "Army officer," "Manufacturer," "Bona fide dealer," etc., as the case may be.

(d) **For officers of armed forces.** Except as provided in paragraph (j) hereof, parcels containing unloaded firearms properly prepared for mailing addressed for delivery to any officer of the Army, Navy, Coast Guard, Marine Corps, or Officers' Reserve Corps, or to any officer of the National Guard or Militia of any State, Territory, or District of the United States may be accepted for mailing, provided there be filed with the postmaster at the time of mailing by the sender or his agent an affidavit of the addressee of such parcel, setting forth that he is such an officer and that the contents of the parcel are intended for his use in connection with his official duty, and provided further that such affidavit shall bear a certificate signed by his commanding officer stating that the firearm is for the use of the addressee in connection with his official duty.

(e) **For officers and employees of enforcement agencies.** Except as provided in paragraph (j) hereof, parcels containing unloaded firearms properly prepared for mailing, addressed for delivery to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment, and to officers and employees of enforcement agencies of the United States, may be accepted for mailing provided there be filed with the postmaster at the time of mailing by the sender or his agent an affidavit of the addressee of such parcel, setting forth that he is such an officer or employee, and that the contents of the parcel are intended for his use in connection with his official duty, and provided further that such affidavit shall bear a certificate stating that the firearm is intended for the use of the addressee in connection with his official duty. In the case of a Federal officer or employee such certificate shall be signed by a judge of the Federal court for the judicial district in which the addressee's official services are rendered; and in the case of a State officer the certificate shall be signed by a judge of a court of record for the jurisdiction in which the addressee's official services are rendered.

(f) **For watchmen.** Except as provided in paragraph (j) hereof, parcels containing unloaded firearms properly prepared for mailing, addressed for delivery to watchmen engaged in guarding the property of the United States, the several States, Territories, and Districts, may be accepted for mailing provided there be filed with the postmaster at the time of mailing by the sender or his agent an affidavit of the addressee of such parcel, setting forth that he is such a watchman and that its contents are intended for his use in connection with his official duty, and provided further that such affidavit shall bear a certificate signed by the chief clerk of the department, bureau, or independent branch of the Government of either the United States, the State, Territory, or

District by which such watchman is employed, stating that the firearms are for the use of the addressee in connection with his official duty.

(g) **Filing of affidavit and certificate.** The affidavit and certificate required by paragraphs (d), (e), and (f) shall be retained in the files of the mailing post office for a period of not less than three years.

(h) **Identification of addressee.** The postmaster at the office of delivery shall require the addressee of any parcel covered by paragraphs (d), (e), and (f) to call at the post office and establish his identity as such addressee to the satisfaction of the postmaster. The parcel may then be delivered. A receipt therefor shall be taken and retained in the files of the delivering post office for a period of not less than three years.

(i) **Between manufacturers and dealers.** Parcels containing unloaded firearms properly prepared for mailing may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other. At the time such parcels are presented for mailing there shall be filed with the postmaster a statement signed by the sender that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or contain such articles for repairs or replacement of parts and that to the best of his knowledge and belief the addressees are manufacturers of firearms or bona fide dealers therein. If satisfied that the sender is a manufacturer of firearms or a bona fide dealer therein, the postmaster shall accept the parcel for mailing. Before making delivery of any such parcel the postmaster at the office of address shall satisfy himself that the addressee is a manufacturer of firearms or a bona fide dealer therein.

(j) **Official shipments.** Parcels containing unloaded firearms properly prepared for mailing, addressed for delivery to officers of the Army, Navy, Coast Guard, Marine Corps, or Officers' Reserve Corps; to officers of the National Guard or Militia of the several States, Territories, and Districts; to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment; to employees of the Postal Service; to officers and employees of enforcement agencies of the United States; and to watchmen engaged in guarding the property of the United States, the several States, Territories, and Districts for use in connection with their official duty, may be accepted for mailing when offered by an authorized agent of the Federal Government: *Provided*, That such parcels shall bear plainly written or printed the official title and address of the sender together with the words "Official shipment." The postmaster before making delivery of any such parcel shall satisfy himself as to the identity of the addressee.

NOTE: See § 36.7 for treatment of matter when mailability is in question.

§ 36.13 Mailing of dentures. Whoever transports by mail or otherwise to or within the District of Columbia, the Canal Zone or any Possession of the United States or uses the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory any set of artificial teeth or prosthetic dental appliance or other denture, constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed to practice dentistry under the

laws of the place into which such denture is sent or brought, where such laws prohibit;

(1) the taking of impressions or casts of the human mouth or teeth by a person not licensed under such laws to practice dentistry;

(2) the construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under such laws to practice dentistry; or

(3) the construction or supply of dentures from impressions or casts made by a person not licensed under such laws to practice dentistry—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 786; 18 U. S. C. 1821.)

PART 37—FREE MATTER IN THE MAELS

Sec.	MATTER TO BE FRANKED	Sec.	
37.1	Congressional documents.	37.16	Mailing by Government departments under penalty privilege; quarterly reports thereof to Postmaster General.
37.2	Congressional Record.	37.17	Use of penalty envelopes and labels.
37.3	Seeds and agricultural reports.		REPORTS AND BULLETINS OF AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS
37.4	Official correspondence of Members of Congress.	37.18	Reports of certain agricultural colleges.
37.5	Franking privilege to widows of former Presidents.	37.19	Agricultural extension work.
37.6	Use of franking privilege.	37.20	Bulletins and reports of certain agricultural experiment stations.
37.7	Lending of frank prohibited.		PUBLICATIONS FOR COPYRIGHT
37.8	Free mailing privilege for Pan American diplomatic representatives.	37.21	Copyright matter.
	OFFICIAL MATTER		READING MATTER FOR THE BLIND
37.9	Official or penalty envelopes.	37.22	Reading matter for the blind.
37.10	Restriction on message with public documents.	37.23	Periodicals for the blind without subscription charge.
37.11	Census mail matter.	37.24	Volumes of Holy Scriptures for the blind.
37.12	Immigration and Naturalization Service.	37.25	Periodicals for the blind having subscription charge.
37.13	Selective Service.	37.26	Reproducers and sound-reproduction records for the blind.
37.14	Four-pound limit on official penalty packages.		
37.15	Restrictions on character of penalty mail.		

MATTER TO BE FRANKED

§ 37.1 **Congressional documents.** The Vice President of the United States, and Senators, Representatives, Delegates, and Resident Commissioners in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice President, Senator, Representative, Delegate, Resident Commis-

sioner, Secretary of the Senate, and Clerk of the House shall be written thereon [except as provided in sec. 162 of Title 44, U. S. C.], with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named herein until the 30th day of June following the expiration of their respective terms of office. (Sec. 85, 28 Stat. 622, as amended; 39 U. S. C. 326.)

NOTE: See § 114.1 as to free matter in foreign mails.

§ 37.2 Congressional Record. The Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a Member of Congress, or Delegate, or Resident Commissioner from Puerto Rico * * *, written by himself [except as provided in section 185 of Title 44], be carried in the mail free of postage, under such regulations as the Postmaster General may prescribe. (Sec. 5, 18 Stat. 343, as amended; 39 U. S. C. 325.)

§ 37.3 Seeds and agricultural reports. Seeds transmitted by the Secretary of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates. (Sec. 7, 18 Stat. 343, as amended; 39 U. S. C. 329.)

§ 37.4 Official correspondence of Members of Congress—(a) Free under frank. The Vice President, Members and Members-elect of, Delegates and Delegates-elect to Congress, and the Resident Commissioner from Puerto Rico, shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding four ounces in weight, upon official or departmental business [until the first day of December following the expiration of their respective terms of office]. (Sec. 7, 33 Stat. 441, as amended; 39 U. S. C. 327.)

(b) Letters over 4 ounces—(1) To Government officials. Letters which exceed 4 ounces in weight to be entitled to free transmission shall in every case be addressed, upon official business, to a Government official, whose title shall be given in the superscription of the letter, either with or without his name. The term "any Government official" shall include only officers of the United States, Senators, Members, and Delegates in Congress.

(2) To other than Government officials. When letters to other than Government officials, weighing over 4 ounces, are mailed without postage thereon, they shall be held for postage and treated in accordance with the provisions of § 42.16.

(c) **Name of person franking to appear on envelope.** The name of the Senator Representative, or Delegate, written or impressed, shall appear on the envelope of the letter, in connection with the initials of his office, and be preceded by the word "Free."

(d) **Forgery or misuse of frank.** When any person is suspected of being guilty or known to be guilty of forging or misusing the frank of any Senator, Representative, or Delegate, the fact shall be promptly reported to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. No letter bearing the frank of the Vice President, Member, Member-elect, Delegate, or Delegate-elect shall be detained on the mere suspicion that the frank is forged or misused.

NOTE: This section does not affect §§ 37.1 and 37.2, relating to the franking of public documents, the Congressional Record, and seeds.

§ 37.5 Franking privilege to widows of former Presidents. All mail matter sent by the post by Edith Bolling Wilson, widow of the late Woodrow Wilson, under her written autograph signature or facsimile thereof; and by Grace G. Coolidge, widow of the late Calvin Coolidge, under her written autograph signature or facsimile thereof, and by Anna Eleanor Roosevelt, widow of the late Franklin Delano Roosevelt, under her written autograph signature or facsimile thereof, will be conveyed free of postage during the natural life of each, respectively. (43 Stat. 1359, 48 Stat. 1395, 59 Stat. 707.)

§ 37.6 Use of franking privilege—(a) Regulations. No matter shall be admitted to the mails under an authorized frank unless admissible as ordinary mail matter.

(b) **Inscription.** To entitle matter to free carriage it shall bear the word "Free" and the signature, either written or printed facsimile, of the person entitled to frank it, together with his official designation, if any, on the address side of the package.

(c) **Forwarding of franked matter.** All franked matter shall be forwarded like any other, but when once delivered to the addressee may not be remailed unless properly franked again. A bulk package of franked articles may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may, on behalf of such person, place addresses on the franked articles and remail them for carriage and delivery to the respective addresses.

NOTE: This section relates to matter entitled to free carriage under §§ 37.1 and 37.2; see § 114.1 as to franked matter in foreign mails.

§ 37.7 Lending of frank prohibited. It shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This provision shall not apply to any committee composed of Members of Congress. (34 Stat. 477; 39 U. S. C. 335.)

§ 37.8 Free mailing privilege for Pan American diplomatic representatives—(a) Authorization. Under such regulations as the

Postmaster General shall prescribe correspondence of the members of the Diplomatic Corps of the countries of the Pan American Postal Union stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, * * * The same privilege shall be accorded consuls of such countries stationed in the United States, and vice consuls when they are discharging the functions of such consuls, for the exchange of official correspondence among themselves, and for that which they direct to the Government of the United States. (45 Stat. 1177; 39 U. S. C. 336.)

(b) **Correspondence which may be mailed free.** The matter that may be sent free of postage in the domestic mails under the provisions of this section shall embrace all correspondence of the members of the Diplomatic Corps of the Pan American countries and Spain; and it likewise shall embrace the official correspondence exchanged between the consulates of such of these countries as have put this provision into effect in their own countries, that which they address to the Government of the United States (see current Official Postal Guide for list of these countries), and that exchanged with their respective embassies and legations, whenever reciprocity exists. These provisions shall not apply to merchandise (fourth-class or parcel-post matter), or to articles other than written or printed correspondence within the usual meaning of that term. Such correspondence shall not exceed 4 pounds in weight. (See § 35.2.)

(c) **Indicia—(1) Diplomatic Corps mail.** The envelopes, labels, etc., covering correspondence of the Diplomatic Corps mailed under the provisions of this section, shall show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, as the case may be, together with the post-office address, while in the upper right corner of the address side shall appear the inscription "Diplomatic mail" over the word "Free."

(2) **Consular mail.** The official correspondence of consulates mailed under the provisions of this section shall show over the words "Official correspondence" in the upper left corner of the address side the name and address of the consul or consulate, as the case may be, as well as the name of the country represented, while in the upper right corner of the address side shall appear the inscription "Consular mail" over the word "Free."

NOTE: See § 58.12 as to free registration.

OFFICIAL MATTER

§ 37.9 **Official or penalty envelopes—(a) Who may use; indorsement.** It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States; official mail matter of all officers of the United States Government, not including Members of Congress; all official mail matter of the Smithsonian Institution; all official mail matter of the Pan American Union [and the Pan American Sanitary Bureau]; * * * the envelopes of such matter in all cases to bear appropriate indorsement containing the proper designation of the office from which, or officer from whom, the same

is transmitted with the statement of the penalty for their misuse. Every such letter or package to entitle it to pass free, shall bear over the words "Official business" an indorsement showing also the name of the department, and if from a bureau or office [or officer], the names of the department and bureau or office [or officer], as the case may be, whence transmitted * * * [with a statement of the penalty for their misuse]. (Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321.)

(b) Superintendent of Documents. All official correspondence of the superintendent of documents * * * shall be entitled to free transmission by mail * * * [under the penalty clause]. (Sec. 65, 28 Stat. 611; 39 U. S. C. 323.)

(c) Congressional directory. * * * Official correspondence concerning the [Congressional] directory may be had in penalty envelopes under the direction of the Joint Committee [on Printing]. * * * (Sec. 73, 28 Stat. 617, as amended; 44 U. S. C. 149.)

(d) Legislative counsel. The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (Sec 1303 (c), (d), 40 Stat. 1141, as amended; 2 U. S. C. 277.)

(e) Return penalty envelopes. * * * Any department or office authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information, and indorsements relating thereto. * * * (See § 37.17 (b).) (Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321.)

(f) Restriction on use of penalty envelopes. * * * [The privilege of using penalty envelopes] shall not extend or apply to officers who receive a fixed allowance as compensation for their services, including expenses of postages. (Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321.)

(g) Unauthorized use of official envelope. Whoever makes use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than \$300. (62 Stat. 783; 18 U. S. C. 1719.)

NOTE: See § 37.14 as to limitation on use of penalty privilege; § 43.7 as to delivery of part-paid matter to executive departments at Washington; § 114.1 as to free matter in foreign mails; § 58.12 as to registration of official matter.

§ 37.10 Restriction on message with public documents. No report, document, or publication of any kind distributed by or from an executive department or bureau of the Government shall contain

any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given. (Sec. 73, 28 Stat. 620; 44 U. S. C. 218.)

§ 37.11 Census mail matter. All mail matter, of whatever class, * * * relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, * * * and so marked: *Provided*, That if any person shall make use of such endorsement to avoid the payment of postage * * * on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction. (Sec. 14, 46 Stat. 25; 39 U. S. C. 337.)

§ 37.12 Immigration and Naturalization Service. (a) All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the [Immigration and Naturalization] Service by clerks of [State or Federal] courts addressed to the Department of Justice or the [Immigration and Naturalization] Service, or any official thereof, and endorsed "Official Business," shall be transmitted free of postage * * * and so marked. (Sec. 343, 54 Stat. 1163; 8 U. S. C. 743.)

(b) If any person shall use the endorsement "Official Business" authorized by * * * [above paragraph] to avoid payment of postage * * * on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction. (Sec. 346, 54 Stat. 1167; 8 U. S. C. 746.)

NOTE: See § 58.12 as to registered mail.

§ 37.13 Selective Service. Correspondence necessary in the execution of this [Selective Service] Act may be carried in official penalty envelopes. (Sec. 10 (c), 54 Stat. 893, as amended; 50 U. S. C. 310 (c).)

§ 37.14 Four-pound limit on official penalty packages—(a) Statute. No article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment, exceeding four pounds in weight shall be admitted to the mails under the penalty privilege, except (1) stamped paper and supplies sold or used by the postal service; and (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege. (Sec. 303, 62 Stat. 1048; 39 U. S. C. 321k.)

(b) Exceptions. Official matter not within the provisions of section 303 which is over four pounds in weight, if otherwiseailable, whether sealed or unsealed, including written matter, shall, if such matter does not exceed the limit of weight or size prescribed for fourth-class matter, be accepted for mailing upon the payment of postage at fourth-class rates. (Sec. 304, 62 Stat. 1048; 39 U. S. C. 3211.)

NOTE: See § 34.73 as to limit of weight and size of fourth-class matter.

(c) Transportation by most economical means. Shipments of official matter shall be sent by the most economical means of transportation practicable, and the Postmaster General may refuse to accept any such matter for shipment by mail when in his judgment it is in the public interest that it be forwarded by other means at less expense. (Sec. 304, 62 Stat. 1048; 39 U. S. C. 3211.)

NOTE: See §§ 5.2, 6.12, and 37.16 for other provisions of the act.

§ 37.15 Restrictions on character of penalty mail. No article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (34 Stat. 477; 39 U. S. C. 333.)

§ 37.16 Mailing by Government departments under penalty privilege; quarterly certifications thereof to Postmaster General—

(a) Provisions of law. No executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. The head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted

through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Public Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16 U. S. C.: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities. (Sec. 306, 62 Stat. 1049; 39 U. S. C. 321n.)

(b) **Form of certifications.** The quarterly certifications required by paragraph (a) of this section shall, for the purpose of uniformity, be submitted in such form as the Postmaster General may prescribe and shall cover all matter mailed free of postage at Washington, D. C., by the executive departments and independent establishments of the Government and also all matter so mailed by their branches and officials at other post offices.

§37.17 **Use of penalty envelopes and labels—(a) Restrictions.** Correspondence of persons not officers writing to the executive departments or to officers of the United States concerning the business of the writers with the Government shall not be accepted for mailing free in penalty envelopes. Officers authorized to use such envelopes shall not furnish them for use to bidders, or to contractors with the Government, or to enable private persons or concerns to send free reports, etc., which they are required by law to make.

(b) **Return penalty envelopes.** Officers desiring official information from or through persons not officers may furnish penalty envelopes or labels to cover the same only with return address printed or written thereon. Where the information is to be forwarded periodically or on more than one occasion the envelopes or labels bearing printed return address may be furnished in quantities for the transmission of such information.

(c) **Officer not entitled to use of after resignation.** The right of an officer of the United States to use the penalty envelope shall cease immediately upon his going out of office; and he shall not be permitted to use such envelopes in transmitting papers connected with the settlement of his accounts or other business pertaining to the office he has vacated, except as he may receive them with requests for official information, with return address thereon, from a department or officer of the Government.

(d) **Penalty matter not to be stopped on suspicion.** Postmasters shall not stop census matter or any mail matter in an official penalty envelope or under a penalty label upon the mere suspicion that the penalty envelope, label, or census indorsement is being used to cover private matter; but if they have good reason to believe that any person is using official envelopes or labels in violation of law, they shall promptly report the matter to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

NOTE: See § 114.1 as to free matter in foreign mails.

REPORTS AND BULLETINS OF AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS

§ 37.18 Reports of certain agricultural colleges—(a) When mailed free. * * * An annual report by the president of each of said [Government aided] colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information * * *, one copy of which shall be transmitted by mail free to all other colleges further endowed under * * * [sections 322 to 328, inclusive, of this chapter (relating to agricultural and mechanical colleges)]. (Sec. 3, 26 Stat. 418; 7 U. S. C. 325.)

(b) How mailed. Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862 (7 U. S. C., ch. 13), shall receive from the officers thereof the reports referred to addressed, one copy each, to other such colleges and to the Secretary of the Interior and the Secretary of Agriculture, and affix to each a penalty label or official envelope of the post office, and forward them free.

§ 37.19 Agricultural extension work—(a) Free mailing. All correspondence, bulletins, and reports for the furtherance of the purposes of sections 341 to 348 of Title 7 [Agriculture], may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (38 Stat. 438; 39 U. S. C. 330.)

(b) Character of work. * * * there may be inaugurated in connection with the college or colleges in each State receiving the benefits of the provisions of sections 301–308, 321–328 of this title, agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture. * * * Cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise * * *. (Secs. 1 and 2, 38 Stat. 372; 7 U. S. C. 341 and 342.)

(c) Authorization for postmaster to accept mailings. Upon designation to the Postmaster General by the Secretary of Agriculture of a college officer or other person connected with the extension department of a State agricultural college receiving the benefits of the act of July 2, 1862 (7 U. S. C., ch. 13), and the acts supplementary thereto, by whom the correspondence, bulletins, and reports mentioned in paragraph (a) of this section are to be transmitted, the

Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, shall authorize the postmaster at the post office where the extension department of such college is located to accept from the officer or person so designated such correspondence, bulletins, and reports for free transmission in the mails.

(d) **Indicia.** In the upper left corner of the envelope or wrapper containing such correspondence, bulletins, or reports shall be printed over the words "Free—Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914," the name of the agricultural college and the name of the post office at which the matter is to be accepted free, followed by the name and title of the college officer or person designated to transmit such matter, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designated college officer or person shall not furnish such envelopes for use as return envelopes by individuals or concerns from whom replies are requested.

(e) **Restrictions.** Only such correspondence, bulletins, and reports as are for the furtherance of the purposes of the act of May 8, 1914, set forth in paragraph (b) of this section, and are mailed at the authorized post office by the college officer or other person duly designated may be transmitted free under the provisions of this section. All such correspondence, etc., to be entitled to free transmission, shall be conducted under the name of such designated college officer or person. Correspondence with autograph signature may be mailed sealed, but all other matter shall be presented unsealed.

(f) **When in doubt as to mailability free.** When in doubt as to whether any particular matter presented for mailing under the provisions of this section is entitled to be transmitted free, the postmaster shall submit a sample to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, and pending decision may dispatch the matter if the sender makes a deposit to cover the postage at the proper rate. The deposit shall be refunded if the matter is held to be entitled to free transmission.

§ 37.20 Bulletins and reports of certain agricultural experiment stations—(a) Free mailing. Bulletins or reports of progress * * * published at agricultural experiment stations [established under the provisions of the act of March 2, 1887, in connection with colleges endowed under provisions of the act of July 2, 1862], one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, * * * and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe. (Sec. 4, 24 Stat. 441; 7 U. S. C. 365.)

(b) **Application for free mailing privilege.** An agricultural experiment station which claims the privilege of transmitting free through the mails, under the provisions of this section, bulletins, reports of progress, or annual reports, shall make application to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, through the postmaster at the office where such station is located, stating the date of the establishment of the station, its proper name or designation, its official organization, and the names of its officers, the

name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other granting it the benefits of the acts of Congress referred to in this section, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application shall be signed by the officer in charge of the station.

(c) **Admission of.** If such privilege is allowed, the postmaster shall be instructed to admit such bulletins and reports to the mails free of postage.

(d) **Restrictions; manner of mailing.** Only bulletins or reports issued after an experiment station has become entitled to the privileges of this section may be transmitted free; and they may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper, or package and over the words "Free—Annual Report, or Bulletin or Report of Progress," shall be printed the name of the station and the name of the post office at which the matter is to be accepted free, followed by the name and title of the officer in charge of the station, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designation of the bulletin or report inclosed may be shown in lieu of the words "Annual Report, or Bulletin or Report of Progress" following the word "Free." There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery notify the mailing station of the change of address of the addressee, or other reason for inability to deliver the same, and upon a bulk package a request to the postmaster to open and distribute the matter therein, in accordance with the addresses thereon.

(e) **Bulletins of Department of Agriculture mailed with station bulletins.** Bulletins published by the United States Department of Agriculture, and entitled to be mailed free under the penalty envelope of that department, may also be adopted and mailed by agricultural experiment stations, with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under these regulations may be so mailed by any other station entitled to such privilege.

(f) **Station reports containing extraneous matter.** If annual reports of an agricultural experiment station are printed by State authority, and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station, provided, in his judgment, the whole consists of useful information of an agricultural character. But the reports of State agricultural departments or boards may not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

(g) **To whom may be mailed.** The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers and persons stated in this section. The annual reports may be sent free to any address.

NOTE: See § 114.1 as to sending annual reports to certain foreign countries.

PUBLICATIONS FOR COPYRIGHT

§ 37.21 **Copyright matter—(a) Character.** Copyright may also be had of the works of an author, of which copies are not reproduced

for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 13 and 14 of this title, where the work is later reproduced in copies for sale. (61 Stat. 652; 17 U. S. C. 12.)

(b) Mailing of copy to Copyright Office. After copyright has been secured by publication of the work with the notice of copyright as provided in section 10 of this title, there shall be promptly deposited in the copyright office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 16 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 12 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with. (61 Stat. 652; 17 U. S. C. 13.)

NOTE: Sec. 16 of Title 17, U. S. Code, prescribes that books and periodicals entitled to copyright, except works in raised characters for the use of the blind or books of foreign origin in a language or languages other than English, shall be produced within the limits of the United States in respect of the following features:

- (a) Setting of type.
- (b) Preparation of plates, including setting of type therefor.
- (c) Printing of text and illustrations, except where subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art.
- (d) Binding.

(c) Affidavit to accompany copies. In the case of the book the copies so deposited shall be accompanied by an affidavit under

the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photoengraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photoengraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication. (61 Stat. 652; 17 U. S. C. 17.)

(d) Making false affidavit. Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited. (61 Stat. 652; 17 U. S. C. 18.)

NOTE: The "affidavit" above referred to should set forth that the text of the book deposited has been printed from type set or plates made in the United States, or produced by lithographic or photo-engraving process wholly performed therein; that the printing and binding were done therein; and also gives the names of the places (establishments) where the printing and binding were performed, and the data of completion or publication of the book.

(e) Postmaster to give receipt. The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (61 Stat. 652; 17 U. S. C. 15.)

(f) Dispatch under penalty label. A postmaster to whom are delivered with a claim for registration of copyright copies of a lecture or similar production, a dramatic or musical composition, a photographic print of a photograph, a photograph or other identifying reproduction of a work of art or a plastic work or drawing, a book (accompanied with the affidavit prescribed by par. (c)), or a periodical publication, shall dispatch the same under a penalty envelope or label of his office to the Register of Copyrights, Washington 25, D. C.; and, when requested, shall give a receipt therefor on a form furnished by the sender.

(g) Copyright fee may accompany matter. When persons presenting copyright matter for transmission free of postage to the Register of Copyrights, Washington 25, D. C., desire to have such matter and the fee for copyright registration mailed together, this may be done, provided the remittance for such fee is inclosed in an envelope addressed to the Register of Copyrights, Washington 25,

D. C., and postage is prepaid thereon at the letter rate, in which case the postmaster, after properly canceling the stamps affixed to the envelope containing such fee, shall inclose it in the penalty envelope in which the copyright matter is transmitted to the Register of Copyrights, or it may be inclosed in a penalty envelope attached as a label to the parcel containing the copyright matter.

(h) **Registry fee.** Matter for copyright shall not be dispatched by registered mail without the prepayment of the registry fee. When so dispatched, the sender is entitled to the usual registry receipt in addition to the receipt provided for in paragraph 5 of this section.

NOTE: No indemnity is payable for such mail unless both postage and registry fee are paid. (See § 63.6 (a).)

READING MATTER FOR THE BLIND

§ 37.22 Reading matter for the blind—(a) Free mailing. (1) Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed or in the form of sound-reproduction records for the use of the blind, in packages not exceeding the weight prescribed by the Postmaster General, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries * * * shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331.)

(2) The weight of parcels acceptable free of postage under the preceding paragraph shall not exceed 15 pounds.

NOTE: The provisions of law embodied in §§ 34.70, 37.23, and 37.24 (a) were reenacted by the act of May 16, 1938.

(b) **Limitations and requirements.** (1) Reading matter in raised characters, or in the form of sound-reproduction records for the use of the blind, to be entitled to transmission in the mails free of postage, shall not contain any advertising matter, and shall in every case be sent by or returned to a public library or public institution for the blind.

(2) When mailed by a public library or public institution for the blind, the matter shall be sent as a loan to a blind reader. Such matter may be mailed for return to a public library or public institution for the blind only by a blind reader.

(c) **Wrapping.** The matter shall be wrapped so that it may be easily examined.

(d) **Superscription.** On the upper-left corner of the envelope or wrapper containing the matter the name and address of the sender shall appear, and on the upper-right corner the word "Free" over the words "Reading Matter for the Blind," or "Sound-Reproduction Records for the Blind."

NOTE: Letters written in point print or raised characters or on sound-reproduction records used by the blind are not included in the reading matter entitled, under the provisions of this section, to free transmission in the mails. (See § 34.70.)

§ 37.23 Periodicals for the blind without subscription charge—
(a) **Free mailing.** * * * Magazines, periodicals, and other regu-

larly issued publications in such raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331.)

(b) Mailed by publisher. Before a publication may be mailed free of postage, under the provisions of the above paragraph, it shall be entered as free matter at the post office at which the publisher desires to mail it. To obtain such entry the publisher shall file with the local postmaster a written application therefor, accompanied with a copy of the publication. The application shall show: (a) The name of the publication; (b) the periods of its issue; (c) whether it contains advertisements; (d) whether a subscription fee is charged. Upon receipt of such application the postmaster shall forward it, together with a copy of the publication, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail. Pending consideration of the application by the Department, the postmaster shall accept the publication for mailing under a deposit of money to cover the postage at the rate which otherwise would be chargeable. If the publication is admitted as free matter, the deposit shall be returned to the publisher; otherwise it shall be converted into ordinary postage stamps and sent to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, in the manner prescribed by § 34.30.

(c) Indicia. On the first page of a publication entered as free matter shall be printed, in ordinary type, the following: (a) Name of publication; (b) place where published; (c) date of issue; (d) frequency of issue; (e) the words "Entered at the post office at _____ under section 37.23, P. L. and R., as free matter for use of the blind." In the case of a publication on sound-reproduction records, such indicia may be printed on labels and affixed to the records.

§ 37.24 Volumes of Holy Scriptures for the blind—(a) Postage rate. * * * Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331.)

(b) Application. When any organization, institution, or association not conducted for private profit desires to mail volumes of the Holy Scriptures (the Bible), or any part thereof, to blind persons under the conditions mentioned in this section, a written application for such privilege accompanied with satis-

factory evidence that the organization, institution, or association is not conducted for private profit and that the volumes when mailed free of postage will be sent without charge to a blind person or when mailed at the rate of postage of 1 cent for each pound or fraction of a pound will be furnished to a blind person at a price not exceeding the cost of the volumes, shall be submitted through the postmaster at the office where it is desired to mail the matter, to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(c) **Wrapping and indorsement.** Volumes of the Holy Scriptures or parts thereof to be mailed free of postage or at the postage rate of 1 cent a pound to a blind person by an organization, institution, or association under the provisions of this section shall be properly wrapped in such manner that the matter can be easily examined, and shall bear in the upper left corner of the address side of the envelope, wrapper, or address label, the name and address of the sender over the words "Holy Scriptures for the Blind, act of June 7, 1924; § 37.24, Postal Laws and Regulations," and in the upper right corner the word "Free," when the volumes are furnished without charge. If the volumes are being furnished to a blind person at a price not exceeding the cost thereof, stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound shall be affixed to the upper right corner of the address side of the envelope, wrapper, or address label.

(d) **Not to be accepted until authorized.** Postmasters shall not accept any matter for mailing free or at the rate of 1 cent a pound under the provisions of this section until authorized so to do by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

§ 37.25 Periodicals for the blind having subscription charge—

(a) **Postage rate.** Magazines, periodicals, and other regularly issued publications in raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements, when furnished by an organization, institution, or association not conducted for private profit, to a blind person, at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe. (50 Stat. 66; 39 U. S. C. 293c.)

(b) **Application.** Any organization, institution, or association desiring to mail a publication to blind persons at the rate of 1 cent a pound under the conditions mentioned in this section shall submit, through the postmaster at the office where it is desired to mail the matter, to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, a written application for such privilege accompanied with satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the copies of the publication will be furnished to a blind person at a price not exceeding the cost price thereof.

(c) **Preparation for mailing.** Matter to be mailed under the provisions of this section shall be properly wrapped in such manner that it can be easily examined and shall bear the words "Periodicals for the blind, act of April 15, 1937," below the name and address of the sender which must appear in the upper

left corner of the address side of the envelope, wrapper, or address label, the postage stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound to be placed in the upper right corner.

§ 37.26 Reproducers and sound-reproduction records for the blind—(a) Postage rate. Reproducers for sound-reproduction records for the blind or parts thereof which are the property of the United States Government, when shipped for repair purposes by an organization, institution, public library, or association for the blind not conducted for private profit, or by a blind person to an agency not conducted for private profit, or from such an agency to an organization, institution, public library, or association for the blind not conducted for private profit, or to a blind person, may be transmitted through the mails at the rate of 1 cent per pound or fraction thereof; under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331.)

(b) Authority to extend privilege. The Postmaster General may in his discretion extend this rate of 1 cent per pound or fraction thereof to reproducers for sound-reproduction records for the blind, or parts thereof, and, when mailed to be repaired or being returned after repair, to Braille writers and other appliances for the blind, or parts thereof, which are the property of State governments or subdivisions thereof, or of public libraries, or of private agencies for the blind not conducted for private profit, or of blind individuals, under such regulations as he may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331.)

(c) Evidence required. Organizations, institutions, libraries, or other agencies desiring to send or receive reproducers for sound-reproduction records or parts thereof, and Braille writers and other appliances for the blind, or parts thereof, at the rate prescribed in paragraph (a) of this section shall furnish satisfactory evidence that they are not conducted for private profit.

(d) Preparation for mailing. Parcels, not exceeding the limit of weight prescribed for fourth-class matter, containing reproducers or parts thereof, and Braille writers and other appliances for the blind, or parts thereof, to be acceptable for mailing under this section must be sent for repair purposes only or returned after repair, shall be securely packed or wrapped, and shall bear the words:

Appliance for the Blind
Sent for Repair
Act of October 14, 1941

below the name and address of the sender which must appear in the upper left corner of the address side of the envelope, wrapper, or address label, the postage stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound to be placed in the upper right corner.

Title Five

TREATMENT OF MAIL MATTER IN POST OFFICES: LOSS OR IMPROPER TREATMENT: UNDELIVER- ABLE MAIL MATTER

Part	Part
41 The privacy and safeguarding of the mails	44 Loss, rifling, damage, or other mistreatment of mail matter; inquiries, complaints, and investigations; requests for and failure to receive return receipts; and collections from postal employees and mail contractors
42 Treatment of domestic mail matter at post offices of mailing and at post offices in transit	45 Dead mail matter
43 Treatment of domestic mail matter at receiving post offices	

PART 41—THE PRIVACY AND SAFEGUARDING OF THE MAILS

Sec.	Sec.
41.1 Privacy of matter under seal.	41.9 Testimony by order of court.
41.2 Examination of unsealed matter.	41.10 Furnishing of records or copies thereof.
41.3 Employees forbidden to place mail in clothing.	41.11 Deposition of postmaster.
41.4 Giving information about mail matter.	41.12 Surrender of mail upon service of legal process.
41.5 Acknowledgment by postmasters of letters of inquiry.	41.13 Access to mails.
41.6 Furnishing of information about number of routes and boxes.	41.14 Examination of waste paper.
41.7 Furnishing of lists of names and addresses of patrons.	41.15 Mail received unsealed or in bad order.
41.8 Correction of mailing lists.	41.16 Service to and from infected places.

§ 41.1 Privacy of matter under seal—(a) Inviolability of. No person in the postal service, except those employed for that purpose in dead letter branches, shall break, or permit to be broken, the seal of any letter or other matter while in the custody of the Postal Service. Neither postmasters, inspectors, employees of the Post Office Department, nor officers of the law, without legal warrant therefor, have authority to open under any pretext a sealed letter while in the mails, not even though it may contain improper or criminal matter, or furnish evidence for the conviction of offenders. (See § 36.8.)

(b) Seal not to be broken. The seal of letters or packages suspected to contain unmailable matter shall not be broken to ascertain that fact.

§ 41.2 Examination of unsealed matter. Postal cards, post cards, and circulars unsealed and all other unsealed matter may, when suspected to contain unmailable matter, be examined for the purpose of ascertaining their character.

§41.3 Employees forbidden to place mail in clothing. No person employed in the Postal Service shall place or carry in his pockets or other part of his clothing any mail which is in the custody of the Postal Service.

NOTE: See § 130.47 as to penalty for improperly detaining, opening, or destroying letters; § 130.49 as to penalty for intercepting or secreting letters.

§41.4 Giving information about mail matter—(a) Restrictions on. Postmasters and others in the postal service shall not give to unauthorized persons information concerning mail matter. They shall furnish such information to post office inspectors and may furnish it also to the sender, the addressee, or the authorized representative of either, when satisfactory identification had been established and the request is limited to information proper for the applicant to receive. Postmasters may give to officers of the law, upon proper identification, to aid in the apprehension of fugitives from justice, information regarding the addressees, return cards, or postmarks on mail matter, but shall not withhold such mail from the addressees or *delay its delivery*. *If the information so given to such officers relates to a violation of the postal laws, the postmaster shall report his action immediately to the inspector in charge of the division in which his office is located.*

(b) Exception for official request. Upon official request of a representative of another executive department, agency, or independent establishment of the Federal Government and the presentation of proper credentials, postmasters may, when practicable, furnish for official use information regarding the addresses, return cards, or postmarks on mail matter, provided the labor involved in complying with the request does not interfere with postal business, or result in material cost. Such mail shall not be withheld from the addressee nor delayed in delivery. When a postmaster is in doubt as to the advisability of complying with such a request, or material cost is involved, he should write to the First Assistant Postmaster General for instructions, except that in cases involving registered, insured, or collect-on-delivery mail he should submit the question to the Third Assistant Postmaster General, Division of Registered Mail.

NOTE: See § 27.10, prohibiting the disclosure of names of box-holders; § 70.4, of information concerning money orders; § 86.12, of information relative to Postal Savings accounts; and § 107.8, of information regarding mail passing through hands of railway postal clerks.

See § 41.13, which prohibits access to mail matter in post offices by any persons except employees of the Postal Service; also § 130.3, which requires information concerning postal law violations to be reported to the inspector in charge.

§41.5 Acknowledgment by postmasters of letters of inquiry. Postmasters shall acknowledge the receipt of letters of inquiry or request addressed to them in their official capacity, using the penalty envelope when postage is not furnished, and if the information requested is such that it would be improper or impracticable to give, the reason for declining to do so shall be stated.

NOTE: See § 59.3, relative to furnishing receipts showing to whom, when, and where registered matter is delivered; § 25.11, as to prohibiting giving indorsements or testimonials.

§41.6 Furnishing of information about number of routes and boxes. Postmasters shall furnish, upon request, information as to the number of rural routes at their offices and the number of boxes served by each carrier; and the number of post-office boxes in use at their offices, after satisfying themselves that such information is not to be used for any improper or unlawful purpose. (See § 35.10; also § 52.13 as to rural carriers.)

§41.7 Furnishing of lists of names and addresses of patrons. Postmasters and others in the postal service shall not furnish lists of names of patrons receiv-

ing mail at their offices, and, except as provided in paragraph (d) of § 41.8 and in accordance with the provisions of § 59.3, shall not give information as to the post-office addresses of former patrons.

§ 41.8 **Correction of mailing lists—(a) Official lists.** Postmasters shall not compile but shall correct, free of charge, as frequently as requested, mailing lists used officially by Members of Congress and Federal departments and bureaus.

(b) Other than official lists. Mailing lists submitted by State departments, municipalities, religious, fraternal, and recognized charitable organizations, and mailing lists used by the concerns submitting them for correction for the solicitation of business by mail in connection with sales work, shall be corrected as frequently as requested at the expense of the owners, including return postage.

(c) Charge for. Except as provided in paragraph (a), a minimum charge of 25 cents, payable in advance by cash, money order, or postal note, shall be made at all post offices for the correction of any mailing list bearing less than 25 names, and for any list of 25 names or more a charge of 1 cent for each name submitted (likewise payable in advance) shall be made, plus the postage for the return of such list. Furthermore, all lists submitted, whether for correction of address or elimination of duplicates, are to be considered mailing lists. At first-, second-, and third-class offices the amount received for mailing-list corrections shall be accounted for in the quarterly reports to the Comptroller under the heading "Miscellaneous receipts." At fourth-class offices, postmasters shall make no accounting of moneys so received, the proceeds received being payable to the employee performing the work.

(d) Allowable corrections. Corrections shall consist of crossing off names of persons to whom mail cannot be delivered or forwarded; correction of incorrect street names and of incorrect local street, rural, or post-office box numbers; insertion of delivery zone numbers where applicable; correction of initials where apparently there has been a bona fide intention to write a name known to the owner of the list; and indication of the head of the family, if known, when two or more names are shown for the same address. These lists are to be submitted by mail only and are not to be accepted by postmasters in any other manner except in cases of local firms having large mailing lists for correction. When a list of names is submitted in card form, and two or more names are shown for the same address, the card showing the name of the head of the family shall be endorsed "Head." If more than one family resides at the same address, the head of each family shall be shown by endorsing the cards involved "Head 1" and "Head 2," and the cards containing the names of members of each family shall be endorsed "1" and "2," respectively. The same general procedure shall be followed when mailing lists are submitted in sheet form. The new addresses of persons who have removed to the delivery of other post offices shall be furnished when reliable permanent forwarding orders are on file. New names shall not be added to a list.

§ 41.9 **Testimony by order of court.** A postmaster or other postal employee summoned as a witness shall obey the summons and go into court, but shall refuse to testify in regard to mail matter, money orders, or postal savings accounts, at the same time exhibiting this regulation. He shall then testify if so directed by the court.

§ 41.10 **Furnishing of records or copies thereof.** Papers in the files of the department or records in post offices, or copies thereof, shall not be furnished on the application of persons, except in the discretion of the department in cases

where a suit has been commenced and is pending involving the substance of the paper, document, or record itself, and then only upon the proper subpoena duces tecum issued by a court of record: *Provided*, That the Solicitor for the Post Office Department may, upon evidence satisfactory to him that the sanctity of the mail will not be violated, authorize copies of records covering the mailing or delivery of registered, insured, or collect-on-delivery mail to be furnished the sender or addressee, or the legal representative of either. In no case shall copies be furnished of the official bonds of officers connected with the service, except in case of suits relating to said bonds, or the execution thereof, or criminal prosecutions thereunder.

In cases of suits between postal employees and private parties or concerns, subpoena duces tecum calling for presentation of time records of employees shall be complied with, provided that the postal service is in no way involved in the litigation and that the performance of postal functions is not in issue.

§41.11 **Deposition of postmaster.** Where, in a pending suit, a commission has been issued for the taking of his deposition, a postmaster may on behalf of either the sender or of the addressee of mail delivered through his office, but not on behalf of third parties, give testimony in answer to interrogatories relating to the delivery and receipting for such mail.

§41.12 **Surrender of mail upon service of legal process.** Postmasters and other postal employees shall not surrender mail matter upon the service of process of attachment, warrant, garnishment, or other legal process. A postmaster or other employee served with such process shall make answer to the court from which it issues, setting forth his official character and the fact that the matter in dispute came into his hands by virtue of his official authority. If, after such answer, the court directs the delivery, the postmaster shall request the suspension of the order until he can communicate with the Solicitor in the case of ordinary domestic mail, the Third Assistant Postmaster General, Division of Registered Mails, in the case of domestic registered, insured, or collect-on-delivery mail, and the Second Assistant Postmaster General, International Postal Service, in the case of foreign mail. When a warrant has been issued, such process should be submitted for advice with respect thereto.

§41.13 **Access to mails—(a) Who may have.** Postmasters shall not permit to have access to any mail matter in the post office any persons except duly sworn assistants, clerks, letter carriers, mail handlers, post-office inspectors, and those mail contractors and carriers who, under the terms of the contract, are required to perform duties necessitating their personal presence in the post office.

(b) **Unauthorized persons to be excluded from mail room.** Mails shall not be made up or handled within reach of unauthorized persons, and such persons shall be excluded from the room appropriated to the use of the post office while the mails are being opened or made up.

NOTE: See § 99.36 as to care of mail locks and keys.

(c) **By former postmasters.** A former postmaster shall not be permitted to have access to or handle mail unless he takes the oath of office anew.

NOTE: See § 52.16 as to rural carriers; § 53.26 as to special-delivery messengers.

(d) **Credentials of post office inspectors required.** Postmasters shall require post office inspectors to exhibit their commissions before being admitted to the post office, in order to avoid imposture, unless such officers are personally known to them. (See § 2.4.)

§ 41.14 **Examination of waste paper.** The postmaster shall cause the waste paper accumulating in his office to be examined as it is collected and before it is disposed of, in order to prevent the loss of letters or other mail matter or of money, stamp stock, or other valuables.

NOTE: See § 6.17 and Manual of Instructions for Postal Personnel as to waste paper and disposal thereof.

§ 41.15 **Mail received unsealed or in bad order—(a) First-class matter.** Mail matter of the first class deposited in or received at any post office unsealed or in a mutilated or otherwise bad condition shall be stamped or marked with the words "Received unsealed" or "Received in bad condition," as the case may be, and shall be officially sealed and postmarked before being forwarded or delivered.

(b) **Parcels.** When a parcel in bad order is received in a post office or by a railway postal clerk, there shall be attached thereto a tag bearing the words "Bad Order" in conspicuous type and appropriate instructions. The employee first discovering the damage shall postmark this tag and attach it to the parcel to be transmitted to the office of address and shall make a report of the essential facts on Form 5257, attaching thereto the pouch or sack label, to be sent to the general superintendent, Railway Mail Service, of the division in which the office discovering the damaged package is located. However, when a parcel is received at the office of address in a damaged condition without a "Bad-order" tag attached, postmasters will prepare Form 5257, but will not attach a "Bad-order" tag to the parcel.

NOTE: See §§ 59.84 and 59.86 as to registered matter received unsealed or in bad order.

§ 41.16 **Service to and from infected places—(a) Refusal of mail from.** A postmaster shall refuse to receive into his office mail matter brought to it by persons who are inmates of or messengers from houses containing cases of contagious diseases, such as smallpox, yellow fever, etc., when ordered to do so by a board of health, or other local authority having jurisdiction of matters affecting the public health. If there be no such organization or official, the postmaster should be governed by the advice of one or more reputable physicians.

(b) **Delivery of mail to.** Mail matter arriving at an office addressed to the inmates of such houses may be sent to them by the hands of some responsible person known to the postmaster.

(c) **When declaration served by health authorities.** When a board of health serves upon a postmaster a certified copy of a declaration or order duly made that mail matter from any other post office is liable to communicate a contagious disease prevailing at the time, he shall refuse to receive such mail matter from any carrier or messenger. He shall deliver to the carrier or messenger a copy of such order or declaration and shall report the facts at once to the First Assistant Postmaster General and the general superintendent of the Division of the Railway Mail Service in which his office is located. If there be no board of health, the same action may be taken by the postmaster upon the declaration of a regular county or city medical society, or if there be none, upon the advice of a physician reputable in his profession. The mail so returned shall be held until the prohibition is removed, and shall after being properly fumigated under the directions of the medical authorities, be dispatched to its destination. (See § 52.47 as to rural service.)

(d) **Contagion in building containing post office.** If a case of smallpox, yellow fever, or other contagious disease occurs in the family of a postmaster occupying a building in which the postoffice is kept, the postmaster shall notify his inspector in charge of the facts and ask for instructions.

(e) **Infected supplies.** When blanks, books, and other office supplies of a post office have been exposed to infection, so as to render them liable to communicate smallpox or other contagious disease, permission to burn them shall be secured from the Fourth Assistant Postmaster General, Division of Equipment and Supplies. Permission to burn stamp supplies which have likewise been exposed to such infection shall be secured from the Third Assistant Postmaster General, Division of Stamps. The postage stamps, due stamps, stamped envelopes, postal cards, and international reply coupons shall be counted in the presence of two disinterested witnesses and an itemized statement of the quantity, denomination, and value sworn to and attested by the witnesses, forwarded, together with the letter authorizing said destruction of stamp supplies to the Third Assistant Postmaster General, Division of Stamps.

NOTE: See § 18.23 with regard to affidavits.

PART 42—TREATMENT OF DOMESTIC MAIL MATTER AT POST OFFICES OF MAILING AND AT POST OFFICES IN TRANSIT

<p>Sec. RECEIPT OF MATTER AT MAILING OFFICES</p> <p>42.1 Time for closing mails.</p> <p>42.2 Receipt of mail at railway stations.</p> <p>42.3 Diversion of mail.</p> <p>42.4 Postage to be rated up on weight of matter when mailed.</p> <p>42.5 Receipt of ship and steamboat matter.</p> <p>42.6 Where second-, third-, and fourth-class matter may be mailed.</p> <p>42.7 Defaced stamps.</p> <p>42.8 Imitations of or adhesives resembling postage stamps.</p> <p>CANCELING AND POSTMARKING AT MAILING OFFICES</p> <p>42.9 Defacement of stamps by post office of mailing; precanceled stamps.</p> <p>42.10 Postmarking.</p> <p>42.11 Special canceling stamps or postmarking dies for advertising purposes.</p> <p>42.12 Supervision of postmarking devices and equipment.</p> <p>42.13 Postmarking stamps.</p> <p>SHORT-PAID AND UNMAILABLE MATTER AT MAILING OFFICES</p> <p>42.14 Unpaid letters.</p> <p>42.15 Unpaid letters accompanied with money insufficient for one full rate.</p> <p>42.16 Treatment of unpaid or insufficiently paid matter.</p> <p>42.17 Misdirected matter.</p>	<p>Sec.</p> <p>42.18 Nonmailable matter; obscene, scurrilous, disloyal, and lottery matter.</p> <p>42.19 Matter "held for postage," misdirected, of excess weight or size, or damaged.</p> <p>42.20 Frequency of returns of unmailable matter to dead-letter branches.</p> <p>42.21 Disposal of destructive unmailable matter.</p> <p>WITHDRAWAL AND RECALL OF MAIL MATTER AT MAILING OFFICES</p> <p>42.22 Withdrawal of mail by sender before dispatch.</p> <p>42.23 Recall of mail by sender after dispatch.</p> <p>DISTRIBUTION AND DISPATCH OF MAILS AT MAILING OFFICES</p> <p>42.24 Distribution and dispatch of mails.</p> <p>42.25 Use of order book.</p> <p>42.26 Distribution schemes.</p> <p>42.27 Distribution or separation by States.</p> <p>42.28 Local mail for railway post office lines.</p> <p>42.29 Separate packages for delivery and distribution mail.</p> <p>42.30 Direct packages.</p> <p>42.31 Restrictions on through pouches.</p> <p>42.32 Limit of weight in sacks.</p> <p>42.33 When sacks may be used for separations.</p> <p>42.34 Facing slips.</p> <p>42.35 Circular matter in canvas sacks.</p> <p>42.36 Sacks containing perishable matter.</p>
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- Sec.
 42.37 Use of hooks prohibited.
 42.38 Record of pouches.
 42.39 Mail not to be placed in pouch loose or under strap.
 42.40 Dispatch of first-class mail to R. P. O.'s.
 42.41 Dispatch of mails on star routes.
 42.42 Delivery to carriers in advance of schedule time prohibited.
 42.43 Unofficial indorsements on mail forbidden.
- EXCHANGE OF MAILS AT CATCHER POST OFFICES
- 42.44 Mail catchers and cranes.
 42.45 Limit of weight in catcher pouch.

- Sec. MAIL MATTER AT OFFICES IN TRANSIT
- 42.46 Time for opening and closing mails at intermediate offices.
 42.47 Report of pouches and disposition of labels.
 42.48 Uncanceled stamps not to be canceled in transit.
 42.49 Carrier stopping overnight to deposit mail in post office.
 42.50 Withdrawal or detention of mail in transit.

RECEIPT OF MATTER AT MAILING OFFICES

§ 42.1 Time for closing mails—(a) Authority to prescribe. All letters brought to any post office half an hour before the time for the departure of the mail shall be forwarded therein; but at offices where, in the opinion of the Postmaster General, more time for making up the mail is required, he may prescribe accordingly, not exceeding one hour. (R. S. 3840; 39 U. S. C. 6.)

(b) **Limitations.** Mails at first-class post offices shall be closed not more than one hour, and at all other offices not more than half an hour, before the schedule time of departure of trains, unless such departure is between the hours of 9 p. m. and 5 a. m., when they may be closed at 9 p. m. At fourth-class offices day mails shall not be closed until it becomes necessary, allowing a reasonable time for delivery at the train or to the carriers on star routes.

(c) **Exemptions.** This regulation shall not apply to the post office at New York City, and any office may be exempted therefrom by special order.

NOTE: See § 42.46 as to opening of mails at intermediate offices; § 98.1 as to notice and record of arrival and departure of mails.

§ 42.2 Receipt of mail at railway stations. Postmasters may, for the convenience of the public, erect boxes at railway stations for the reception of mail matter and cancel the stamps on said matter at the station, either personally or by a sworn employee.

NOTE: See § 42.40 as to postmasters delivering late letters after cancellation to railway postal clerks in person or by clerks, but not by private hands.

§ 42.3 Diversion of mail—(a) Soliciting forbidden. Postmasters shall not solicit the mailing of matter at their offices by persons living or doing business within the delivery of another post office.

NOTE: See § 130.19 as to penalty, and § 137.31 (e) as to outside sales.

(b) **Fourth-class matter shipped by freight or express to be deposited in mails.** When matter entitled to transmission in the mails at the fourth-class rates of postage is shipped by freight or express, without solicitation by the postmaster, and not primarily for the purpose of increasing his compensation, and not deposited in the mails at a given post office, such office of mailing is construed to be the office of origin, and the mail shall not be considered as diverted.

§ 42.4 Postage to be rated up on weight of matter when mailed. When matter

is received for mailing, its weight shall be ascertained and postage thereon rated up. A decided down weight is necessary to subject matter to an additional rate of postage. (See §§ 34.12 to 34.14, inclusive, 42.16, and 53.5.)

NOTE: See § 91.1 as to government monopoly of mail transportation.

§ 42.5 Receipt of ship and steamboat matter—(a) Rating up with postage due. All ship and steamboat letters and printed matter delivered into post offices by masters of vessels shall be rated with the postage due thereon, as provided in § 34.16, and endorsed "Postage due, — cents," and dispatched to destinations.

NOTE: See § 97.55 as to ship letters and meaning thereof; §§ 97.56 to 97.58 as to fees to masters of vessels for carrying ship and steamboat letters and payment thereof.

(b) Marking. Letters brought by steamboats shall be marked "Steamboat," at the time of receiving them.

(c) Account to be kept. Postmasters shall keep an account of both ship and steamboat letters received, the postage chargeable thereon, and the fees paid therefor.

NOTE: See § 34.16 as to postage on such letters.

(d) Unpaid letters from steamboat routes. When wholly unpaid letters are delivered into a terminal post office by a postal clerk on a steamboat route, they shall be treated in all respects as other unpaid letters. (See § 42.16.)

NOTE: See § 97.58 as to nonpayment of fees in such cases.

§ 42.6 Where second-, third-, and fourth-class matter may be mailed. (a) Parcels of fourth-class matter shall be mailed at a post office or branch or station thereof, or delivered to a rural or other carrier duly authorized to receive such matter. Parcels of third-class matter may be deposited in mail boxes.

(b) Parcels collected on star routes shall be deposited in the next post office at which the carrier arrives and postage charged at the rate from that office.

(c) Second-, third-, and fourth-class matter shall not be accepted at a railway post office nor by a railway postal clerk, nor be deposited in a depot letter box from which collections are made by such clerks.

§ 42.7 Defaced stamps—(a) Not acceptable; perforation for identification permitted. United States postage stamps, to be acceptable for postage, shall be without defacement, provided that for the purpose of identification only, and not for advertising, it shall be permissible to puncture or perforate letters, numerals, or other marks or devices in United States postage and special-delivery stamps. The punctures or perforations shall not exceed one-thirty-second of an inch in diameter, and the whole space occupied by the identifying device shall not exceed one-half inch square. The puncturing or perforating shall be done in such manner as to leave the stamps easily recognizable as genuine and not previously used. Stamps on which ink or other coloring substance has been used in connection with such puncturing or perforating shall not be accepted for postage.

NOTE: See § 130.23 as to penalty for using canceled stamps.

(b) Overlapping stamps. When postage or special-delivery stamps are so affixed to mailable matter that one overlies another, concealing part of its surface, the stamp thus covered shall not be taken into account in prepayment.

(c) Treatment of matter bearing previously used stamps. When matter bearing previously used stamps is deposited for mailing (except as provided in § 43.12 as to forwarding mail), it shall be treated as "held for postage." (See § 42.16.) Upon receipt of stamps to pay postage they shall be affixed and canceled and the mail forwarded to addressee. A report of each instance where previously

used stamps have apparently been wilfully reused for payment of postage shall be submitted to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, accompanied, when practicable, with the envelope or wrapper bearing the stamps in question. (See § 130.23.)

(d) Stamps not good for postage. Mutilated or defaced postage stamps, fractional parts of stamps, postage-due stamps, stamps cut from embossed stamped envelopes, newspaper wrappers, or postal cards, or stamps other than postage stamps, shall not be accepted or counted in prepayment of postage, and matter bearing such stamps shall be treated as "held for postage," except when bearing special-delivery stamps, as to which see § 53.6.

§ 42.8 Imitations of or adhesives resembling postage stamps. Matter bearing imitations of postage stamps or adhesive stamps in form and design resembling postage stamps, shall not be accepted for mailing, and if deposited in the mail shall be returned to the sender, if known, or, if unknown, shall be sent to the First Assistant Postmaster General, with a statement of the facts connected therewith.

CANCELING AND POSTMARKING AT MAILING OFFICES

§ 42.9 Defacement of stamps by post office of mailing; precanceled stamps—(a) Authorization. Postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office in such manner as the Postmaster General may direct. When practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe. (R. S. 3921, as amended; 39 U. S. C. 365.)

(b) When mail forwarded without stamps canceled. If any mail matter shall be forwarded without the stamps or envelopes being so defaced, the postmaster at the office of delivery shall deface them, and report the delinquent postmaster to the Postmaster General. (R. S. 3921; 39 U. S. C. 366.)

(c) Report of failures to cancel stamps. Report of failures to cancel stamps shall be made to the Third Assistant Postmaster General, Division of Finance.

(d) Canceling ink prescribed. Postmasters shall cancel stamps on mail matter by the use of black canceling ink furnished by the department and shall thoroughly and completely deface the stamps.

§ 42.10 Postmarking—(a) Method. All mail matter deposited in any post office for mailing to domestic destinations (except that of the second class mailed by publishers and news agents without stamps affixed, matter mailed without postage stamps affixed under the provisions of §§ 34.66 and 35.4, matter bearing precanceled stamps, and registered letters and other sealed registered articles which §§ 114.8 (b), and 59.1 (b), stipulate shall be postmarked only on the back) shall be postmarked on the address side, the postmark to show the post-office name in full and the State name in full or abbreviated. All first-class mail, all insured, all c. o. d. mail, and all mail addressed to foreign countries (except second-class matter mailed by publishers and news agents, without stamps

affixed, for dispatch to those countries to which domestic conditions apply) shall show, in addition to the post office and State names, the date of mailing. All mail of the first class when dispatched from a post office having an hour-dating stamp shall show the names of post office and State and the date *and* (unless mailed under the provisions of §§ 35.4 and 35.5) the hour of mailing. Special-delivery mail of all classes, all "special handling" parcels, and all parcels of motion-picture films accepted for mailing at any post office shall be postmarked or otherwise indorsed to show the post office and State and the date and hour of mailing.

(b) **Improper date or erasure of date prohibited.** The willful impression on any mail matter of a postmark bearing any other date than that on which such matter is mailed or of a backstamp bearing a date other than that on which the mail is received at the post office backstamping it or the erasure of any date of a postmark or backstamp, whether for purpose of fraud or deception or to conceal a delay or detention of mail matter or any other official error or delinquency, may subject the offender to dismissal from the service.

§ 42.11 **Special canceling stamps or postmarking dies for advertising purposes.** The Postmaster General may, under such rules and regulations as he may prescribe, grant permission for the use in first- and second-class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit. Such permit shall not be for a longer period than 6 months and the duration of the event to be advertised. Nothing in this section shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee. Any permission granted under this section shall be revocable in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes (secs. 1 and 2, 42 Stat. 539; 39 U. S. C. 368).

§ 42.12 **Supervision of postmarking devices and equipment—(a) Features under First Assistant Postmaster General.** The supervision of, and issuance of instructions pertaining to, postmarking devices or equipment used by the postal service, insofar as the name of the office or station, date, and hour shown therein are concerned, shall be the responsibility of the First Assistant Postmaster General.

(b) **Features under Third Assistant Postmaster General.** The supervision of, and issuance of instructions pertaining to, the cancellation portion of any postmarking device or equipment used by the postal service or the public, including postage meters, and the inclusion in impressions made by such device or equipment of any advertisements, slogans, pictures, and insignia, imprinted at the same time as the postmark, shall be the responsibility of the Third Assistant Postmaster General.

(c) **Requisition and distribution of canceling dies.** The requisition of, the charge and payment for, and the distribution of canceling dies containing any approved advertisements, slogans, pictures, and insignia used by the postal service shall be the responsibility of the Fourth Assistant Postmaster General. The canceling dies shall be retained in the custody of the postal service.

(d) **Slogans in postage meter impressions.** Slogans that are not objectionable or misleading in themselves, or are not of a scurrilous or defamatory nature or otherwise objectionable, may be printed in connection with postage meter impressions, provided the slogans do not occupy space required at the right end of mail matter for the name and address, permit indicia, postal endorsements, etc. Such approved slogans shall not be arranged in the form of a circle resembling a postmark, nor include figures, dates, or words such as "Insured," "Special," etc., in the form or arrangement in which such matter appears in prescribed postmarks or other postal endorsements. Slogans shall not be so large as to be confused with the indicia, address, or return card on mail matter.

(e) **Dies for postage meters.** Dies for printing advertisements, slogans, pictures, or insignia in connection with the postage indicia on metered matter mailed under the provisions of § 35.4, shall be obtained from the manufacturers of the meter devices.

§ 42.13 **Postmarking stamps—(a) Change of dies to show time of dispatch.**

The type of postmarking stamps shall be carefully adjusted at the beginning of each day, and where type is furnished to indicate the hour of dispatch or receipt of mail the type shall be changed punctually at the specified period. At offices of the first class the time of postmarking first-class mail shall be changed each hour and half hour and kept one-half hour in advance. For instance, at 1 p. m. the time indicated in the postmark should be 1:30 p. m., and at 1:30 p. m. the time in the postmark should show 2 p. m., etc. At offices other than those of the first class, immediately following a dispatch of mail the postmarking stamp shall be changed to show the time of the next dispatch, except that mail deposited after the last dispatch of the day, but before the closing of the office, shall be postmarked as of that date. Mail deposited after the closing of the office shall be postmarked as of the time of the first dispatch of the following day.

(b) **Broken.** Postmarking stamps and type shall be kept clean. Broken stamps shall be returned to the Fourth Assistant Postmaster General, Division of Equipment and Supplies, except where the wooden handle only is broken, in which case that office shall be requested to furnish a new handle.

(c) **Special stamps not permitted.** Postmasters shall not use any postmarking stamps but those furnished by the Post Office Department. Nothing herein shall be construed to prohibit postmasters from purchasing or renting canceling machines from their personal funds, subject to the approval of the department: *Provided*, That no allowance shall be made for the purchase or rental of such machines in the event the office becomes entitled to a canceling machine under the rules of the department.

(d) **Record of date and time changes.** At all third- and fourth-class post offices a clear and distinct impression of the postmarking stamp shall be made immediately after each change in either date or hour, including Sunday where mail is made up for dispatch on that day. Such record of postmarks shall show every change made in the postmarking stamps and shall be kept in chronological order in suitable record books or on loose sheets to be supplied by postmasters.

SHORT-PAID AND UNMAILABLE MATTER AT MAILING OFFICES

§ 42.14 **Unpaid letters.** All domestic letters deposited in any post office for mailing, on which the postage is wholly unpaid or

paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United States, shall be sent by the postmaster * * * to a post office designated by the Postmaster General, to be treated in the same manner as other undelivered letters [unless the deficient postage is furnished, as provided in Section 42.16]. * * * (R. S. 3937, as amended; 39 U. S. C. 407.)

NOTE: See §§ 45.1 and 45.13.

See § 34.13 for remainder of statute relating to forwarding in certain cases of matter mailed at drop-letter rate.

§ 42.15 Unpaid letters accompanied with money insufficient for one full rate—

(a) **Mailed by same person.** When a number of letters are deposited in a letter box wholly unpaid by stamps affixed, and a sum of money is found in such box which is not sufficient to pay one full rate of postage on all of said letters, they shall, if mailed by the same person, and he is known and resides within the delivery of the mailing office, be returned to him, together with the money.

(b) **Mailed by different persons.** When such letters are mailed by different persons they shall be notified that the letters are held for postage. If this cannot be done, then the letters shall be treated as "held for postage" and disposed of as provided in the following section, and the money treated as money found loose in the mails and disposed of as provided in § 45.5.

§ 42.16 Treatment of unpaid or insufficiently paid matter—(a) Postmarking and rating up. When any letter or matter of the first class wholly unpaid or prepaid at less than one full rate, or any matter of the second or third class of obvious value, such as sheet music, pictures, photographs, or pamphlets likely to be of use or value to the addressee, or any parcel of the fourth class not fully prepaid but otherwise mailable, shall be deposited in any post office for delivery in the United States, it shall be postmarked with date of receipt, rated up, and the amount of deficient postage noted thereon.

(b) **If sender known.** When the matter described in the preceding paragraph bears the card or address of the sender, or if he be known to or can be conveniently located by the postmaster, and is within the delivery of the office, it shall be at once returned to him for the required postage. The stamps originally affixed to such matter shall, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value. If the sender be not within the delivery limits of the office, he shall be, if known, notified that the matter is held for postage, and if the postage be not furnished within two weeks the addressee shall be notified, as provided in the following paragraph.

(c) **If sender not known.** When the postage is not furnished by the sender of such matter or he is not known or cannot be conveniently located, the matter shall be indorsed "Held for postage" and the addressee notified by next mail, by an official card (Form 3548) or otherwise, of such detention and the amount of postage required.

(d) **Time of holding.** After the addressee of unpaid or insufficiently paid matter held for postage has been notified of the amount of postage due thereon, such matter shall be held not longer than two weeks, unless the office of address be so remote from the office of mailing that the postage could not be received from the addressee within that time, in which case the matter shall be held not longer than four weeks, except that six weeks may be allowed for the notice to be dispatched and returned between any post office in the Territory of Hawaii

and any other United States post office outside the Territories of Hawaii and Alaska, and 90 days for such service between any post office in the Territory of Alaska and any other United States post office not in the same Territory, also, six weeks for such service between any post office in the Canal Zone and any post office in the United States.

(e) **If addressee pays required postage.** If within the prescribed time the required postage is received, stamps of the value thereof shall be affixed to the matter in such manner as to cover a part of the words "Held for postage" and the matter dispatched. If Canal Zone stamps are furnished in response to such notices sent from the United States to the Canal Zone, they should be affixed and the matter dispatched without question as to the stamps.

(f) **If sender subsequently pays postage.** If the sender of any insufficiently paid letter or other matter shall pay the postage, after dispatch of notice to addressee, it shall be indorsed "Postage subsequently paid by sender," the necessary stamps affixed and canceled, and the matter dispatched.

(g) **When to be marked "Unclaimed."** If the amount of unpaid or insufficiently paid postage on any matter of the first class is not received from the addressee at the expiration of two weeks from the date of mailing of the notice, except as provided in paragraph (d), and prepayment shall not have been made by the sender, such matter shall be marked "Unclaimed" and disposed of as provided in §§ 45.3 and 45.5.

NOTE: See §§ 42.7 and 130.23 as to matter bearing stamps not good for postage thereon; § 53.6 as to matter bearing special-delivery stamps, but without proper postage; § 43.6 as to treatment of unpaid or insufficiently paid matter at offices of delivery; §§ 43.12 and 43.48 as to payment of new postage on second-, third-, and fourth-class matter before forwarding or return; § 114.2 as to the treatment of foreign mail matter unpaid; § 43.46 as to matter without value; and Title Seven, Registry System, as to registered matter.

(h) **Matter for local delivery and sender unknown.** When matter wholly unpaid or insufficiently prepaid is deposited at any city delivery post office for local delivery and the sender is unknown, notice of detention need not be sent, but such matter shall be delivered to the addressee by the carrier, and the deficient postage collected by means of postage-due stamps affixed. (See § 43.11.) If the addressee refuses to pay the postage, the matter shall be treated as prescribed by paragraph (g) of this section. (See §§ 45.2 and 45.8.)

§42.17 **Misdirected matter—(a) Correction of address.** Postmasters and others in the Postal Service shall not attempt to correct post-office addresses on mail matter except as provided in this section and §§ 43.12 and 43.14.

(b) **Not to be dispatched unless destination obvious.** Mail that is misdirected as to post-office name, unless addressed to a known county and State, shall not be dispatched except upon reasonable assurance as to its destination (in which case it shall be indorsed to show by what post office the address is supplied), but shall be returned to the sender, if his name and address are known, with the words stamped or written thereon, "Returned for better direction," together with such information as the mailing office may have as to the correct post-office name. The stamps originally affixed to such matter will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

(c) **When sender unknown and address uncertain.** If the name of the sender is not known and the post-office address cannot be supplied with reasonable certainty at the mailing office, the matter shall be disposed of as unmailable.

(d) **Addressed to known county and State.** Mail not addressed to a post office but to a known county and State shall be dispatched in the mails without change of address. (See § 107.25 (b) (7).)

NOTE: See § 43.14 as to treatment of misdirected mail after dispatch; § 43.22 as to directory service at city carrier offices.

§ 42.18 **Nonmailable matter; obscene, scurrilous, disloyal, and lottery matter—(a) Withdrawal and disposal.** (1) Domestic obscene, scurrilous, disloyal, and lottery matter of any class which has been withheld from dispatch under the provisions of § 36.7 and declared nonmailable by the Solicitor under the provisions of §§ 36.2 to 36.6, inclusive, shall be withdrawn from the mails and the sender thereof shall be immediately notified that such matter is nonmailable; and it shall be held for a period of 10 days in the custody of the postmaster, at the end of which time it shall be sent to the proper dead letter branch for disposition.

(2) Obscene and scurrilous matter obviously nonmailable under the provisions of §§ 36.2, 36.3, or 36.4 shall, when deposited in a post office, be withdrawn from the mails and sent to the Post Office Inspector in Charge of the Division in which the office of mailing is located with a statement of the facts connected therewith. Domestic lottery matter obviously nonmailable under § 36.6 shall be sent to the Post Office Inspector in Charge of the Division in which the office of mailing is located for disposition, and foreign lottery matter shall be forwarded daily to the Post Office Inspector in Charge of the Division in which the office of address is located.

(3) Matter declared nonmailable by the provisions of § 36.8 (§ 130.52) shall be sent to proper dead letter branch for disposition. Letters found by a dead letter branch to contain counterfeit money and spurious coins shall be sent to the First Assistant Postmaster General with a statement of the facts connected therewith.

(b) **Refusal of.** Postmasters shall exclude from the mails all nonmailable matter, and when it is known at the time any matter is offered for mailing that it is nonmailable under any statute the postmaster shall decline to receive it.

NOTE: See § 36.7 as to matter of doubtful mailable; § 36.1 as to unmailable matter generally; §§ 35.12 and 35.18 as to the admission of matter liable to injure the person or damage the mails, and admission of certain of such matter when properly packed, etc.; § 35.2 as to matter in excess of weight; § 34.74 as to matter in excess of size.

§ 42.19 **Matter "held for postage," misdirected, of excess weight or size, or damaged—(a) Disposition of.** The following unmailable matter, when of the first class, shall, if deposited in a post office having a dead letter branch, be treated in the dead letter branch of that office. Such matter posted in a post office not having a dead letter branch shall be sent to the central-accounting post office and such matter posted in the Territory of Alaska shall be sent to the dead letter branch at the Seattle, Wash., post office; and when of the third or fourth class to the postmaster at the proper division headquarters of the Railway Mail Service.

(1) "Held for postage" matter which cannot be returned to sender and has not been prepaid by addressee, as provided in § 42.16.

(2) Misdirected matter which cannot be dispatched to the addressee nor returned to the sender, as provided in § 42.17.

(3) Excess of weight and size matter, or those packages of domestic matter which exceed the weight or size limited by law. (See §§ 34.74, 35.2, and 35.3.)

(4) Mutilated or damaged matter other than merchandise found loose in the mails, or that which when deposited in the post office is, or before dispatch may become, so damaged that it cannot be forwarded to destination and cannot be returned to the sender.

(b) **Exceptions.** "Held for postage" and misdirected printed matter (nixes) of no obvious value, and samples of merchandise sent for advertising purposes and articles of like character having no salable value, may be disposed of as waste paper or destroyed, as provided in § 43.46 respecting unclaimed printed matter of like character upon which postage-due stamps have not been affixed. Before such matter is disposed of all postage stamps thereon shall be canceled and each piece carefully examined, and if any is found to contain other matter of a higher class it shall be disposed of in accordance with paragraph (a), of this section.

NOTE: Disposition of obscene, scurrilous, disloyal, and lottery matter declared nonmailable by §§ 36.2, 36.3, 36.4, 36.5, or 36.6; and fraudulent matter and letters containing counterfeit money and spurious coins declared nonmailable by § 36.8 (§ 130.52); shall be made in accordance with the provisions of § 42.18.

§ 42.20 Frequency of returns of unmailable matter to dead-letter branches. At post offices of the first class daily, and at all other post offices weekly, returns shall be made to the proper dead letter branches, or to post offices at division headquarters of the Railway Mail Service, as prescribed in § 42.19, of all unmailable matter deposited therein, except articles of merchandise found loose in the mails, as provided in §§ 45.3, 45.5, 45.6, 45.7, and 45.9, unless other disposition thereof is directed.

§ 42.21 Disposal of destructive unmailable matter. When any article of destructive mail matter, except matter absolutely excluded from the mail (see §§ 34.73 and 35.13) is received for forwarding or deposited in the post office, the postmaster shall hold it and notify the sender, whether he live within the delivery of the post office or not, that it can not be transported by mail. If the sender is not known, the postmaster shall notify the addressee of the detention of the package, that it can not be transmitted in the mails and that he must provide some other means for its being forwarded at his own expense outside the mails. If the package is not taken from the post office by or for either the sender or addressee within 30 days, the postmaster shall report the facts to the First Assistant Postmaster General, and await instructions. Intoxicating liquors, poisons, explosives, and articles harmful and dangerous to handle absolutely excluded from the mails under § 35.13 shall not be delivered, but shall be held intact and report thereof made to the inspector in charge of the division in which the office of mailing is located. Instructions as to the disposition of such matter will be issued by the inspector in charge.

NOTE: See § 73.40 as to delivery of dangerous matter reaching office of address.

WITHDRAWAL AND RECALL OF MAIL MATTER AT MAILING OFFICES

§ 42.22 Withdrawal of mail by sender before dispatch—(a) Conditions. After mail matter has been deposited in a post office it shall not be withdrawn except by the sender, or, in case of a minor child, by the parent or guardian duly authorized to control the correspondence of the writer. Mail deposited by a person adjudicated of unsound mind may be withdrawn by duly appointed guardian.

(b) **Care in permitting.** When request is made for the withdrawal of any mail matter, the postmaster shall ascertain whether the person making the request is entitled to such matter. The applicant should be required, if necessary, to exhibit a written address in the same hand as that upon the matter sought to be withdrawn, and such description of the matter, or other evidence, as will identify the same and satisfy the postmaster that the applicant is entitled to withdraw it.

(c) **Original postage valid.** When matter withdrawn from the mails before

dispatch is again presented for mailing, the stamps originally affixed thereto shall be accepted in payment of postage to the amount of their face value.

NOTE: See § 59.68 as to withdrawal from the mails of registered matter; § 115.1 as to withdrawal of foreign matter.

§ 42.23 Recall of mail by sender after dispatch—(a) Application for. When the sender of any article of unregistered matter desires its return after it has been dispatched from the mailing office, application therefor shall be made on Form 1509 to the postmaster at the office of mailing. (See § 107.32 as to return of matter by railway postal clerks; § 115.1 as to recall of foreign matter; § 59.68 as to recall of registered matter.) The requirement that the application for the recall of mail matter shall be made through the mailing office will not apply to official mail, but postmasters at offices of destination receiving requests by telegraph, telephone, or mail from executive departments at Washington, D. C., or their regional disbursing officers shall comply promptly therewith and take special care to prevent delivery of Government checks subject to recall.

(b) Request to be telegraphed. When application has been made in due form for the recall of an article of mail matter the postmaster shall telegraph a request to the postmaster at the office of address, or to a railway postal clerk in whose custody the matter is known at the time to be, for the return of such matter to his office, carefully describing the same so as to identify it and prevent the return of any other matter. All such telegraphic requests shall bear the proper signature and title of the sender of the message. If air mail is being recalled, the telegram should include, as additional means of identification, the air-mail trip involved, and if the originating office does not have direct air-mail contact, the city and train should be shown to which the mail was dispatched for initial plane connection.

(c) Return of matter. On receipt of a request for the return of any article of mail matter the postmaster or railway postal clerk to whom such request is addressed shall return such matter in a penalty envelope to the mailing postmaster, who shall deliver it to the sender upon payment of all expenses and the regular rate of postage on the matter returned (except first-class matter, which is returned without additional charge for returning), and on the envelope or cover thereof postage-due stamps of the proper value shall be placed and canceled. (See § 43.8.) If the mail to which the application relates has been delivered, that fact shall be reported to the mailing postmaster, who shall inform the sender. Under no circumstances shall the addressee be informed that mail has been intercepted or that recall thereof has been requested by the sender.

(d) Filing of application, receipt, and container. All applications for the recall of any article of mail matter, together with the proofs submitted therewith, the sender's receipt for such matter, and the envelope or wrapper in which it was enclosed, shall be filed at the mailing office.

DISTRIBUTION AND DISPATCH OF MAILS AT MAILING OFFICES

§ 42.24 Distribution and dispatch of mails—(a) Orders covering. Postmasters shall be governed in the distribution and dispatch of mails at offices where a superintendent of mails is not employed by the orders received from the Deputy Second Assistant Postmaster General, Surface Postal Transport, or from the general superintendent, Railway Mail Service, in whose division the post office may be located.

(b) **Changes to be made only when ordered.** Postmasters at junction points shall never change the dispatch of mails from one road to another except upon orders from the general superintendent, Railway Mail Service.

§ 42.25 **Use of order book.** Postmasters at offices of the first and second classes shall keep an order book in which all orders relating to the making up and dispatching of mails at their offices, and changes in schemes which are received from general superintendents, Railway Mail Service, shall be inserted or recorded; and distributing clerks shall be required to examine the same daily and, if necessary, to place their initials at the foot thereof to indicate such examination.

§ 42.26 **Distribution schemes—(a) To be kept corrected.** Postmasters shall carefully distribute and make up mails by the official schemes which may be furnished them and which shall be kept corrected, and shall conform to any changes that may be made in the same by the proper general superintendent of Railway Mail Service, and shall make up and exchange only such pouches as he may order. Any post office may be excepted from this requirement by the general superintendent.

(b) **No departure from to be made without authority.** No change in distribution or dispatch of mails shall be made without first obtaining authority from the proper general superintendent of Railway Mail Service, except in cases of emergency; and in all such cases an immediate report, giving the reasons for such change, shall be made to the general superintendent.

(c) **Mail labeled "Dis."** Mail should not be labeled to an office as "Dis." (mail for distribution) unless the package or sack actually contains mail for post offices which are properly supplied through that office, or unless said mail will reach its destination sooner by placing it in a "Dis." package. If the only supply for an office is by railway post office, the mail should be worked into direct packages or placed in packages and sacks properly labeled to the railway post office, or in the case of States not distributed by a local office it should be labeled to the State in question and dispatched to the proper railway post office performing such distribution. However, it is permissible to label mail to a post office as "Dis." even though the only source of supply is by railway post office, provided that by so doing the receipt or dispatch of mails would be expedited.

§ 42.27 **Distribution or separation by States.** A distribution or separation should be made only of such mail for States or portions of States as can be advanced thereby. All mail for States of which no distribution is made shall be made up "by States," and facing slips used as provided in § 42.34; letter and circular mail for each State shall be made up in packages, and other mail in canvas sacks by itself when the quantity is sufficient, and the name of the State marked on the slip used as a label for the package or sack. (See §§ 34.47 (c), 42.32, and 42.33.)

§ 42.28 **Local mail for railway post office lines—(a) To be made up in packages.** Post offices on railway post office lines, in making up local mail for such lines, shall send by each train by which a dispatch is made all mail which can be expedited by such trains. When sent by railway post-office trains, the mail for near-by stations shall be made up in a separate package and placed under a facing slip addressed to the railway post office and train and, in addition, be marked "No. 1" to indicate that it is for immediate distribution. Any mail for the remaining offices on the line proper to be forwarded shall be included in a package addressed to the railway post office and train and marked "No. 2." Mail for States for which distribution is not required and not in sufficient quantity to

be made up in separate packages shall be combined in a package addressed to the railway post office and train and marked "No. 3."

(b) **Exception.** If the quantity of mail is not sufficient to warrant these separations, it shall be combined in one package addressed to the railway post office and train, the No. 1, No. 2, and No. 3 separations to be arranged in sequence.

§ 42.29 **Separate packages for delivery and distribution mail.** Mail for delivery and mail for distribution at a post office shall be made up in separate packages, unless special authority to combine it is given.

§ 42.30 **Direct packages—(a) How made up.** A direct package shall be made up by placing all letters for one post office in a package by themselves, all faced one way, with a plainly addressed letter on the outside and a facing slip bearing the postmark of the office and the name or number of the person making up the package on the back of the same, faced out.

(b) **Air mail.** Ordinary letters, other than special delivery but including air mail, shall be tied out in direct packages when there are 10 or more pieces for one post office, railway post office, or State, except when requests are received from the proper general superintendent of the Railway Mail Service for the tying out of directs containing less than 10 pieces. Less than 10 air-mail pieces shall be placed at the top of the working package under the registered and special delivery letters, if any, with facing slip endorsed to show air mail is included, or similarly at the top of a direct package if no further air-mail dispatch can be had.

(c) **Matter not to be included.** Direct packages or sacks made up for individual persons or firms shall not include special delivery matter, insured parcels bearing insured serial numbers, c. o. d. mail, mail known or supposed to be liable to customs duty, or any other mail which requires the collection of funds on delivery. Matter requiring the collection of funds includes c. o. d. matter, short-paid pieces, business reply cards and envelopes, undeliverable matter returned under the return postage guarantee provision, mail known or supposed to be liable to customs duty, and certain forms, such as Form 3547, Notice to Sender of Addressee's New Address, Form 3578, Notice to Publisher Concerning Undeliverable Second-Class Matter, publications returned under Form 3579, Label for Returning Undeliverable Second-Class Matter to Publisher, and Form 3849-D, Notice to Sender of Undelivered C. O. D. Mail.

NOTE: See § 53.7 as to special-delivery mail, and § 59.7 as to registered mail.

§ 42.31 **Restrictions on through pouches.** Postmasters shall not make up through pouches to be dispatched by mail trains unless specially instructed to do so.

§ 42.32 **Limit of weight in sacks.** Not more than 100 pounds of mail matter shall be placed in a sack.

§ 42.33 **When sacks may be used for separations.** A mail sack may be used for a separation of third- and fourth-class matter only when the bulk or volume exceeds one-third the capacity of a No. 1 sack unless necessary to materially advance the mails and no intermediate distributing unit is available.

NOTE: See § 34.47 (1), as to using mail sacks for second-class matter.

§ 42.34 **Facing slips.** Upon each package of letters or circulars, and in the label holder of each pouch or canvas sack of newspapers, special-delivery and special-handling matter, shall be placed a facing slip or label bearing the postmark of the office with date and time of closing or dispatch, the name or number of the person making up the package, pouch, or sack, and addressed as provided in § 107.16. The labels used for the dispatch of canvas sacks containing circu-

lars, parcel post, and ordinary papers shall be stamped to show the office, the date, and the closing hour of the period of duty to which the clerk making distribution and dispatch is assigned. In terminal railway post offices the office, the date, and the number of the tour with the name of the clerk shall be shown.

NOTE: See § 43.1 as to filing and disposing of facing slips received.

§ 42.35 **Circular matter in canvas sacks—(a) How labeled.** When it is necessary to send circular matter inclosed in envelopes similar to those used to cover business letters, in canvas sacks, the label upon the sacks shall read, in addition to the regular address, "Circulars."

(b) **Direct packages in sacks.** When direct packages of circulars are made and the quantity for any post office warrants a separate sack, it should be made and labeled as stated in paragraph (a), but when the quantity is insufficient for separate sacks, the packages should be combined in State sacks and labeled "Circular Directs" in addition to the State.

§ 42.36 **Sacks containing perishable matter.** Every sack containing perishable parcel-post matter shall have attached thereto a distinctive tag bearing appropriate lettering, including the word "Perishable," in conspicuous type.

§ 42.37 **Use of hooks prohibited.** Hooks shall not be used in handling mail bags.

§ 42.38 **Record of pouches.** Postmasters shall keep a correct list of all pouches due to be dispatched.

NOTE: See § 43.5 as to record of pouches at post office; § 92.31 as to record by railroad companies; § 94.14 as to mail messengers; § 108.3 as to railway postal clerks and as to numbering a series of pouches in the same dispatch.

§ 42.39 **Mail not to be placed in pouch loose or under strap.** (a) Letter and circular mail shall be properly "faced up" and tied in packages and not placed loose in the pouch or sack.

(b) After pouches are closed and dispatched from a post office, letters shall not be placed under the strap or attached to the outside of the pouch. When this is done at the station the postmaster shall inform the mail messenger that the practice must be discontinued.

§ 42.40 **Dispatch of first-class mail to R. P. O's—(a) In lock pouches.** Postmasters shall dispatch first-class mail to railway post offices in the lock pouches provided for that purpose.

(b) **When received too late for lock pouch.** When any mail matter is received too late to be put in the lock pouch, the postmaster or sworn assistant or clerk may, after postmarking and canceling the same, deliver it in person to the railway postal clerk.

(c) **By private person, after cancellation, forbidden.** After the stamps are canceled upon any mail matter it shall not be returned to the person mailing it to be taken to a railway post office.

NOTE: See § 42.2 as to canceling stamps at railroad stations.

§ 42.41 **Dispatch of mails on star routes—(a) Use of locked pouch.** On each star route there may be used one locked pouch which shall be opened at every post office. If the amount of mail is not too large, it may all be carried in such pouch.

(b) **Way pouches.** Way pouches dispatched via star routes by post offices, railway post offices, terminal R. P. O.'s, and transfer offices, shall be labeled: first line, "Way pouch to (office of address)," second line, "Routing if necessary for proper handling," third or last line, "From (name of dispatching office)."

(c) **What matter in locked pouches.** All mail matter of the first class carried on star routes shall be inclosed in locked pouches; other mail matter shall also be included in the locked pouches unless the quantity or bulk is too great, in which case it shall be carried outside of bags or in tie sacks.

(d) **Direct locked pouches.** On any star or mail messenger route where more than one post office is supplied, whenever, in the judgment of the proper general superintendent of Railway Mail Service, conditions justify, he may order a direct locked pouch or pouches to be made up by railway post offices or by supply post offices on the route for one or more of the post offices supplied, with proper return pouches when necessary, all such pouches to be properly labeled and not to be opened by any other office. Such pouches shall not contain registered matter unless specially ordered by the general superintendent. In every case where registered matter is to be included in such direct pouches, the general superintendent shall submit through official channels to the Third Assistant Postmaster General, Division of Registered Mails, for approval a report of all the facts, including the date on which the service was ordered to begin and the extent to which registered matter may be involved, and if such registered matter is of considerable value, it shall not be dispatched in such direct pouches until the service is authorized by the Third Assistant Postmaster General, Division of Registered Mails.

(e) **Tying in packages.** In making up mail to be dispatched on a star route, all letter mail for each office shall be tied out in a direct package (see §42.30); all other mail matter for each office shall be tied out in packages in a similar manner as far as practicable.

(f) **Mail dispatched beyond terminal office of star route.** Mail to be dispatched from an office on a star route to points beyond the terminal office thereon shall be made up, as far as possible, "by States" (see §42.27), or if not sufficient for that, then in one package with the name of the terminal post office marked on the slip covering the same and the abbreviation "Dis." to indicate that the package is for distribution.

§ 42.42 **Delivery to carriers in advance of schedule time prohibited.** Postmasters shall not, except in cases of emergency, deliver mail to carriers in advance of schedule time without express permission from the Post Office Department, nor permit the mail to be taken from the post office on the evening before the scheduled day of departure to be kept in a private house overnight.

§ 42.43 **Unofficial indorsements on mail forbidden.** Employees in the Postal Service shall not place personal or unofficial indorsements or messages of any kind upon mail matter handled by them in their official capacity.

EXCHANGE OF MAILS AT CATCHER POST OFFICES

§ 42.44 **Mail catchers and cranes—(a) When used.** Mail catchers and cranes shall be used for the purpose of exchanging mails between post offices and railway post offices when trains do not stop at the stations.

(b) **Time of hanging mail on crane.** At such stations mail pouches for railway post offices shall be hung on the mail crane not exceeding 10 minutes before the time of arrival of the train.

(c) **Special catcher pouches.** Canvas mail pouches, provided specially for catcher exchanges (see §§ 99.1 and 99.3), and no others, shall be used.

(d) **Arrangement of mail in pouch.** When only a small amount of mail is to be dispatched, the pouch shall be strapped tightly around the center and the mail placed in the top of the pouch, but when a large mail is to be sent it shall be divided about equally between top and bottom. The strap shall be buckled around the center of the pouch. In case the strap is missing, the middle of the pouch shall be tied. The pouch shall be hung lock end down.

NOTE: See § 59.55 as to dispatch of registered mail in catcher pouches.

(e) **Light on crane at night.** When the exchange of mails occurs at night and a lamp is not affixed to the crane and kept in order as provided in § 92.38, the district superintendent of Railway Mail Service shall be notified.

(f) **Mail on crane to be watched.** The person charged with the duty of affixing pouches to mail cranes shall watch the pouch until it is caught by the passing railway post office, or if there is a failure to catch the pouch he shall deliver it to the post office, and the postmaster shall immediately report the failure (either to catch or deliver the mail) to the district superintendent, Railway Mail Service, giving probable cause of failure.

(g) **Extra pouch to be returned.** When a pouch is not caught from a mail crane, and a pouch is put off the train, the extra pouch shall be returned by the next mail train. The regular and extra pouches shall be strapped or tied together at the middle as one pouch.

(h) **Cranes out of repair.** When a mail crane is out of repair, report thereof shall be made to the district superintendent, Railway Mail Service.

NOTE: See § 92.38 as to erection of mail cranes and furnishing of lamp thereon; § 94.10 as to duties of mail messengers; § 99.1 as to catcher pouches and use thereof.

§ 42.45 **Limit of weight in catcher pouch.** Not exceeding 35 pounds of mail matter shall be placed in a catcher pouch. Letter mail shall be given preference; and when the mail matter to be sent exceeds 35 pounds, the excess shall be dispatched by local train, if there be one.

MAIL MATTER AT OFFICES IN TRANSIT

§ 42.46 **Time for opening and closing mails at intermediate offices—(a) Kept to minimum.** At all intermediate offices on star routes where no time is specified the mails shall be opened and closed within 10 minutes. If this time be too short, the postmaster shall apply to the Second Assistant Postmaster General for an extension. On railroad and steamboat routes there shall be no more delay than is necessary to receive and deliver the mails.

(b) **Record of passage of pouch unopened.** Whenever a pouch of mail in transit on a star route is passed along without being opened, a note shall be made on the postmaster's transit registry record to show that the pouch was passed unopened to the next office, giving the reason and the date.

NOTE: See § 99.10 as to pouches which cannot be opened; § 99.24 as to defective locks on pouches and forwarding of mail bag which cannot be opened.

§ 42.47 **Report of pouches and disposition of labels—(a) Pouch in transit opened to advance mails.** When a pouch is received addressed to another office or railway post office, and, on account of being delayed, is opened and the contents distributed in order to advance the mail, the label of such pouch shall be marked "Distributed," postmarked, and sent direct to the office of destination, if addressed to a post office, or to the district superintendent (if known, otherwise to the general superintendent) of the railway post-office line addressed, so that the pouch may be properly accounted for.

(b) **Pouch "Not made up."** When a pouch due to be made up for a post office or railway post office is not made up for any reason, the label for such pouch shall be indorsed "Not made up," with reasons therefor, and be disposed of in the same way as labels referred to in paragraph (a).

(c) **Labels from Sea Post pouches.** When sealed sacks or pouches are made up by a Sea Post Office arriving at New York, the labels taken therefrom shall be sent to the General Superintendent, Railway Mail Service, New York 1, N. Y. If made up by a trans-Pacific Sea Post Office, the labels shall be sent to the General Superintendent, Railway Mail Service, San Francisco 1, California.

§ 42.48 **Uncanceled stamps not to be canceled in transit.** Matter dispatched from a post office on which the stamps are not properly canceled shall not be stopped in transit nor the stamps thereon canceled at any office but that of destination.

NOTE: See § 42.9 as to defacing uncanceled stamps at office of delivery, and reporting postmaster.

§ 42.49 **Carrier stopping overnight to deposit mail in post office.** When a mail carrier stops overnight at any place where there is a post office, the mail shall be kept in the post office or where otherwise ordered by the Second Assistant Postmaster General. (See § 98.5.)

§ 42.50 **Withdrawal or detention of mail in transit—(a) Misdirected, destructive, and unmailable matter.** Misdirected matter or matter which is liable to injure the person or damage the mails, unless prepared for mailing as prescribed in § 35.18, and all matter which is manifestly obscene, etc., and matter which contains on the outside cover or wrapper, or postal cards, bearing scurrilous or libelous language, etc., and matter which relates to lotteries or similar enterprises, or to fraudulent schemes, which was dispatched from the post office of mailing contrary to the provisions of § 42.18, shall be detained and withdrawn from the mails by any postmaster into whose hands the same may come in transit and treated as though it were originally deposited at his office. (See § 42.21.)

(b) **Publications containing lottery matter.** Newspapers and other publications in transit which contain lottery advertisements or lists of prizes drawn at a lottery shall be held and a report made to the Solicitor for the Post Office Department for instructions.

(c) **Matter not to be withdrawn.** Any matter, except as above provided, which should have been detained at the office of mailing as "held for postage," "excess of weight or size," shall not be stopped in transit. (See § 42.16.)

(d) **Misdirected first-class matter.** Misdirected matter of the first class, if it bear the card or request of the sender, shall be withdrawn and returned to him with the words written or stamped thereon, "Returned for better direction." (See § 42.17.)

(e) **Matter addressed to office of same name in other State.** All mail matter received at a post office addressed to other post offices of the same name in other States shall be endorsed with the word "Missent," also with the postmark of the office, and forwarded by next mail to its destination.

(f) **Postage-due matter not to be stopped in transit.** Matter inadvertently dispatched without prepayment of postage thereon, or which is insufficiently prepaid, shall not be stopped in transit or rated up at intermediate offices.

NOTE: See §§ 42.4 and 42.16 as to treatment of postage-due matter at office of mailing; § 43.11, at office of delivery.

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

<p>Sec.</p> <p style="text-align: center;">OPENING OF MAILS</p> <p>43.1 Opening of pouches.</p> <p>43.2 Noting and reporting of errors and irregularities.</p> <p>43.3 Missent matter to be promptly forwarded.</p> <p>43.4 Backstamping.</p> <p>43.5 List of pouches due to be received.</p> <p style="text-align: center;">MATTER INSUFFICIENTLY PAID AND COLLECTION OF POSTAGE DUE</p> <p>43.6 Rating up of postage and search for matter improperly rated.</p> <p>43.7 Underpaid matter addressed to Government departments at Washington, D. C.</p> <p>43.8 Collection of postage due.</p> <p>43.9 Underpaid mail addressed to postmasters.</p> <p>43.10 Double postage.</p> <p>43.11 Postage-due stamps.</p> <p style="text-align: center;">FORWARDING OF MAIL</p> <p>43.12 Forwarding of mail.</p> <p>43.13 Forwarding requests.</p> <p>43.14 Forwarding of misdirected matter when address supplied.</p> <p>43.15 Letters under cover to postmasters.</p> <p>43.16 Forwarding of matter bearing postage-due stamps.</p> <p style="text-align: center;">UNDELIVERABLE AND UNMAILABLE MATTER AT RECEIVING POST OFFICES</p> <p>43.17 Nonmailable matter which reaches office of delivery.</p> <p>43.18 Matter for fictitious addresses.</p> <p style="text-align: center;">DELIVERY OF MAIL</p> <p>43.19 Delivery from office of address; exceptions.</p> <p>43.20 Delivery of ordinary mail.</p> <p>43.21 Retention of mail at request of addressee.</p> <p>43.22 Delivery of mail at city delivery offices.</p> <p>43.23 General delivery service.</p> <p>43.24 Use of post office boxes.</p>	<p>Sec.</p> <p>43.25 Delivery of mail addressed to firm or corporation.</p> <p>43.26 Mail addressed to public officials or officials and employees of firms.</p> <p>43.27 Pension letters.</p> <p>43.28 Mail of husbands and wives.</p> <p>43.29 Mail addressed to minors.</p> <p>43.30 Mail for persons adjudicated of unsound mind.</p> <p>43.31 Mail addressed to deceased persons.</p> <p>43.32 When business transferred or corporation dissolved.</p> <p>43.33 Court orders affecting delivery of mail.</p> <p>43.34 When more than one business has same name.</p> <p>43.35 Disputes over mail matter.</p> <p>43.36 Packages of second-class matter.</p> <p>43.37 Letters "Opened by mistake."</p> <p>43.38 Valuable letters received from dead-letter branch.</p> <p>43.39 Return of unclaimed card and request letters.</p> <p>43.40 Delivery of certain nonmailable matter reaching office of destination.</p> <p>43.41 Advertising of nondelivered letters.</p> <p style="text-align: center;">RETURN AND DISPOSAL OF UNCLAIMED MATTER</p> <p>43.42 Period of detention of undelivered matter in post office.</p> <p>43.43 Return of undelivered letters.</p> <p>43.44 Return of card letters.</p> <p>43.45 Undeliverable postal and post cards.</p> <p>43.46 Disposal of unclaimed printed matter.</p> <p>43.47 Disposal of undeliverable perishable matter.</p> <p>43.48 Return of second-, third-, and fourth-class matter.</p> <p>43.49 Reason for nondelivery to be endorsed on articles.</p> <p>43.50 Return of matter bearing postage-due stamps.</p>
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OPENING OF MAILS

§ 43.1 **Opening of pouches—(a) Procedure.** Upon the arrival of the mail at a post office, the mail sacks and pouches addressed to that office shall be examined to ascertain whether they are properly locked and whether they are cut or torn so that mail matter could have been lost or abstracted therefrom, and shall then be opened. Upon being emptied the pouch or sack shall be carefully examined to see that no mail matter is left therein. Only one sack or pouch shall be opened

at a time, so that the responsibility for all errors may be definitely fixed. When practicable two persons shall witness the opening of incoming pouches, and the removal therefrom of any registered matter contained therein, as required by § 59.46.

(b) **Treatment of address slips and pouch labels.** The address slips of all pouches and sacks shall be carefully removed. Pouch labels shall be postmarked with the date of receipt. Air mail pouch labels shall be kept on file at least 60 days and other labels 30 days, except in the case of way pouch labels on star routes. (See § 42.41.)

(c) **Address slips of pouches containing registered matter.** The address slips of all pouches in which the dispatch of registered mail is authorized shall be initialed by the person opening the same and by the witness, if any, to such opening. (See § 59.46.) If registered mail billed in a pouch is missing, the label shall be transmitted with the report required by § 60.2.

NOTE: See § 59.73 as to procedure when lock or key is defective and pouch cannot be opened; § 108.9 as to examination of pouches.

§ 43.2 **Noting and reporting of errors and irregularities—(a) In distribution and make-up.** Postmasters and other employees, on opening and assorting the mail, shall examine the same for errors in its distribution and make-up, and such errors shall be noted upon the address slip and reported to the general superintendent of Railway Mail Service.

(b) **In distribution of packages of letters or sacks of papers.** All errors found in the distribution of any package of letters or in any sack of newspapers shall be noted on the reverse side of the slip covering or inside of the same, giving the name of post office or State, if included in the superscription, the name of the person noting the error, and postmarking with date.

(c) **Package or sack without slips.** If any package or sack arrives without slips, the district superintendent, Railway Mail Service, shall be promptly notified of the fact, and the name of mailing office given, if known, and the label shall be sent to him.

(d) **In receipt, dispatch, or forwarding.** Any irregularities in the receipt or dispatch or forwarding of any mail shall also be promptly reported.

(e) **Improper distribution or make-up.** Any mail received at any post office which has not been properly distributed or made up by railway postal clerks shall be promptly reported to the district superintendent and the slips covering or received with the same shall be sent with the report.

(f) **Missent packages of letters and papers.** Missent packages of letters and papers shall be checked on the slip that is on or in the package, as follows:

Missent package of
 ——— letters (or
 papers), all for
 ———

John Smith, P. M.
 (Postmark)

and the slip shall be forwarded to the general superintendent, Railway Mail Service, with the label of the pouch or sack. If there is no slip on the package, check on a blank slip and forward as above. If the pouch or sack is not labeled, that fact shall be stated. A package of papers is construed to mean a tie-out under a separate label of more than one piece of separately wrapped and addressed mail matter other than letters.

(g) **Misdirected packages of letters and papers.** Misdirected packages of letters and papers shall be checked in the same manner as a missent package, except the word "Misdirected" shall be substituted for "Missent."

(h) **Missent or misdirected pouches and sacks.** Missent or misdirected pouches and sacks shall be reported as prescribed in paragraph (f) for missent packages. The labels shall be forwarded in all these cases.

(i) **Facing slips to be preserved and forwarded.** All slips received upon packages of letter or circular mail, or in sacks of newspaper mail, upon which errors have been noted shall be preserved and sent to the district superintendent daily from first- and second-class offices and weekly from all others.

NOTE: See § 44.8 as to reporting the missending, delay, or damage of ordinary mail and special ordinary mail.

§ 43.3 **Missent matter to be promptly forwarded.** Whenever, on opening the mails at a post office, matter is found therein directed to other post offices of the same name in other States, or which in any manner has been missent to such office for delivery, it shall at once be plainly stamped or marked with the word "Missent," also with the postmark of the office, and forwarded by next mail to destination.

§ 43.4 **Backstamping—(a) Registered and special-delivery matter.** All registered mail of whatever class and all special-delivery letter mail received for delivery at any post office shall be backstamped once over the flap of the envelope or wrapper to show the post office and State and date of receipt at such office. When registered first-class mail or a special-delivery letter is addressed for delivery through a station or branch of a post office and such mail passes through the main office, it shall be backstamped over the flap once at the main office and once at the station or branch. Care should be exercised in backstamping registered mail to see that the impressions of the backstamp do not interfere with any impressions of the postmarking stamp previously appearing on the back of the registered article. The names of post office and State and date of receipt and the hour, when hour stamp is used, shall be plainly placed on the address side of all "special-handling" parcels, all special-delivery parcels, and all parcels of motion-picture films received for delivery at any post office.

(b) **Mail for general delivery.** At all post offices every piece of mail of any class that is subject to general-delivery service shall be stamped, by machine or hand, or otherwise indorsed to show the date of its receipt in the general-delivery section. Letter mail shall be so stamped or indorsed on the back; cards, parcels, and papers on the face.

(c) **General delivery mail to be examined daily.** All mail held in general-delivery sections shall be examined daily for the prompt return to senders, or other proper disposition, of that for which the retention periods have expired.

§ 43.5 **List of pouches due to be received.** Postmasters shall keep a correct list of all pouches due to be received. In case of failure to receive a scheduled pouch, a prompt report shall be made to the proper general superintendent, Railway Mail Service, and a copy of such report shall be filed in the office. Unless there is reason to think the pouch has been lost or stolen, the postmaster may defer reporting non-receipt of pouch for 12 hours after pouch is due, or until arrival of next following mail; then if label is received, no report need be made. In the case of an air mail pouch, however, report of non-receipt need not be made until sufficient time has elapsed for the label or the pouch to have reached the office of address by surface mail.

NOTE: See § 42.38 as to record of pouches at post offices; § 92.66 as to railroad companies; § 94.14 as to mail messengers; § 108.3 as to railway postal clerks.

MATTER INSUFFICIENTLY PAID AND COLLECTION OF POSTAGE DUE

§ 43.6 Rating up of postage and search for matter improperly rated—(a) Authority for. Postmasters at the office of delivery may remove the wrappers and envelopes from mail matter not charged with letter postage, when it can be done without destroying them, for the purpose of ascertaining whether there is upon or connected with any such matter anything which would authorize or require the charge of a higher rate of postage thereon. (R. S. 3882; 39 U. S. C. 251.)

(b) Examination for matter underpaid. On opening the mail postmasters shall look over the letters and examine packages and parcels to ascertain whether the postage thereon has been sufficiently prepaid, and shall rate up at double the prepaid rate (see §§ 34.4 and 43.10) the amount found to be due on all matter, not free, dispatched inadvertently without any prepayment. All partly but not fully prepaid first-class matter which is short paid more than one full rate shall be rated with the deficient postage plus an additional charge of 1 cent for each short-paid ounce or fraction thereof. (See § 34.12.) All other partly but not fully prepaid matter shall be rated with the deficient postage at the single rate according to its class and weight. The amount due shall be noted in writing or handstamped on each letter or parcel.

NOTE: See § 42.16 as to deficient matter at mailing office; § 42.50 as to matter in transit deficient in postage; § 43.11 as to collection of postage due; § 35.7 as to penalty for inclosing higher-class in lower-class matter; § 53.6 as to deficient special-delivery matter; and § 60.7 as to deficiency on registered matter.

(c) Matter bearing wrong stamps. Mail inadvertently dispatched with postage-due stamps affixed, but no others, such stamps representing the full amount of postage, shall be delivered to the addressee without additional charge. If such stamps do not represent the full amount of postage, the deficient postage at the single rate only shall be collected from the addressee. In all such cases the office of mailing shall be reported to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

NOTE: See § 42.7 as to treatment of mail bearing canceled or mutilated stamps, etc.

(d) Second-class matter containing illegal inclosures. Matter of the second class without evidence of prepayment of postage by stamps affixed containing illegal inclosures of any character or containing or bearing additions not authorized by § 34.56, or which the postmaster believes was not entitled to the pound rates, shall be delivered without exacting additional postage, but a report of the facts should be made to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail, including therein the name, date, and place of entry of the publication, and, where practicable, submitting the copy thereof containing the illegal inclosure or unauthorized addition. (See §§ 34.58 and 34.59.)

§ 43.7 Underpaid matter addressed to Government departments at Washington, D. C. * * * Any part paid letter or packet addressed to any of the departments or bureaus [the executive departments or bureaus thereof and Public Printer] may be delivered free, but where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned

to the sender. * * * (Secs. 5 and 6, 19 Stat. 336, as amended; 39 U. S. C. 321.)

NOTE: This exemption from the payment of deficient postage on matter addressed to the executive departments or bureaus thereof before delivery applies only at the Washington, D. C., post office.

§ 43.8 Collection of postage due—(a) Method. (1) No mail matter shall be delivered until the postage due thereon has been paid. (R. S. 3900; 39 U. S. C. 272.)

(2) * * * Postmasters, before delivering * * * [any matter of the first class upon which one full rate has been prepaid] or any article of mail matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail matter * * *. (Sec. 26, 20 Stat. 361, as amended; 39 U. S. C. 275.)

(b) **Payable in cash.** Postmasters shall not accept postage stamps in payment of postage remaining due on mail matter. The amount due shall invariably be paid in cash.

(c) **Objection by addressee and appeal to department.** If the addressee objects to the payment of the additional postage, he may deposit the amount thereof with the postmaster, who shall give a receipt therefor, and submit to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, a full statement of the facts and the reason for the charge. If the charge be made because the matter is closed against inspection, the addressee may deposit the deficient postage and require the package to be sent unopened to the Third Assistant Postmaster General for his decision whether it be so wrapped as to require it to be rated as matter of the first class; and the postmaster shall promptly transmit it accordingly, under penalty envelope, with proper letter of advice. Should it be held that the matter was prepaid at the proper rate, or if for any reason it appears proper not to insist on the payment of such additional postage, the postmaster will be directed to refund the deposit.

§ 43.9 Underpaid mail addressed to postmasters. When insufficiently prepaid matter is addressed to a postmaster he need not pay the additional necessary postage if the matter is not taken out of the office, but it shall be treated as "refused" matter; where, however, such matter is taken out of the office the deficient postage shall be paid.

§ 43.10 Double postage—(a) How charged. Double rate of postage shall be charged only on matter reaching its destination with no evidence of any prepayment whatever.

(b) **When not to be charged.** When it is apparent from the envelope or wrapper of mail that a stamp has been on it and has been wholly or partially lost off, the postmaster may assume the matter to have been prepaid, but the evidence that the stamp has been affixed shall be from the blank in the impression of the canceling stamp. In such case matter of the first class shall be presumed to have been prepaid one full rate only.

NOTE: See § 34.4 as to double rate of postage and matter on which charged; § 34.13 as to collection of unpaid postage on certain letters mailed at drop rate; § 34.14 as to letters of soldiers, sailors, and marines; § 53.6 as to special-delivery letters.

§ 43.11 Postage-due stamps—(a) On what matter used. Postage-due stamps shall be used for the collection of postage at the office of destination on unpaid or part-paid matter of the first, third, and fourth classes, and of the second class when mailed by others than publishers or news agents, and on undeliverable second-class matter returned to the publisher under the provisions of § 34.63.

NOTE: See § 34.16 as to use of postage-due stamps in collecting postage on ship letters; § 114.22, on foreign matter; § 43.6, on matter improperly rated.

(b) When to be affixed—(1) At other than city delivery post offices. Postmasters at other than city delivery post offices shall not affix postage-due stamps to part-paid or unpaid matter of any class until the delivery thereof has been requested unless it is addressed for delivery on a rural route (see § 52.35). No postmaster shall affix postage-due stamps to part-paid or unpaid matter of the third or fourth class unless there is good reason to believe that the delivery thereof can be effected, as in the case of matter returned to the sender under his pledge guaranteeing the payment of return postage. Postage-due stamps shall not be affixed to matter forwarded by request of addressee, returned to writer, or sent to a dead letter branch, or to post offices at division headquarters of the Railway Mail Service.

(2) At city delivery post offices. At city delivery post offices postage-due stamps shall be affixed to all part-paid or unpaid mail of the first and second classes received for delivery, unless a forwarding order is on file, in which case first-class mail prepaid at least one full rate shall be forwarded without affixing due stamps. In cases where postage due is required on matter which is to be delivered through lock boxes or general delivery, the due stamps shall not be affixed until the deficient postage has been paid.

NOTE: See § 52.35 as to treatment of postage-due mail addressed to patrons on a rural route; § 43.12 as to forwarding mail.

(c) When no postage-due stamps on hand. When postmasters have no postage-due stamps on hand they shall collect the amount of postage due, and as soon as they obtain such stamps an amount equal to the postage collected shall be affixed to a sheet of paper, canceled, and forwarded to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, with a statement of the facts.

NOTE: See § 43.16 as to attaching postage-due bill to matter forwarded with postage-due stamps affixed; § 60.7 as to deficiency in postage on registered matter; and § 9.18 as to timely requisition for stamp supplies.

(d) Matter received accompanied with postage-due bill. When matter is received at any post office, returned to writer, or forwarded from another office on which postage-due stamps have been affixed and canceled, and which is accompanied with a postage-due bill, as provided in § 43.16, such bill shall be returned to the postmaster from whom it is received, accompanied with uncanceled postage-due stamps in the amount named thereon. Upon the delivery of such matter the proper postage shall be collected.

NOTE: See § 17.39 as to claim for postage-due stamps canceled on matter not delivered, forwarded to foreign country, or undelivered foreign matter where postage-due bills are not returned or returned without stamps affixed, and where matter is forwarded to foreign country.

FORWARDING OF MAIL

§ 43.12 Forwarding of mail—(a) First-class matter. Prepaid letters shall be forwarded from one post office to another, at the re-

quest of the party addressed, without additional charge for postage. (R. S. 3940; 39 U. S. C. 410.)

(b) Perishable matter; other matter of second, third, and fourth classes bearing sender's pledge. Under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may be forwarded to the addressee at another post office charged with the amount of the forwarding postage * * *. Other undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee or to such other person as the sender may direct, at another post office, charged with the amount of the forwarding postage * * * when it bears the sender's pledge that the postage for forwarding * * * will be paid, such postage to be collected on delivery, but when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused. (Sec. 4, 30 Stat. 444, as amended; 39 U. S. C. 276.)

(c) Matter which may be forwarded without additional postage charge. Mail which can be forwarded without additional charge for postage includes letters prepaid at one full rate, parcels fully prepaid at the first-class rate, postal cards, post cards, and official matter.

(d) Matter on which additional postage is charged for forwarding. Additional postage shall be charged on mail of the second, third, and fourth classes every time it is forwarded. Such postage shall be charged on each individually addressed piece, and shall not be computed on the bulk weight of a number of pieces for the same addressee. Mail of these classes which bears the pledge of the sender that postage for its forwarding will be paid (see § 43.48 as to pledge) may be forwarded to the addressee or such other person as the sender may direct in connection with his pledge, at another post office, charged with the amount of the forwarding postage. Fourth-class matter of obvious value which is of a perishable nature may also be forwarded to the addressee charged with the forwarding postage, even though it does not bear such pledge. When mail charged with the forwarding postage is forwarded as provided in this section, such postage shall be collected on delivery by means of postage-due stamps. Other mail of the second, third, and fourth classes may be forwarded to the addressee only, but not unless the addressee, or some one for him, shall have first prepaid the forwarding postage, in which case the necessary stamps shall be affixed and canceled by the forwarding postmaster. In each case the postage for forwarding mail of the third or fourth class shall be computed at the same rate as would be chargeable if the matter were originally mailed at the forwarding office. Matter of the second class when forwarded shall be charged with postage at the transient second-class rate. (See § 34.42.) Before matter is forwarded as herein provided, the postmaster shall make the necessary change in the address thereon, including the name of the new addressee when the sender requests in connection with his pledge to pay the forwarding postage that the matter be sent to some person other than the original addressee.

(e) Card notice of forwarding. When the sender of ordinary mail of the third

and fourth classes desires to be notified in cases where the matter is incorrectly addressed because of removal of the addressee, he may indicate that fact on the matter itself in such manner as may be prescribed by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, in which case the postmaster at the office of address shall furnish the desired information, including the new address of the addressee, if known, on card Form 3547, for which a postage charge of 2 cents shall be collected upon delivery of the card notice to the sender of such mail.

NOTE: This regulation applies only to third and fourth class matter sent out in the regular course of business for purposes other than obtaining the address of the person to whom the matter is sent.

(f) Mail addressed to discontinued post office. Mail of the second, third, and fourth classes addressed to a discontinued post office may, when the office to which such mail is ordered sent by the department is not convenient for the addressees, be transmitted to such office as they may designate, without additional charge.

(g) Change of address because of change in postal service. Patrons of any office who, on account of the establishment of or a change in rural-delivery service, receive their mail from the rural carrier of another office may have their mail of the second, third, and fourth classes sent to the latter office for delivery by the rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect. This is not construed as "forwarding" within the meaning of the law.

(h) Notice to addressee who has filed forwarding order. When mail of the second, third, or fourth class, except such as may be forwarded charged with the forwarding postage to be collected on delivery as provided in paragraphs (b) and (d) of this section, is received addressed to a person who has filed a forwarding order, notice shall be sent advising him that the matter will be forwarded on receipt of postage therefor.

(i) Delivery to addressee after notice has been sent. Mail of the second, third, or fourth class, the addressee of which has been notified of the amount of postage required for forwarding, may be delivered to the addressee at the office from which the notice emanated, without payment of the forwarding charge, provided he shall first revoke his order for forwarding, thus relieving the postmaster of sending notices that are to be inoperative; or, if he does not revoke his forwarding order, the matter may be delivered to him on payment of 1 cent for each card notice sent him.

(j) Mail addressed to persons in United States service. All mail, whatever its class, addressed to persons in the United States service (civil, military, or naval), serving in the United States or any of its possessions, or en route to or from the United States or any of its possessions, whose change of address is caused by official orders, shall be transmitted as rapidly as possible until it reaches the addressee; the actual location of the addressee for the time being shall be considered as the original destination of the piece of mail matter. Such transmission shall not be considered as "forwarding" in the sense in which that word is used in the Postal Service, and no additional postage shall be required therefor. To assure prompt delivery, mail matter sent to persons in the United States service should include in the address the complete designation of the organization, company, and regiment, vessel, or other branch of the service to which the addressee belongs, and the postage thereon should be fully prepaid. This

provision for the free transmission from one post office to another of all mail for persons in the United States service shall not apply to mail (other than that of the first class) for the members of the families of such persons.

(k) **Matter erroneously delivered or addressed.** Any erroneously delivered article of mail on being returned to the post office, and any matter proper to be forwarded free, addressed to the care of another, and returned by him redirected, may be forwarded as if it had not passed from the post office. Matter which has been opened inadvertently upon misdelivery may be forwarded. Unopened letters properly readdressed for forwarding may be deposited in the post office originally addressed, or a letter box of such office.

NOTE: A change of street number to secure delivery at the office of address is not regarded as "forwarding" and does not subject matter to additional postage.

See § 60.14 as to forwarding of domestic registered mail; § 64.3 as to forwarding of domestic insured mail.

§ 43.13 **Forwarding requests—(a) When disregarded.** Requests to forward mail, unless made in writing or by telegram, and those made by any other person than the addressee or his lawful agent or the person in whose care the matter is addressed, except by the sender of matter of the second, third, or fourth class, as provided in § 43.12, shall be disregarded; the husband of an addressee will be presumed her agent when she has not directed her mail to be withheld from his control.

(b) **Unlimited requests.** Unlimited requests for the forwarding of mail to other post offices shall be observed for a period of 2 years, unless revoked, except that such requests affecting general-delivery mail at city delivery post offices shall expire at the end of 30 days unless renewed.

(c) **Reforwarding permitted.** The direction may be changed and matter reforwarded upon request as many times as may be necessary to reach the addressee.

(d) **Matter to be expedited.** Matter entitled thereto shall be promptly forwarded.

(e) **Record of changes of address.** At city delivery offices the city carriers shall record only changes of address (local changes and forwarding orders) of patrons, and the records of permanent removal shall be retained and observed for 2 years. (See § 50.6 (j).)

(f) **Forwarding on trial.** Letters shall not be forwarded on trial. A postmaster at whose office a letter cannot be delivered may forward such letter to another office if he has special reason to believe it can be delivered therefrom.

§ 43.14 **Forwarding of misdirected matter when address supplied—(a) Without additional postage.** The address on all misdirected ordinary matter which bears as a part of the address the name of a street, hotel, or other local identifying address, showing that it is intended for delivery at a certain other post office, may be corrected and the matter transmitted to its proper destination without payment of additional postage, provided it is reasonably certain that the matter can be delivered at such other office, and the amount of postage originally prepaid is sufficient to cover the charge from the office of mailing to to one to which it is sent. This course shall be followed only where the address itself bears a local identifying address or other tangible evidence clearly showing that the matter is misdirected. In all other cases mail plainly addressed to an office, but undeliverable thereat, shall be disposed of as provided in §§ 43.42 to 43.50, inclusive, and § 34.63.

(b) **Postmark and indorsement.** Each piece of obviously misdirected mail transmitted to another office in accordance with the foregoing shall bear the

postmark of the office where the address is corrected, with its current date, below or following the words "Deficiency in address supplied by" or some other stamp or indorsement giving like information.

NOTE: See § 42.17 as to correcting misdirected matter at office of mailing.

§ 43.15 Letters under cover to postmasters. Postmasters shall forward all matter of the first class on which one full rate of postage is prepaid which may be received under cover from any other post office with or without request to mail the same. Before forwarding they shall cancel the stamps and indorse in writing or stamp on such matter the following:

Received at -----, under cover from the post office at -----.

When the name of the mailing office does not appear, the indorsement shall be made as indicated, leaving the last two spaces blank. The foregoing shall not apply to matter received for mailing under the provisions of § 91.1 (b), or to philatelic covers submitted by collectors or others.

§ 43.16 Forwarding of matter bearing postage-due stamps—(a) With postage-due bill. When at a city delivery office matter to which postage-due stamps have been affixed and canceled is forwarded to another post office within the United States, a numbered postage-due bill, stating amount due and name of the person from whom it is to be collected, shall be attached to and sent with the matter.

(b) To foreign countries. When domestic mail on which postage-due stamps have been affixed is forwarded to foreign countries, the postage-due bill endorsed "Foreign letters forwarded", shall be attached to the "dead-letter bill" and sent to the central-accounting postmaster. (See § 45.6.)

NOTE: See § 45.3 as to disposition of refused, unclaimed, and undelivered matter; § 43.11 as to return of postage-due bill by postmaster receiving same; § 114.22 as to postage due on foreign matter; § 17.39 as to credit for postage-due stamps affixed to undelivered matter, etc., matter forwarded to foreign country or undelivered foreign matter, and where postage-due bills are not returned or returned without stamps affixed.

UNDELIVERABLE AND UNMAILABLE MATTER AT RECEIVING POST OFFICES

§ 43.17 Nonmailable matter which reaches office of delivery—(a) To be held subject to order. * * * All matter declared nonmailable by section 334 of Title 18, which shall reach the office of delivery, shall be held by the postmaster at the said office, subject to the order of the Postmaster General. (Sec. 21, 20 Stat. 360, as amended; 39 U. S. C. 243.)

(b) Treatment of. All matter received at offices of delivery which is manifestly obscene, etc. (see § 36.2), and matter which contains on the outside cover or wrapper, or postal cards, bearing scurrilous or defamatory language, etc., and matter which relates to lotteries or similar enterprises, or to fraudulent schemes, which was through inadvertence dispatched from the mailing office contrary to the provisions of § 42.18, shall be withdrawn from the mails and treated as provided in said section.

NOTE: See §§ 114.2 and 117.2 as to unmailable matter of above character in foreign mails.

§ 43.18 Matter for fictitious addresses—(a) Not to be delivered. Ordinary mail matter addressed to fictitious persons or firms, to initials, or to no particular person or firm, unless directed to be delivered at a designated place, as a post-office box, street and number, or to the care of a certain person or firm within the delivery of the post office, shall not be delivered and shall be sent to the

proper dead-letter branch, or to post offices at division headquarters of the Railway Mail Service, as prescribed by § 45.3, unless the envelope contains the card of the sender or a request to return, in which case such letters or packages shall be returned accordingly.

NOTE: See § 60.10 (1), regarding the treatment of registered matter addressed to no particular person or firm.

(b) **Suspected fictitious address to be reported.** Whenever a postmaster has reason to believe that a street or number, designated place, box, or address in care of another is being used by anyone for conducting, under a fictitious address, correspondence forbidden circulation in the mails, he shall promptly report the fact and the reason for his belief to the Solicitor for the Post Office Department and await his instructions, giving notice at the same time at the place where such mail matter has been received that, pending instructions from the Post Office Department, the claimant of such matter must call at the general delivery to receive it upon establishing his identity. (See §§ 36.1 and 36.10.)

NOTE: See § 43.26 as to mail addressed to a business name or title.

(c) **"Santa Claus" letters.** Postmasters may deliver all letters on which the postage has been fully prepaid, arriving at their respective post offices, during the month of December of each year, which are addressed plainly and unmistakably to "Santa Claus," without any other terms or expressions identifying the person for whom such letters are intended, to responsible charitable institutions or reputable individuals in the town or city of address who may desire to use them exclusively for philanthropic purposes. Letters of the character described addressed for local delivery, on which the postage is wholly unpaid or paid less than one full rate, also may be delivered to such institutions or individuals upon the payment of the postage with which they are chargeable. In the event that these letters are requested by more than one institution or individual, the postmaster shall distribute them in such proportion as he may deem proper. When no voluntary request is presented, postmasters shall forward without delay all "Santa Claus" letters to the proper dead letter branch in accordance with § 45.3.

DELIVERY OF MAIL

§ 43.19 **Delivery from office of address; exceptions—(a) Delivery in transit when permitted.** Mail shall be delivered from the post office to which it is addressed. Where the dividing line of delivery service of two post offices is the middle of a street and mail for a patron located on either side of that street is addressed to either office, delivery will be effected from the office of address. Mail shall not be withdrawn for delivery in transit, except as provided herein and in § 114.15 (d).

(b) **Addressed to discontinued office.** Mail addressed to a discontinued post office shall be delivered from the office to which mail is sent by order of the department. (See § 43.12.)

(c) **When delayed by casualties.** A postmaster at whose office mail matter in transit is lying delayed by flood or other casualty which has made the mail route impassable may deliver such matter to the parties addressed upon their personal or written applications and identification, or may deliver all of the mail for a particular office to which mail cannot be regularly carried on account of such casualties upon the personal application of the postmaster or a sworn employee of such office.

(d) **To members of Army and Navy in active service.** Mail addressed to officers and soldiers of the United States Army and State militia in the field and

officers, sailors, and marines of the United States Navy in active service may be forwarded and delivered, in accordance with instructions from the proper military and naval authorities.

(e) **To representatives of foreign governments.** Mail matter addressed to any ambassador or other diplomatic representative of a foreign government may, on his request, be delivered from any post office through which it may be passing, the postmaster being sure of his identity.

(f) **To post office inspectors.** Mail matter addressed to a post-office inspector shall be delivered to him upon his request from any post office through which it may be passing, or by any railway postal clerk when assured of the inspector's identity by inspecting his commission.

(g) **In transit to intermediate post office.** Ordinary mail matter in transit to an intermediate post office which is supplied by closed pouch by rural carrier may be delivered from the distributing office on Sundays and holidays or in an emergency, when, the office is open to the public, upon addressee's personal or written application, with satisfactory identification.

(h) **In transit to special-supply office.** Ordinary mail matter in transit to a post office receiving special supply may be delivered from the distributing office upon addressee's personal or written application with satisfactory identification.

NOTE: See § 60.10 (n), as to registered, insured, and collect-on-delivery mail.

(i) **In transit to star-route office.** Ordinary mail in transit to a post office located on a star route may in cases of emergency be delivered from the distributing office upon personal or written application of the addressee, with satisfactory identification.

(j) **Matter carried out of mail and delivered by star or rural carrier.** Mail matter of patrons of a post office shall, at their request, be delivered to a star or rural carrier to be carried out of the mail and handed to them on his route before he passes another post office.

(k) **To post office employees or their families.** Mail matter addressed to a post-office employee or to any member of his family, coming into his hands in the course of distribution and separation for delivery, shall not be withdrawn from the mails by such employee without first being submitted to the postmaster or a duly designated supervisor in charge of the work to which the employee is assigned.

NOTE: See § 114.15 (d), regarding delivery of mail from foreign countries by postmasters at ports of arrival.

§ 43.20 **Delivery of ordinary mail—(a) To person addressed or to his order.** Mail matter should be delivered to the person addressed or in accordance with his written order. Ordinary letters bearing the word "Personal" in connection with the address shall be delivered as other mail for the addressee is delivered.

(b) **Delivery upon verbal request through third person.** When the addressee habitually sends for or receives his mail through his clerk, servant, agent, or some member of his family, and recognizes or acquiesces in such delivery, no written order need be required. When a person requests delivery to him of the mail of another, claiming that the addressee has verbally given him authority to receive it, the postmaster, if he doubts the authority, may require it to be in writing, signed and filed in his office.

(c) **Identification of addressee.** When a postmaster is in doubt as to the identity of the person claiming to be the addressee, he may require proof, and shall exercise great care to make proper delivery, especially where mail matter appears to be of value.

(d) **Where two patrons have same name.** Where two or more persons of the same name receive mail at the same office, the postmaster shall advise them to adopt some address or means by which their mail may be distinguished. The postmaster may deliver such matter according to his best judgment.

(e) **Mail addressed to several persons.** Mail matter addressed to several persons may be delivered to any one of them.

(f) **Mail addressed "in care of."** Mail matter addressed to a person in care of another shall be delivered to the addressee, if he so directs, rather than to the person in whose care it is addressed. In the absence of such direction, it shall be delivered to the first of the two persons who may call for it. (See § 43.36.)

(g) **Delivery to agent of several persons—(1) In general.**—Any number of citizens may employ an agent and give him a written order on the postmaster for their mail; and when such order is presented to the postmaster, the mail for such persons and also mail addressed in care of any such persons shall be delivered to the designated agent.

(2) **Application for delivery to agent.** All persons or firms who receive mail as agents for other persons or firms not *bona fide* occupants of premises to which mail is addressed, may be required by the local postmaster to file with him, for identification purposes, a written application of the addressee for such delivery of mail. A signed copy of the application shall be kept on file by the agent. Forms of application may be obtained from the local postmaster.

(h) **Mail addressed to persons at educational or public institutions.** Mail matter addressed to students at educational institutions and mail matter addressed to inmates of public or private institutions shall be delivered in accordance with the order of the addressee unless the addressee is a minor or has been adjudicated of unsound mind. In the absence of an order, such mail shall be delivered as though addressed to the institution. Where the addressee is a minor or has been adjudicated of unsound mind, his mail should be delivered in accordance with § 43.29 or § 43.30, whichever is applicable.

(i) **Disputes.** In case of dispute where two or more persons claim the same mail and the postmaster is in doubt as to his duty, he should proceed in accordance with § 43.35.

NOTE: See §§ 36.10 and 43.18 as to matter addressed to fictitious addresses used for unlawful business; § 60.10 as to delivery of registered matter; § 43.19 as to transit mail; § 43.23 as to general delivery; § 43.27 as to pension mail; § 43.29 as to minor's mail; §§ 43.29 (c) and 43.31 as to deceased addressee; § 43.35 as to disputed ownership; § 53.13 as to special delivery.

§ 43.21 **Retention of mail at request of addressee.** Ordinary mail, except that of the first class bearing the return cards of the senders, may be retained at the office of address at the request of the addressee for a period of 60 days. If the request is for a longer period, the postmaster shall submit the question to the First Assistant Postmaster General with a statement as to whether it would be practicable to comply with such request. First-class mail bearing return cards shall not be held at the request of the addressee beyond the time indicated in such cards. (See § 43.44.)

§ 43.22 **Delivery of mail at city delivery offices—(a) In general.** All mail addressed to residences and business houses within the city delivery limits of a city or town shall, as far as possible, be delivered by letter carriers. Mail addressed to street and number shall be delivered by letter carriers unless the addressee directs otherwise. If a patron so directs, all of his mail, however ad-

dressed, shall be delivered by carrier or through his post-office box; otherwise it shall be delivered as addressed.

NOTE: See § 43.23 as to the use of general delivery by residents served by carriers; § 61.21 as to delivery of registered mail.

(b) **Use of city directories.** At letter-carrier offices where a city directory is available it shall be used when necessary to ascertain the addresses of persons to whom letters are directed. (See Manual of Instructions for Postal Personnel.)

§ 43.23 **General delivery service—(a) Use of.** Mail bearing as a part of its address the indorsement, "Transient," "To be called for," "General delivery," or other words indicating that it is intended for a transient person, shall be placed in the general-delivery case to be delivered upon application and proper identification, except as hereinafter provided. (See § 43.18.)

(b) **At offices having city or village delivery.** At city and village delivery offices, persons supposed to be residents who call at the general delivery for mail shall be requested to furnish in writing their names and addresses (Form 1527) together with their reasons for desiring to use the general delivery instead of carrier service. Minors shall be required to furnish the same information, as well as the names of their parents or guardians, whose written consent shall accompany the application. (See § 43.29.) The general-delivery privilege shall not be extended to patrons whose mail can be delivered regularly by city or village carrier, except in cases where the reasons assigned are wholly satisfactory to the postmaster.

(c) **At offices not having city or village delivery.** Postmasters at offices not having city or village delivery service may notify the parents of minors in all instances where it appears that such minors are using the general-delivery or post-office boxes for receiving mail under objectionable circumstances.

(d) **Undelivered matter.** Mail with or without sender's return request that is not addressed as indicated in paragraph 1, nor to a post-office box, street, or rural-route number, shall be placed in the general-delivery case when the address cannot be supplied in the directory section (see § 43.22), unless it is addressed in care of a person whose address is known to the distributing clerks or carriers at an office not equipped with a directory.

§ 43.24 **Use of post office boxes—(a) Restrictions.** The use of a box shall be restricted to the renter thereof, the members of his household, and those connected with him in business.

(b) **By members of household.** Mail addressed to the members of the household of a box holder, including visitors, servants, and transient and temporary boarders, or in his care, and mail for confidential or official employees may be placed in his box.

(c) **By firm.** A firm renting a box may have placed therein all mail matter addressed to its name and to any of its official employees. By the consent of all the members of a firm any member thereof may have mail addressed to himself or members of his family deposited in the box assigned to the firm's use.

(d) **By corporation, association, or society.** When a box is rented by a corporation, association, or society, mail for its officials may be placed therein.

(e) **By college or public institution.** Mail matter addressed to the students and employees at a college, seminary, or school, who board therein, or to inmates and employees of any public institution, may be placed in the box rented by such college, school, or institution, if consistent with the usage and rules thereof.

(f) **By hotel or boarding house.** Mail addressed to guests or transient boarders at a hotel or boarding house should be placed in the box assigned to such hotel or house, or the proprietor thereof.

(g) **Mail addressed to box number.** Mail addressed merely to the number of a box may be delivered to the holder thereof as long as no improper or unlawful business is conducted in this manner.

NOTE: See § 60.10 (1), regarding the treatment of registered matter addressed to no particular person or firm.

(h) **Matter without postage not to be put in box.** Bills and circulars shall not be placed in boxes by postmasters for themselves or anyone else without payment of regular postage thereon.

(i) **Handing out mail from lock boxes.** Postmasters may hand out mail from lock boxes or drawers when the holder or such person as may be authorized to take the mail has forgotten the key or cannot open the box.

NOTE: See § 27.7 as to rental of boxes.

§ 43.25 **Delivery of mail addressed to firm or corporation—(a) Use of business name.** A person being engaged in a legitimate business and having adopted a business name may when duly identified, receive his mail, registered or ordinary, by that name as well as by his proper name.

(b) **Mail addressed to firm.** Mail matter addressed to a firm may be delivered to any member thereof. Postmasters shall not decide disputes between members of an existing firm as to delivery of its mail. Where the mail has previously been delivered through a box or general delivery such delivery shall be continued; if through carrier the mail shall be handed to any member of the firm.

(c) **Mail addressed to corporation.** Mail matter addressed to a corporation shall be delivered to the agent or officer conducting its correspondence or to the person authorized to receive it.

§ 43.26 **Mail addressed to public officials or officials and employees of firms—**

(a) **To public official.** Mail matter addressed to a public official by his official title shall be delivered to the person actually holding the office designated in the address.

(b) **To officer or employee of firm.** Mail matter addressed to an employee or to an officer of a corporation or other firm by his official title (e. g., John Doe, President, John Doe Corporation) shall be delivered in accordance with the order of the corporation or firm.

(c) **To place of employment.** Mail matter addressed personally to the addressee at his place of employment (e. g., Mr. John Doe, Richard Roe Corporation) shall be delivered in accordance with the employee's order. In the absence of an order, such mail may be delivered as though addressed to the employer, unless the employer refuses to receive it.

§ 43.27 **Pension letters—(a) Transmission by mail.** Pensions, compensation, insurance, or other allowances or benefits provided for by laws administered by the Veterans' Administration shall be paid by checks drawn, pursuant to certification by the Administrator of Veterans' Affairs, by the Division of Disbursement of the Treasury Department in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the Treasurer of the United States, except in any case in which the Administrator of Veterans' Affairs may consider a voucher necessary for the pro-

tection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last-known address, and the envelope or cover thereof may bear an appropriate notice of the prohibition hereafter set forth in this section.

(b) Prohibitions from delivery of letters bearing notice thereof.

Postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any mail addressed by the United States bearing such notice and containing any such check (except that in the case of checks in payment of allowances and benefits other than pensions, compensation, or insurance, the prohibition shall apply only insofar as the Administrator of Veterans' Affairs deems it necessary to protect the United States against loss), to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried (unless such mail is addressed by the United States in the name which the widow shall have acquired by remarriage); and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. (Sec. 3, 37 Stat. 312, as amended; 38 U. S. C. 50.)

NOTE: The word "mail" as used in the law refers to letters containing checks in payment of pension drawn without separate vouchers or receipts, and the word "removed" has reference to removals beyond the delivery of the post office to which the mail is addressed and not to changes of residence or address within the delivery of such office. A temporary absence is not a removal within the meaning of the law.

(c) Facts about addressee to be ascertained before delivery. Before delivering a letter the envelope of which bears instructions referring to the act of June 3, 1936 (a provision of which act constitutes paragraph 1 of this regulation), the postal employee intrusted with the delivery of such letter shall ascertain that the addressee is living, has not removed from the delivery of the post office addressed, has not reenlisted in the military or naval service of the United States, is not under guardianship, and, if a widow, has not remarried.

(d) When and how to be delivered. If the addressee has not died, reenlisted, removed, or, if a widow, remarried, the letters bearing instructions under the act of June 3, 1936, may be delivered to the addressee, or without his or her written order, to any member of his or her family or household, his or her clerk, servant, or agent who has been in the habit of receiving the addressee's ordinary mail with his or her knowledge and consent, or to any responsible person who presents the addressee's written order, except that in no case shall such mail be delivered to a claim agent, attorney, or broker. Such letters shall not be forwarded to another post office. The postmaster of any office to which such a letter has been inadvertently forwarded shall not effect delivery thereof but shall immediately return such letter to the post office of original address, such return to be made in post office penalty envelope together with a memorandum referring to the instructions printed on the Treasury Department envelope.

(e) Letters not bearing instructions. Letters from the Veterans' Administration, including those from the Disbursing Officer of that office, not bearing such instructions, addressed to a pensioner, a claimant for pension, or a payee of the pension (in whole or in part) of another person, may be delivered to the addressee,

to his or her guardian, to the person in whose care they may be addressed, if a responsible person, or to a member of the addressee's family or household, or other person to whom other mail for the pensioner is delivered. They may also be forwarded at the addressee's request. They shall not be delivered to or placed in the box of an attorney, claim agent, or broker, even upon the addressee's written or verbal order or request. They shall not be held for delivery beyond the period given in the card request; and if the addressee has died, they shall be returned immediately with a statement of that fact and the date of death, if known.

NOTE: A payee of the pension of another person may be the wife (not widow) of a pensioner, the guardian of such wife of the pensioner, or his child or children.

§ 43.28 Mail of husbands and wives. Neither husband nor wife can control the delivery of matter addressed to the other. When so instructed, a postmaster shall refuse to deliver mail to the husband which is addressed to the wife, or mail to the wife which is addressed to the husband. In the absence of instructions to the contrary the wife's mail should be placed with the husband's and delivered to him with his own, unless they be known to live separately.

§ 43.29 Mail addressed to minors—(a) Control of delivery. Mail matter addressed to minor children should generally be delivered in accordance with the directions of their father, or, if he be dead, of their mother, unless the minors be under guardianship, in which event their mail shall be delivered as the guardian may direct. If deemed necessary the postmaster may require the directions to be in writing.

(b) When to be delivered direct. (1) In the absence of directions from a parent or guardian or one authorized to control the correspondence of a minor, mail matter addressed to such minor shall be delivered to him or her.

(2) Mail matter addressed to a minor who is not dependent upon a parent for maintenance and support, and does not reside with a parent or guardian or with some one in whose charge he may have been placed, shall be delivered to the minor, or in accordance with his instructions.

(c) When addressee deceased. Mail matter addressed to a deceased minor who up to the time of decease resided with parents or guardian may be delivered to the parent or guardian; but if the minor left a husband or widow, delivery may be made to him or her.

(d) At educational institutions. At colleges and similar institutions, where students have been placed under the charge of the principal by their parents or guardians, and where the rules of the institution provide that the principal shall have control of mail matter addressed to such students as are minors, such mail shall be delivered in accordance with the order of the principal. If, however, the principal has not authority from the parent or guardian to control the mail of the children placed under his care (which authority is understood by an acceptance of the rules, that being one), such mail shall not be delivered to the principal against the wishes of the scholar.

NOTE: See § 27.7 as to renting boxes to minors.

§ 43.30 Mail for persons adjudicated of unsound mind. Mail addressed to a person who has been adjudicated of unsound mind shall be delivered in accordance with the directions of his duly appointed guardian. In the absence of such directions, it should be delivered as addressed.

§ 43.31 Mail addressed to deceased persons—(a) Persons entitled to delivery. Mail matter other than pension mail addressed to a deceased person shall be delivered to the executor or administrator of his estate; if there be none, delivery

may be made to the surviving husband or wife unless there be other claimants. If a person other than the executor, administrator or surviving spouse claims the right to receive mail of a deceased person, the postmaster shall report the facts with a written statement from the claimant to the Solicitor and await his instructions. If there are conflicting claims for such mail, the postmaster should proceed as provided in § 43.35.

(b) **When there is no claimant.** When there is no executor, administrator, surviving husband or wife, and no other claimant establishes his right to receive the mail of a deceased person, the mail should be marked "deceased" and returned to the sender; or if the sender is unknown, the mail should be sent to the proper dead letter branch, with the return of unclaimed matter, with a statement of the facts. (See § 45.3.)

NOTE: See § 43.27 as to the delivery of matter addressed to pensioners; § 43.44 as to return of request and card matter; and §§ 60.11 and 60.12 as to registered matter.

§ 43.32 **When business transferred or corporation dissolved—(a) Dissolution.** Mail matter for a dissolved corporation shall be delivered to the receiver or other legal representative authorized to settle its affairs.

(b) **Assignment, receivership, or bankruptcy.** When the business of a firm, corporation or individual has passed into the hands of an assignee, receiver, or trustee in bankruptcy, the mail matter of such firm shall be delivered to the assignee, receiver, or trustee in the following cases:

(1) Where a copy of the assignment is filed with the postmaster and it authorizes the assignee to receive the mail.

(2) Where a copy of the Order of Court authorizing the receiver or trustee to receive the mail is filed with the postmaster.

(3) Where the members of the firm or the officers of the corporation to whom the mail is addressed consent that the receiver or trustee shall receive it, or fail to object when notified that the receiver or trustee has claimed it.

(c) **Sale or dissolution of a business.** When a business is sold or dissolved no change should be made in the manner of delivering the mail in the absence of directions by either of the parties. If the parties give conflicting directions regarding the delivery of mail or it is manifestly improper to continue to deliver it in the same manner as before, the postmaster shall deliver the mail to the party entitled to receive it under the agreement of sale or dissolution.

(d) **Reference to the Solicitor.** If the postmaster is in doubt as to the party properly entitled to receive the mail under this section, he shall request instructions from the Solicitor in the manner provided in § 43.35.

§ 43.33 **Court orders affecting delivery of mail.** When mail matter is claimed by different persons and suit is instituted between them to determine their rights thereto, any order of the court affecting the delivery of the mail shall be obeyed.

§ 43.34 **When more than one business has same name.** Attempts to secure the mail of an established house, firm, or corporation through the adoption of a similar name shall not be recognized. When disputes arise between individuals, firms, or corporations as to the use of a name or designation, matter addressed to a street, number, or building shall be delivered according to such address. When not so addressed, the mail shall be delivered to the firm or corporation which first adopted the name of the address at that place, except when a dispute exists as to the right of that firm or corporation to receive mail under the name in question.

§ 43.35 **Disputes over mail matter—(a) Withholding delivery of mail in dispute.** Whenever a dispute arises as to which patron is entitled to the delivery

of any mail, the postmaster shall retain the disputed mail until the proper disposition of the mail is determined.

(b) **Receiver for mail.** When patrons make conflicting claims to mail matter and no other agreement can be reached as to its proper delivery, the postmaster shall request the parties to agree on a receiver for the disputed mail.

(c) **Reference to the Solicitor.** When patrons disputing the right to receive the same mail matter do not agree upon a receiver, the parties shall be required to submit to the postmaster written statements as to the grounds of their claims. Such statements shall be supported when possible by the documents or copies of documents (e. g., contracts, assignments, court orders) upon which the parties rely. If after receipt of the statements of the parties, the postmaster is in doubt as to the proper disposition of the mail, he shall submit the statements of the parties together with a full report of his own to the Solicitor. On the basis of the papers submitted, the Solicitor will determine the proper disposition of the disputed mail.

§ 43.36 Packages of second-class matter—(a) Delivery of separate copies. When bulk packages of second-class matter are received at any post office, addressed thereto, they shall be opened and the separate copies of the publication contained in such packages shall be delivered according to the addresses thereon. (See §§ 34.47 and 34.62.)

(b) **For club subscribers, names to be written on separate copies.** When a package of second-class matter, intended for a club of actual subscribers at any except a letter-carrier office, is addressed to one of the members of such club, the addressee may call at the post office and write addresses on the single copies, which shall be delivered without payment of additional postage (see § 34.62); but the package cannot be taken away from the post office and the copies returned again for delivery or transmission in the mails unless additional postage is paid at the rate for transient matter of the second class (see § 34.42).

§ 43.37 Letters "Opened by mistake"—(a) Treatment of. When a letter intended for one person is delivered to another of the same name and returned by him, the postmaster shall reseal the letter in the presence of the person who opened it and request him to write upon it the words "Opened by me through mistake," and sign his name; the letter shall then be replaced in the post office. If the person who opens the letter is unable to sign his name, the postmaster shall make the indorsement and have the person sign by "mark" in presence of a witness.

(b) **Considered as sealed matter.** A letter opened by mistake shall be treated until its proper delivery as though it were sealed. Postmasters shall not examine the contents of such letters, but shall confine themselves to the information upon the envelope or wrapper.

NOTE: See § 43.44 as to return to senders of letters opened by mistake.

§ 43.38 Valuable letters received from dead letter branch—(a) Treatment in delivery. When dead letters containing money or other valuable matter are received from a dead letter branch, for delivery to the owners, diligent effort shall be made to deliver them to the proper persons. Such letters shall be treated as if under seal, and postmasters and their employees shall maintain the strictest secrecy as to their contents. No exchange shall be made for other funds of any money therein contained.

(b) **Disposal if undeliverable.** If letters received from a dead letter branch, containing money or other valuable matter cannot be delivered, after holding them 30 days from date of receipt, the reason for nondelivery shall be endorsed

on the circular which accompanies each letter, and they shall be returned to the dead letter branch. Such letters shall be entered on one list, which shall be sent in duplicate, giving the record letter, number, and book. The package shall be endorsed "Dead registered matter from -----" (here add name of post office), and be addressed to the proper dead letter branch. (See § 60.19 as to manner of sending registered matter to a dead letter branch; § 45.1 as to points where undelivered matter should be sent.)

(c) **Registry of.** Letters containing articles of value, not money, shall not be registered on return unless they were received registered. No other letters shall be sent in the same package.

(d) **Not to be forwarded without permission.** Dead letters containing money or other valuable matter received from a dead letter branch for delivery shall not be forwarded to another post office without special permission of that branch. If the whereabouts of the owner be known, the letter shall be returned immediately to that branch, as provided in paragraph (b) with full information.

(e) **When received registered from dead letter branch.** Mail matter received under registered cover from a dead letter branch shall be handled as registered matter until finally disposed of, regardless of whether or not the piece of mail matter transmitted was registered when originally deposited in the mails. Postmasters of offices failing to do this will be held personally responsible for losses resulting therefrom.

§ 43.39 **Return of unclaimed card and request letters—(a) Collection of postage due.** Unclaimed card and request letters, prepaid one full rate but not wholly prepaid, shall, when returned to the office of mailing, be delivered to the sender, and the amount of postage due thereon collected. (See § 43.44.)

(b) **When bearing card of hotel or institution.** Unclaimed letters bearing the card of a hotel, school, college, or other public institution returned to the office of mailing in accordance with a special request thereon shall be presented to the hotel, school, college, or other institution, and if the writer or his address is unknown such letters shall be treated as other undeliverable matter.

§ 43.40 **Delivery of certain nonmailable matter reaching office of destination—(a) Authorization.** * * * If any matter excluded from the mails by section 240 of this title [see §§ 34.73 and 35.2], except that declared nonmailable by section 1717 of Title 18 [see §§ 36.2 and 43.17], shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address. The party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster General. If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster General. * * * (Sec. 21, 20 Stat. 360, as amended; 39 U. S. C. 243.)

(b) **What may or may not be delivered; reports.** All improperly wrapped mailable matter, all matter not absolutely excluded from the mail, but which from its form and nature is liable to destroy, deface, or otherwise damage the contents of mail bags, or harm the person of anyone engaged in the Postal Service (see §§ 35.13, 35.19, and 35.22 to 35.26, inclusive), all matter in excess of the weight prescribed by law (see § 35.2), upon which postage is paid for its full

weight, and all matter exceeding the size prescribed by law (see §§ 34.73 and 34.74), which inadvertently reaches the office of address, shall be delivered under the provisions of the preceding statute. In such cases reports shall be made, giving the date and office of mailing and the names and addresses of the sender and addressee, reports concerning matter liable to injure or destroy being sent to the Second Assistant Postmaster General, Surface Postal Transport, and reports relative to matter exceeding the limit of weight or size to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. Intoxicating liquors, poisons, explosives, and articles harmful and dangerous to handle absolutely excluded from the mails under § 35.13 shall not be delivered, but shall be held intact and report thereof made to the inspector in charge of the division in which the office of mailing is located. Instructions as to the disposition of such matter will be issued by the inspector in charge.

§ 43.41 Advertising of nondelivered letters—(a) Method. The Postmaster General may direct the publication of the list of nondelivered letters at any post office by written list posted in some public place, or, when he shall deem it for the public interest, he may direct the publication of such list in the daily or weekly newspaper regularly published within the post-office delivery which has the largest circulation within such delivery, and where no daily paper is published within the post-office delivery, such list may be published in the daily newspaper of any adjoining delivery having the largest circulation within the delivery of the post office publishing the list; and in case of dispute as to the circulation of competing newspapers, the postmaster shall receive evidence and decide upon the fact. Such list shall be published as frequently as the Postmaster General may deem proper, but not oftener than once a week. (R. S. 3930; 39 U. S. C. 401.)

(b) Letters addressed to foreign-born persons. The list of nondelivered letters addressed to foreign-born persons may be published in a newspaper printed in the language most used by them, which shall be selected in the manner prescribed in section 401 of this title. (R. S. 3931; 39 U. S. C. 402.)

(c) Posting of list. Every postmaster shall post, in a conspicuous place in his office, a copy of each list of nondelivered letters immediately after its publication. (R. S. 3933; 39 U. S. C. 403.)

(d) Payment for publishing. The compensation for publishing the list of nondelivered letters shall in no case exceed one cent for each letter so published. (R. S. 3934; 39 U. S. C. 404.)

(e) Additional charge on advertised letters. All letters published as nondelivered shall be charged with one cent in addition to the regular postage, to be accounted for as part of the postal revenue. (R. S. 3935; 39 U. S. C. 405.)

(f) Matter not to be advertised. Unclaimed domestic and foreign matter shall not be advertised.

RETURN AND DISPOSAL OF UNCLAIMED MATTER

§ 43.42 Period of detention of undelivered matter in post office.

The Postmaster General may regulate the period during which undelivered letters and parcels of the first class shall remain in any post office and when they shall be returned to the Dead Letter Office; * * *. (R. S. 3936, as amended; 39 U. S. C. 406.)

NOTE: See § 45.8 for remainder of above statute as to return of matter from the Dead Letter Office and the branches thereof; § 45.6 as to returns to the Dead Letter Office and the branches thereof; §§ 60.5, 60.17, and 60.20 as to registered matter.

§ 43.43 Return of undelivered letters—(a) Bearing return card.

When the writer of any letter on which the postage is prepaid shall indorse on the outside thereof his name and address, such letter shall not be advertised, but, after remaining uncalled for at the office to which it is directed the time the writer may direct or the Postmaster General prescribe, shall be returned to the writer without additional charge for postage, and if not then delivered, shall be treated as a dead letter. (R. S. 3939, as amended; 39 U. S. C. 409.)

(b) **Limitations.** The writer's card request for the holding of a letter for a period shorter than 3 days or longer than 30 days shall be disregarded, except that a special-delivery letter bearing the specific request that it be returned to the writer if immediate delivery cannot be effected shall be so returned.

(c) **Holding time changed by sender.** The sender of a letter bearing a specific return request may by subsequent written instruction to the postmaster at the office of delivery lengthen or shorten the time originally allowed for delivery, but no letter shall be returned in less than 3 days (except as provided in § 42.23 as to the recall of mail) nor held for delivery more than 30 days.

(d) **Addressee's request for retention not valid.** Mail matter of the first class bearing the sender's return request shall be returned at the expiration of the time specified in the request, regardless of instructions from the addressee for the retention of his mail. Such matter placed in a patron's rented post office box shall not be returned, except such as is in a box when it is declared vacant.

(e) **When sender's return request to be disregarded.** First-class, ordinary mail, specifically addressed to street and number, building, rural route, or post-office box, bearing the sender's return request, which cannot be delivered as addressed shall be given directory service; and if addresses, the correctness of which is reasonably certain, are not found, such mail shall be returned at once to the senders without regard to the number of days specified or implied by the return cards thereon. Such mail shall not be placed in the general delivery nor held to await call. Undeliverable mail received at fourth-class offices addressed to a person in care of another person not bearing a specific address such as street and number, building, rural route, or post office box, shall be retained in compliance with the return card the same as general delivery mail.

§ 43.44 Return of card letters—(a) When time not specified. Ordinary mail of the first class (except that described in § 43.43 (e) and postal cards and post cards), bearing the name and address of the sender without a request specifying a number of days, which after proper service remains undelivered shall not be advertised but shall be returned to the sender at the expiration of—

Five days if intended for delivery by village or rural carrier.

Ten days if intended for general delivery service at an office having city carrier service.

Fifteen days from offices not having city carrier service unless intended for delivery by village or rural carrier.

(b) **Official mail.** Unclaimed official mail sent under penalty envelope or label or the frank of a Member of Congress and unclaimed reports and bulletins sent out from State agricultural colleges (in accordance with § 37.18) and from agricultural experiment stations (as provided in § 37.20 (c)) shall be returned to the office of mailing if it is known. If the office of origin cannot be ascertained, such mail shall be returned to the post office at Washington, D. C.

(c) **Drop letters.** A request upon a drop letter for its return to the writer at another post office shall not be complied with unless the letter is prepaid with one full rate of postage.

(d) **Letters of hotels and institutions.** An unclaimed letter bearing the card of a hotel, school, or college, or other public institution printed upon the envelope as an advertisement shall not be returned unless the card includes a printed or written request for return.

(e) **Letters opened inadvertently.** If a prepaid letter bearing a return card is opened inadvertently or upon a wrong delivery and is undeliverable, it shall be returned to the writer without additional charge. (See § 43.37.)

(f) **Short-paid letters.** An undelivered letter or other matter of the first class bearing a return card and prepaid one full rate, but not wholly prepaid, shall be returned to the mailing office to be delivered to the sender upon his payment of the postage due.

(g) **Indorsement of reason.** Every piece of domestic first-class mail returned in accordance with the sender's return card shall bear on its face an indorsement of the reason for its return, as prescribed by § 43.49, and shall also be indorsed "Returned to writer," and bear a postmark showing the date of return and the name of the post office from which returned. The original address shall be canceled, but shall not be obliterated or rendered illegible.

NOTE: See § 114.26 as to indorsement of foreign mail.

(h) **Mail from White House or Congress.** Undeliverable mail bearing the card of the White House, the Speaker's room (House of Representatives), the United States Senate, or of the House of Representatives, with or without postage stamps affixed, shall be returned direct to the Washington, D. C., post office.

§ 43.45 **Undeliverable postal and post cards—(a) Those which may be returned to sender.** Unpaid, misdirected, unmailable, and unclaimed domestic postal cards and post cards, whether single or double and whether addressed for local delivery or otherwise, shall be returned to the sender only when they bear his return card in the upper left corner of the address side, together with a pledge to pay return postage. Such cards bearing the sender's return card and pledge to pay return postage shall be returned charged with postage due at the rate of 1 cent each, to be collected on delivery, as provided in § 43.48. This applies regardless of whether in the case of double cards postage has been prepaid on the reply portion. Care shall be taken in indorsing and returning double cards not to deface or destroy the unused half.

(b) **Disposal of others.** All other undeliverable domestic cards, except those bearing printed or circular matter, shall be held for reclamation 2 weeks and then, if not delivered, shall be destroyed or disposed of as waste by postmasters, except that such as are obviously obscene or scurrilous under the provisions of §§ 36.2 and 36.3 or 36.4 shall be sent to the Post Office Inspector in Charge of the

Division in which the office of mailing is located with a statement of the facts connected therewith (see § 42.18), and those that bear uncanceled postage stamps shall be sent to the proper dead letter branch. Before being disposed of as waste, the written communications on undeliverable cards shall be canceled or mutilated so as to prevent the improper use of the correspondence. Undeliverable domestic cards bearing printed or circular matter which are not returnable under the provisions of paragraph (a) shall be disposed of at once by postmasters as waste.

§ 43.46 Disposal of unclaimed printed matter—(a) Authority for. The Postmaster General may provide, by regulations, for disposing of printed and mailable matter which may remain in any post office, or in the department, not called for by the party addressed; but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations. (R. S. 4061; 39 U. S. C. 411.)

(b) Matter without value to be treated as waste paper. Domestic printed matter, obviously without value, including printed single postal cards, and post cards, and double post cards not having postage prepaid on reply portion, which are not returnable under the conditions prescribed in § 43.45 (a), shall not be sent to a dead letter branch when unclaimed, except that upon which postage is due, but shall be disposed of as waste paper, and the proceeds accounted for as other postal revenue. (See § 6.22.)

NOTE: Printed matter of obvious value means such as sheet music, pictures, photographs, books, or pamphlets likely to be of any special use or value to the addressee.

§ 43.47 Disposal of undeliverable perishable matter—(a) By sale. Under such regulations as the Postmaster General may prescribe, undeliverable parcels containing perishable matter may be sold and the amount realized, less a commission of 10 per centum, but in no case less than 15 cents, shall be remitted to the sender or other rightful owner. (Sec. 1, 46 Stat. 264; 39 U. S. C. 261.)

(b) When may be sold—(1) Procedure. Undeliverable parcels containing live day-old poultry, dressed poultry, fresh meats, fish, vegetables, fruits, berries, cut flowers, nursery stock, eggs, hides and pelts, or other perishable articles, may, when there is insufficient time to forward them to the addressee at a new address or return them to the sender before the contents would spoil (72 hours from time of hatching with respect to live day-old poultry—see § 35.24) be disposed of by postmasters by sale through competitive bidding. Postal employees are strictly forbidden to submit bids at such sales nor shall bids be accepted from or on behalf of the original addressee of such perishable article or articles. The amount realized, less a commission of 10 percent, but in no case less than 15 cents, shall be remitted to the sender or other rightful owner, or the net amount realized may be delivered at any time within 2 weeks to the sender, original addressee, or such other person as may be the rightful owner, or on his written order, and a receipt obtained therefor. In case of doubt as to the rightful owner of the proceeds, instructions shall be obtained from the Department. If at the expiration of that period the net proceeds remain unclaimed, such money shall be deposited with other postal funds and accounted for as miscellaneous receipts.

(2) **Postage-due stamps for commission retained.** Postage-due stamps representing the amount retained as a commission for the sale of the articles—that is, 10 percent of the proceeds, but in no case less than 15 cents—shall be affixed to the parcel or to a tag or sheet of paper attached to the article, canceled and delivered with the matter to the purchaser.

(c) **When cannot be sold.** In case articles of a perishable nature, with the exception of hides and pelts, cannot be sold through competitive bidding they may be delivered to the proper local municipal authority to be distributed to hospitals, asylums, or other charitable or reformatory institutions. If there is no such municipal authority, the matter may be delivered to any charitable institution or organization making application therefor; otherwise it shall be destroyed.

(d) **Destruction when offensive or injurious.** Perishable matter shall be delivered as promptly as possible, but if such matter cannot be delivered or sold and becomes offensive and injurious to health, postmasters may destroy it, or the injurious or offensive portion thereof. Under no circumstances shall such perishable matter be sent to a dead letter branch or to post offices at division headquarters of the Railway Mail Service.

(e) **Record of undeliverable perishable matter.** Postmasters shall keep a complete record of the receipt and disposition made of each piece of undeliverable perishable matter, in order that they may furnish at any time statistical information showing the number of perishable parcels sold, the proceeds therefrom, the amount retained by the Postal Service as commission, and the class of each parcel involved—that is, whether ordinary, insured, or c. o. d.

(f) **Samples of merchandise.** Undeliverable samples of merchandise sent for advertising purposes, such as tooth paste, shaving soap or cream, toilet soap, hair tonic, needles, lead pencils, polishes, paints, or articles of a like character having a salable value, shall be sent to post offices at division headquarters of the Railway Mail Service (except Cleveland, Ohio, and Pittsburgh, Pa.). They shall be listed on Form 1522 as one item, giving the number of articles and the name and address of each sender. Those of no salable value shall be destroyed and no record kept of their disposal.

(g) **Insured and c. o. d.** When the matter is insured or c. o. d., appropriate office record shall be made showing the full particulars of the parcel and, if sold, the amount obtained, disposition made thereof, and the necessity for the sale. The postmaster at the office of mailing or of address, as may be appropriate, or both, if the matter is disposed of in transit, shall be advised in detail of the action taken and the reason for such action, and they shall make proper notation on their office records. In the event of the filing of claim for indemnity covering any such insured or c. o. d. parcel, postmasters shall see that a full statement of the facts accompanies the claim papers for transmission to the duly designated paying postmaster or the department as may be appropriate.

§ 43.48 Return of second-, third-, and fourth-class matter—

(a) **Charged with return postage.** Under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may * * * when * * * undeliverable to the addressee * * * be returned to the sender charged with the return postage. Other undeliverable matter of the second, third, and fourth classes * * * may be returned to the sender charged with the return postage, when it bears the

sender's pledge that the postage for * * * return will be paid, such postage to be collected on delivery, but when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused. (Sec. 4, 30 Stat. 444, as amended; 39 U. S. C. 276.)

(b) Not returned until postage fully prepaid. Except as provided in sections 276 and 277 of this title (see par. (a), this section, and § 34.63 (a)) second-, third-, and fourth-class mail matter [except that of the second, third, and fourth classes bearing the sender's pledge to pay the return postage] shall not be returned to sender or remailed until the postage has been fully prepaid on the same. In all cases where undelivered matter of the second class is of obvious value [and does not bear the sender's pledge to pay the return postage], the sender, if known, shall be notified of the fact of nondelivery, and be given the opportunity of prepaying the return postage. In all cases when undelivered mail matter of the third and fourth classes is of obvious value [and does not bear the sender's pledge to pay the return postage and is not perishable], the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself or upon his order, at the office where it is held, upon the payment of 1 cent postage for each card notice given him, under such regulations as the Postmaster General may prescribe. (Sec. 4, 30 Stat. 444, as amended; 39 U. S. C. 278).

NOTE: See § 43.12 as to the forwarding of second, third, and fourth class matter; § 34.63 as to the return of second-class matter.

(c) Matter bearing sender's pledge and perishable matter of obvious value—

(1) Collection of postage due. Undeliverable matter of the second, third, and fourth classes which bears the pledge of the sender that postage for its return will be paid, and undeliverable fourth-class matter of obvious value which is of a perishable nature, shall be returned to the sender rated with the postage chargeable for its return, such postage to be collected by means of postage-due stamps on delivery of the matter to the sender. Such matter as has first been forwarded from the office of the original address under the provisions of §43.12 (d), without prepayment of the forwarding postage, is chargeable, when returned to the sender, with the postage for such forwarding, in addition to that required for its return, both to be collected on delivery of the matter as herein provided.

(2) Manner in which sender's pledge should be indicated. When the sender of matter of the second, third, or fourth class desires, in case it is undeliverable as originally addressed, that it be forwarded to the addressee or to some other designated person at another post office or that it be returned to the sender and the forwarding or return postage, or both, collected on delivery, he shall place on the matter an appropriate pledge that such postage will be paid. The pledge shall be placed immediately under the sender's return card, which the matter shall bear in every case, in the upper left corner of the address side, or on one of the outside covers of unwrapped copies of second-class publications. When the sender refuses to pay the forwarding or return postage in accordance with his pledge, report of all the facts shall be made to the Third Assistant Postmaster

General, Division of Newspaper and Periodical Mail, in the case of second-class matter, and in the case of other classes to the Division of Letter and Miscellaneous Mail, but acceptance of further matter bearing such pledge shall not be refused until specific instructions to do so are received.

(d) **Rates of postage for return.** The rates of postage for the return of matter of the second class bearing the pledge of the sender to pay return postage are provided in § 34.63; of the third class, 2 cents for the first 2 ounces or fraction thereof and 1 cent for each additional ounce or fraction thereof, except that the rate on books, catalogs, seeds, cuttings, bulbs, roots, scions, and plants is 1½ cents for each 2 ounces or fraction thereof, up to and including 8 ounces; and of the fourth class, the rates prescribed in §§ 34.75 to 34.84, inclusive. In every case postage shall be computed on each separately addressed piece.

(e) **Matter not bearing sender's pledge.** The rate of postage for the return of second-class publications not bearing the pledge of the sender to pay return postage is the transient second-class rate (see § 34.42), except as provided in § 34.63 (g). Matter of the second, third, and fourth classes which does not bear the pledge of the sender to pay return postage, except perishable matter of the fourth class of obvious value, shall not be returned until the postage for such return shall have been prepaid. When such matter of obvious value bearing no pledge, except perishable fourth-class matter, is undeliverable, the postmaster shall notify the sender of that fact by card notice (Form 3540) and give him an opportunity to furnish the return postage or, in the case of third- and fourth-class matter, to withdraw the matter, if he so prefers, from the mails (either himself or through some person authorized by him) at the office where it is held, upon payment of 1 cent postage for each card notice sent him. When postage shall have been furnished for the return of matter as herein provided, the postmaster shall affix the necessary stamps to each separately addressed piece, cancel the stamps, make the necessary change in address, and promptly return the matter. If the sender prefers to withdraw the matter and pay 1 cent postage for each notice furnished him, the stamp representing such postage shall be affixed to the matter itself when withdrawn, and be canceled by the postmaster.

NOTE: There is no provision of law by which the sender of undeliverable second-class matter may withdraw it in this manner from the mails at the office of address.

(f) **At letter-carrier offices.** Under the foregoing provisions undeliverable matter of the third and fourth classes addressed for local delivery at the office of mailing shall not be returned to the sender by letter carrier, or by rural carrier, without a new payment of postage on each piece at the rate chargeable thereon, as stated in paragraph (d).

(g) **At terminal offices.** Undeliverable "nixie" matter of the second, third, and fourth classes of obvious value received at a terminal office from railway postal clerks shall at once be returned to the sender, if known, without additional charge for postage. Such matter shall be properly indorsed to show the reason for its return. If the sender is unknown or the matter is not of obvious value, it shall be treated as if the office receiving it were the post office of original address.

(h) **Period of holding.** When a notice concerning undeliverable matter of the second, third, or fourth class, of obvious value, has been sent as provided in this section, the postmaster shall hold such matter not longer than 2 weeks, unless the office of mailing be so remote from the office of address that a response could not be received from the sender within that time, in which case the matter shall be held not exceeding 4 weeks; except that 6 weeks may be allowed for the notice to be dispatched and returned between any post office in the Territory of Hawaii and any other United States post office outside the Territories of

Hawaii and Alaska, and 90 days for such service between any post office in the Territory of Alaska and any other United States post office not in the same Territory.

(i) **Definition of "obvious value."** Matter of obvious value within the meaning of this section is such as the postmaster may so regard, all registered, insured, and c. o. d. matter, and such as bears the pledge of the sender that postage for its forwarding and return will be furnished. Copies of second-class publications shall ordinarily be considered as being of obvious value only when they bear the pledge of the sender to pay return or forwarding and return postage.

(j) **Undeliverable third- and fourth-class matter which cannot be returned.** Undeliverable matter of the third and fourth classes of obvious value which cannot be returned to the sender under the provisions of this section shall be sent to the post office at the headquarters of the division of the Railway Mail Service (except Cleveland, Ohio, and Pittsburgh, Pa.) that includes the State, Territory, or part of a State in which the office of detention is located, except that such matter detained at offices in the lower peninsula of Michigan shall be sent to the postmaster at Chicago, Ill.

NOTE: Pittsburgh and Cleveland, although division headquarters of the Railway Mail Service, are not dead parcel post branches. Therefore, matter detained at post offices in Pennsylvania shall be sent to the dead parcel post branch at New York; and such matter detained at post offices in Ohio shall be sent to the dead parcel post branch at Cincinnati.

(k) **Matter for foreign countries posted in violation of law or treaty.** Mail matter addressed to foreign countries, posted in violation of law or treaty stipulation and bearing a return address, shall be returned at once without charge to the sender with reason for return properly endorsed thereon. All such matter without return address, except that of the first class in letter form, shall be listed on Form 1522 and dispatched to the proper dead parcel post branch, where it shall be treated and finally disposed of in the same manner as ordinary domestic matter; *provided, however*, that matter of foreign address which is found to be undeliverable and of obvious value shall be held in the dead parcel post branch 6 months awaiting reclamation.

NOTE: See §§ 42.16 and 42.17 as to return of matter to sender before dispatch where postage is unpaid, or the matter is misdirected, without payment of new postage; § 43.12 (note) as to sending local matter redirected to new address without new postage; § 114.2 as to insufficiently prepaid matter addressed to foreign countries; § 45.13 (e), for postage charges on parcels returned by dead parcel post branches.

§ 43.49 **Reason for nondelivery to be endorsed on articles.** (a) Upon every undelivered article of mail matter shall be endorsed or stamped the reason for nondelivery, using a term that is applicable and easily understood, such as: "Moved—no address," "Unknown at address," "No such number," "No such street," "Refused," "Deceased," "Firm dissolved—no order," "In dispute," "House quarantined," or such other term as clearly explains the failure of delivery; and when no other reason can be ascertained the matter should be endorsed "Unclaimed." At offices having city or village delivery service, mail properly distributed to a carrier, but which he is unable to deliver, shall be endorsed by the carrier with the correct reason for nondelivery and the endorsement shall include the initials of the carrier and the number of the route served by him. In endorsing or stamping undelivered matter the original address or postmark shall not be defaced or obscured.

NOTE: See § 60.11 as to domestic registered mail, and § 114.26 as to foreign mail.

(b) Mail the further handling of which is to be at the office to which addressed should be treated as directed in the preceding paragraph except that initials of the carrier and the number of his route may be omitted.

§ 43.50 **Return of matter bearing postage-due stamps.** When at letter-carrier post offices matter to which postage-due stamps have been affixed is returned to sender, the provisions of § 43.16 relating to postage-due bill shall be observed.

PART 44—LOSS, RIFLING, DAMAGE, OR OTHER MISTREATMENT OF MAIL MATTER; INQUIRIES, COMPLAINTS, AND INVESTIGATIONS; REQUESTS FOR AND FAILURE TO RECEIVE RETURN RECEIPTS; AND COLLECTIONS FROM POSTAL EMPLOYEES AND MAIL CONTRACTORS

Sec.	Sec.
44.1 Complaints of loss, rifling, damage, or other mistreatment of mail.	44.7 Report of damage of domestic insured or c. o. d. mail.
44.2 Complaints on domestic registered mail.	44.8 Report of missending, delay, or damage of ordinary mail.
44.3 Inquiries on insured mail exchanged with Canal Zone.	44.9 Wrong delivery of or tampering with domestic mail, except registered.
44.4 Report of loss or rifling of domestic mail, except registered.	44.10 Domestic parcels devoid of contents.
44.5 Preliminary inquiries as to loss or rifling.	44.11 Report of damage of mail or equipment in R. M. S.
44.6 Inquiries on insured and ordinary Canal Zone mail.	44.12 Investigation of losses and irregularities by Chief Inspector.

§ 44.1 **Complaints of loss, rifling, damage, or other mistreatment of mail—**
(a) Handling of. Postmasters and other postal officers shall report in the manner outlined in this chapter and in § 118.1 every complaint made to them, and they shall encourage the filing of and accept complaints of the loss, rifling, damage, or other mistreatment of mail matter, regardless of class, kind or contents. Complaints of delay and damage to, wrong delivery of, and tampering with mail shall be disposed of by correspondence, but complaints of the loss or rifling of mail matter shall be reported on Form 1510, which, except in case of firm mailers to whom the forms have been supplied in quantities, shall be executed by postal employees. Instances not mentioned herein or in § 118.1 shall be reported by letter to the bureau of the department having jurisdiction of the subject involved. (See §§ 1.9 to 1.15, inclusive.)

(b) Unauthorized settlements and concealments of knowledge forbidden. Postmasters and other postal officers shall not make, nor attempt to make settlements in whole or in part direct with patrons of the Postal Service on account of loss, rifling, damage, or other mistreatment of mail matter unless specially authorized to do so. They shall not conceal from the department or its representatives entitled to the information any known facts or circumstances concerning a depredation upon or loss of mail matter. They shall take no action which may forewarn persons who may have had access to lost or rifled mail or may be suspected of committing depredations that irregularities have been reported or made the subject of inquiries.

(c) Inquiries not to be addressed by postmasters to Canal Zone. Postmasters (except postmasters at United States exchange offices when specifically authorized) shall refrain from addressing inquiries to postmasters or other postal officers in the Canal Zone regarding the alleged loss, rifling, damage, wrong delivery, or other improper treatment of mail matter by postal employees.

(d) **Extraordinary loss or damage.** All cases of extraordinary loss or destruction of mail matter, as well as any accident, occurrence, or depredation of consequence requiring the immediate attention of inspectors, shall be reported promptly by telegram, if possible, to the inspector in charge of the proper division. (See § 25.12 as to the burglary of a post office.) Also an immediate report by letter shall be made to the same inspector in charge, giving, if possible, all the facts and circumstances connected with the irregularity. Full particulars regarding registered mail lost or rifled shall be reported, and if the loss includes the mail key the number shall be given. (See § 90.32.) The inspector in charge shall, when the circumstances warrant, report the matter to the Chief Inspector by telegraph.

§ 44.2 **Complaints on domestic registered mail—(a) Delay.** Complaints concerning the delay of domestic registered mail, including that exchanged with the Canal Zone, shall be reported to the Third Assistant Postmaster General, Division of Registered Mails. These reports shall be made by letter, and the envelope or wrapper shall be submitted if possible.

(b) **Loss, rifling, damage, or wrong delivery—(1) Report, to whom.** Loss, rifling, damage, or wrong delivery of, and tampering with domestic registered mail (see subparagraph (3) as to Canal Zone) shall be reported to the inspector in charge of the division in which the irregularity occurred if known; otherwise, to the inspector in charge of the division in which the office of mailing is located. Where it is apparent in a case of wrong delivery that no loss is involved, report shall be made to the Third Assistant Postmaster General, Division of Registered Mails, rather than to the inspector in charge.

(2) **Report, how.** Complaints of loss or rifling of domestic registered mail at all classes of offices shall be reported on Form 1510 in duplicate. At offices of the first- and second-classes claims for indemnity for domestic registered mail shall be made on Form 565, in addition to the report on Form 1510, and at such offices complaints of other than loss or rifling, where indemnity is not claimed, shall be reported by letter. (See pars. (a) and (b) (1).) Offices of the third- and fourth-classes will report complaints, other than loss or rifling and any claims for indemnity, by letter. The inspector in charge will issue necessary instructions on receipt of claims by letter from offices of the third- and fourth-classes. Whenever available, the envelope or wrapper shall be submitted, and in cases of damage, the damaged contents and packing material shall be retained, if practicable, until the investigation is completed.

(3) **Canal Zone.** Where Canal Zone is involved, the procedure prescribed in § 118.1 or § 118.2 (registered), as the case may be, shall be followed. (See also note under § 118.2.)

§ 44.3 **Inquiries on insured mail exchanged with Canal Zone.** Inquiries concerning insured mail exchanged with the Canal Zone shall be executed on Form 3812, and at the same time, if prima facie loss or rifling is indicated, Form 1510 shall be executed. Form 3812 shall be transmitted to the Third Assistant Postmaster General, Division of Registered Mails, and Part II of Form 1510, endorsed to show the date of reference of Form 3812 to the foregoing official, shall be sent to the inspector in charge of the division of origin or destination. When Form 1510 is executed, Form 3812 shall be completed to show to what inspector in charge Form 1510 is sent. The Third Assistant Postmaster General, Division of Registered Mails, shall notify the Chief Inspector when loss, rifling, or wrong delivery in the United States Postal Service is disclosed in instances not previously reported to inspectors in charge.

§ 44.4 Report of loss or rifling of domestic mail, except registered. Loss or rifling of domestic mail (see § 44.2 (b) (2) as to registered mail, and § 44.6 as to Canal Zone), shall be reported on Form 1510, in duplicate, to the inspector in charge of the division in which the article was mailed: *Provided*, That where loss or rifling occurred while an article was being forwarded or returned, the office which forwarded or returned it shall make report to the inspector in charge of the division in which that office is located; *Provided further*, That if the loss or rifling occurred at the office of address, that office shall make report to the inspector in charge of the division in which it is located, indicating whether individual responsibility has been fixed. Indemnity applications required by § 64.38 shall be made independent of the foregoing action. Complaints filed at the office of address shall be transmitted to the office of mailing for insertion of any missing information and reference to the inspector in charge.

§ 44.5 Preliminary inquiries as to loss or rifling. Before concluding (unless the sender initially produces written evidence from the addressee) that a loss or rifling of an ordinary or minimum fee insured article (including ordinary or minimum fee insured mail sent special delivery) is involved, inquiries shall be made directly of the addressee to determine whether the article has been received. In the case of registered, insured (except minimum fee), or c. o. d. mail, inquiries shall be made of the postmaster at the address office to determine, in all instances of loss or rifling, whether there is any record of the article, whether the article has been delivered intact, is on hand, or has been forwarded or returned. Inquiries shall be made for all classes of mail to determine whether the article is held at the mailing office, or missent when probable.

NOTE: See Manual of Instructions for Postal Personnel as to when and what inquiries shall be made for insured and c. o. d. mail.

§ 44.6 Inquiries on insured and ordinary Canal Zone mail. Where Canal Zone is involved, the procedure prescribed by § 44.3 (insured) or §§ 118.9 and 118.10 (ordinary), as the case may be, shall be followed. (See also note under § 118.2.)

§ 44.7 Report of damage of domestic insured or c. o. d. mail. Damage of domestic insured or c. o. d. mail for which indemnity is claimed shall be reported on Form 3812, as directed in §§ 64.38 to 64.40, inclusive, accompanied with the wrapper or cover wherever practicable.

NOTE: See §§ 63.9 to 63.17, inclusive, as to registered c. o. d. mail.

§ 44.8 Report of missending, delay, or damage of ordinary mail. Missending, delay, or damage of ordinary mail, including air mail and special-delivery mail, while in transit, shall be reported to the general superintendent, Railway Mail Service, of the division in which the irregularity occurred, if known; otherwise to the general superintendent, Railway Mail Service, of the division in which the mailing office is located. Complaints of delay or other mistreatment of such mail in post offices shall be reported to the inspector in charge of the division in which the office is located. Reports shall be made by letter, and the envelope or wrapper submitted therewith, if possible.

§ 44.9 Wrong delivery of or tampering with domestic mail, except registered. Wrong delivery of or tampering with domestic mail, except registered (see § 44.2 (b) (2)), shall be reported by letter, to the inspector in charge of the division in which the irregularity occurred, if known; otherwise to the inspector in charge of the division in which the mailing office is located. Where it is apparent in a case of wrong delivery of insured or c. o. d. mail that no loss is involved, report shall be made to the Third Assistant Postmaster General, Division of Registered Mails, rather than to the inspector in charge. The envelope or

wrapper shall be submitted whenever available. Indemnity applications required by § 64.38 shall be made independent of the foregoing action.

§ 44.10 Domestic parcels devoid of contents—(a) Treatment of. When domestic parcels (except registered) entirely, rather than but partially, devoid of contents, are observed in transit, whether in the Railway Mail Service, in post offices, or elsewhere, the postal employees making such discovery shall completely execute Form 5258 in duplicate. Railway Mail Service employees shall endorse each Form 5258 with the name of the post office to which they are due to send articles found loose in the mails. (See § 108.22.) The original Form 5258, together with the wrapper or container, shall be forwarded to the postmaster at the mailing office. The duplicate Form 5258, with the sack or pouch label, shall be forwarded at the same time to the inspector in charge of the division in which the condition of the parcel was first observed.

(b) Search and record. The postmaster at the office of mailing shall, upon receipt of Form 5258, obtain sufficient information from the sender of the parcel to permit the completion of Form 1510. Parts II and III of Form 1510, with Form 5258 attached, shall be referred to the postmaster at the office in which the empty parcel wrapper was found, or, in case of the finding of the wrapper in the railway mail service, to the office named at the bottom of Form 5258. The postmaster receiving the Forms 1510 and 5258 under such conditions shall search his office for the parcel's contents and return the forms with an endorsement showing the result of his search, together with any recovered articles, to the postmaster at the office of mailing, who will restore any recovered articles to their rightful owner, and file the Form 5258. In the case of an ordinary parcel, the wrapper or container shall be returned to the sender, but when an insured or c. o. d. parcel is involved, the postmaster shall notify the sender in writing that the wrapper or container will be held at the post office unless the sender makes objection thereto; if objection is made, the wrapper or container shall be relinquished. A copy of the notice to the sender shall be filed with the Form 5258 and appropriate information as to the disposition of the wrapper or container entered on the mailing record.

(c) Disposition of wrappers or containers. Wrappers or containers of insured or c. o. d. parcels retained in accordance with the foregoing may be treated as waste paper after the expiration of six months, or such longer period as may be found advisable in exceptional cases, unless claim for indemnity or complaint is filed, in which event they shall be preserved until the claim or complaint receives final action. Wrappers or containers of ordinary parcels not delivered to the sender for any reason may be immediately treated as waste paper.

§ 44.11 Report of damage of mail or equipment in R. M. S. Damage of mail sacks or pouches and contents in the exchange of mail by railway postal clerks shall be reported to the district superintendent, Railway Mail Service, in charge of the line on which the damage occurred. The report shall contain a description (name and address of addressee, name and address of sender, and office of mailing) of any registered mail or ordinary mail of the third or fourth class damaged. If registered mail is damaged, report shall also be made to the proper inspector in charge with full description.

§ 44.12 Investigation of losses and irregularities by Chief Inspector. (a) Authorization. The loss, rifling, damage, wrong delivery of, or depredation upon registered or other mail, and the failure to collect or remit c. o. d. funds shall be investigated by the Chief Inspector, who shall ascertain the facts.

(b) **Collection for losses.** When the Chief Inspector finds that the facts ascertained in connection with such investigation establish the responsibility, by reason of fault or negligence, of a postal employee or mail contractor or an agent or employee thereof, the Chief Inspector shall demand the amount of the loss from such employee or contractor.

(c) **Report to administrative officer; disciplinary action.** The Chief Inspector in such cases shall communicate the facts to the officer having charge of the employee or service with information of any collection made or contemplated, for consideration of the advisability of imposing fine or of taking other disciplinary or corrective measures. The amount of the fine or the character of disciplinary action taken or proposed to be taken shall upon request be reported to the Chief Inspector by such officer.

(d) **Receipt for collection.** When collection is made under the provisions of this section a receipt shall be given on a form furnished by the department showing the amount, the case number, a description of the mail, and the grounds on which the collection is based.

(e) **Right of protest.** If after payment the propriety of the collection is questioned, the matter may be taken up by the person from whom the collection was made through his superior officers, but this shall be done within 30 days from the date of the collection. Any statement which it is desired to submit shall be forwarded promptly through official channels to the office having the employee or service in charge for transmission to the Chief Inspector; at the same time the officer with whom it is originally filed shall immediately notify the Chief Inspector that a statement has been submitted. Unless the Chief Inspector sustains the propriety of the collection, the money shall be returned. This information shall be printed on the receipt mentioned in paragraph (d).

(f) **Institution of suit.** If full recovery is not made and the Chief Inspector determines that further proceedings should be had, he shall present the facts to the Solicitor for the Post Office Department for advice as to the advisability of suit by the United States for recovery of the amount involved. Upon receipt of the reply of the Solicitor the Chief Inspector shall, if he deem proper, prepare the request of the Post Office Department upon the Department of Justice for suit.

(g) **Disbursement of collections.** All amounts recovered under the provisions of this section shall be paid to the United States and to the senders or owners of the mail as their interests shall appear.

(h) **Payment of indemnity.** If the facts ascertained by the Chief Inspector establish an irregularity for which indemnity may be payable and recovery cannot be made without materially delaying the settlement of the indemnity claim, he shall transmit the papers to the officer charged with consideration of such claims for certification or rejection.

PART 45—DEAD MAIL MATTER

<p>Sec.</p> <p>WHERE TO BE SENT</p> <p>45.1 Forwarding of undeliverable and unmailable matter not returned to senders.</p> <p>MAKING RETURNS FROM POST OFFICES</p> <p>45.2 Classification of dead matter.</p>	<p>Sec.</p> <p>45.3 Unclaimed matter.</p> <p>45.4 Make-up and transmission of returns of unclaimed matter.</p> <p>45.5 Valuable matter found loose in mails and post offices.</p> <p>45.6 Returns of unmailable matter.</p> <p>45.7 Make-up and transmission of unmailable matter.</p>
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Sec.	TREATMENT	Sec.	
45.8	Return of undelivered letters, authority for.	45.13	Third- and fourth-class matter containing valuables, and letters containing merchandise.
45.9	Return of undelivered matter to senders by dead letter or dead parcel post branches.		DISPOSITION OF LETTERS WITHOUT VALUABLE INCLOSURES: PRINTED AND UNMAILABLE MATTER
45.10	Opening of letters to effect proper disposition.	45.14	Disposition of letters not containing valuables.
	DISPOSITION OF VALUABLE INCLOSURES AND LETTERS CONTAINING THEM	45.15	Disposition of undeliverable printed matter obviously without value.
45.11	Disposal of letters containing valuables.	45.16	Disposition of seized or detained matter.
45.12	Recording and filing of dead matter containing valuables.		

WHERE TO BE SENT

§45.1 Forwarding of undeliverable and unmailable matter not returned to senders—(a) Provisions. Undeliverable and unmailable matter which is not returned to senders from post offices (except that for which other treatment is provided), shall be forwarded by postmasters and other employees of the Postal Service in the following manner.

(b) In Hawaii, Virgin Islands, and Puerto Rico. Such matter reaching any post office in the Territory of Hawaii shall be forwarded to the post office at Honolulu; in the Virgin Islands of the United States and in Puerto Rico, to the post office at San Juan.

(c) First-class matter except parcels at first-class rate. Such matter of the first class, except first-class parcels and parcel-post matter charged with postage at the first-class rate (see § 35.6), reaching any central-accounting post office or other post office of the first class in a salary grade of \$5,650 or above shall be treated in the dead-letter branch of that office. Such matter of the first class, except first-class parcels and parcel-post matter charged with postage at the first-class rate, reaching post offices of the first class below the salary grade of \$5,650 (except central-accounting offices) and all second-, third-, and fourth-class offices shall be sent to the central-accounting post office.

NOTE: See §§ 45.11 to 45.16, inclusive, and 114.26 as to treatment of matter reaching dead-letter and dead parcel-post branches; §§ 43.43 and 43.44 as to treatment of undeliverable matter at offices to which directed.

(d) Third- and fourth-class and parcels at first-class rate. Undeliverable matter of the third and fourth classes, of obvious value, and undeliverable first-class parcels and parcel-post matter charged with postage at the first-class rate (see § 35.6), which cannot be returned to the sender, shall be sent to the proper dead parcel-post branch (see § 43.48 (j)), except that any such matter having postage-due stamps affixed for which credit is claimed shall first be sent to the central-accounting post office for adjustment of the claim.

NOTE: See § 43.48 (k) as to treatment of matter addressed to foreign countries and posted in violation of law or treaty stipulations.

MAKING RETURNS FROM POST OFFICES

§45.2 Classification of dead matter. Dead matter, or that of the first class and obscene, scurrilous, or lottery matter of any class, which is to be sent from the post office of address to a dead-letter branch and that of the third and fourth

classes which is to be sent to post offices at division headquarters of the Railway Mail Service, shall be made up as follows:

(a) **Unclaimed matter:** That which is not called for and cannot be delivered or returned as provided in §§ 42.16 and 43.44 to 43.48, inclusive, other than matter of the second class, treated as waste paper, as provided in § 34.63.

(b) **Refused matter:** That which for any reason the parties addressed decline to receive, other than matter of the second class and printed matter, treated as waste paper, as provided in § 34.63.

(c) **Fictitious matter:** That which is addressed to fictitious or assumed names or to initials, or in any manner so that the person or persons for whom it is intended cannot be identified. (See § 43.18.)

(d) **Illegible matter:** That which having reached the office of destination is so illegibly or imperfectly addressed that it cannot be ascertained for whom it was intended.

(e) **Hotel matter:** That which has been delivered at a hotel or public institution, or to a consul, agent, or other public officer, or individual who is in the habit of receiving mail for transient persons, and which has been returned to the post office from such hotel, etc., as unclaimed. (See §§ 43.44 and 45.6.)

(f) **Obscene and scurrilous matter:** That which inadvertently reaches the office of delivery, but of which delivery is forbidden by §§ 36.2 to 36.4, inclusive. (See § 43.17.)

(g) **Lottery matter:** Circulars or other matter concerning lotteries, gift concerts, or similar enterprises offering prizes, which are unmailable under the provisions of § 36.6. (See § 43.17.)

§ 45.3 Unclaimed matter—(a) Retention and disposition. Unclaimed mail matter shall be held at post offices of the fourth class for 1 month and at all other offices (except as hereinafter provided) 2 weeks and then if undelivered shall be sent to the proper dead-letter or dead parcel-post branch if of domestic origin and of the first class, third class and of obvious value, or fourth class, in regular returns to be made once a week. At the expiration of the proper period for detention, first-class post offices shall treat unclaimed and unmailable first-class matter daily.

(b) **Matter not bearing sender's return request.** With the exception of postal cards and post cards, city carriers' returns of first class ordinary mail matter of domestic origin which do not bear the senders' return requests, and also noncard letters, addressed simply to a city delivery office but without local street or other address and without the words "General delivery," "Transient," or other indication that the addressee is a transient patron, shall be given directory service, and if addresses, the correctness of which is reasonably certain, are not found shall be held one week and sent to the proper dead letter branch in regular periodical returns. All letters on hand at the time of the return shall be included therein.

(c) **General delivery matter.** At letter-carrier offices ordinary, first-class, non-card letters, or parcels of domestic origin specifically addressed to the general delivery or bearing the word "Transient" or other indication that the addressee will call at the general delivery for his mail shall, if not delivered at the expiration of 10 days, be sent to the proper dead letter branch in regular periodical returns.

(d) **In Hawaii, Puerto Rico, and Virgin Islands.** Postmasters in the Territory of Hawaii shall transmit to the postmaster at Honolulu, and postmasters in Puerto Rico and the Virgin Islands of the United States to the postmaster at San Juan, all matter and reports required by these regulations to be sent to a dead letter branch and to the post offices at division headquarters of the Railway Mail Service.

(e) **Where to forward unclaimed matter.** Postmasters at all first-class offices below the salary grade of \$5,650 (except central-accounting offices), and at all second-, third-, and fourth-class offices shall transmit to the central-accounting office all matter and reports required by these regulations to be sent to a dead-letter branch. All central-accounting offices and other first-class offices in a salary grade of \$5,650 or above shall send such matter to the inquiry section or designated dead-letter employee of their offices. Postmasters in the Territory of Alaska shall forward all matter and reports required by these regulations to the postmaster at Seattle, Wash.

(f) **Quarterly report of dead-letter work.** Promptly at the close of each quarter postmasters at post offices which are designated as dead letter branches shall submit a report of the dead letter work at their offices on Form 4913, to the First Assistant Postmaster General.

§ 45.4 **Make-up and transmission of returns of unclaimed matter—(a) Post-marking.** In making up returns to be sent to a dead letter branch, and to post offices at division headquarters of the Railway Mail Service, every piece of mail matter shall be postmarked by stamp or hand with the name of the post office and the date of sending.

(b) **Matter bearing postage-due stamps.** Matter bearing postage-due stamps which cannot be delivered (see § 43.11) shall be tied in one package, with a written statement as to the amount of such postage-due stamps, and inclosed in a separate wrapper or envelope plainly marked on the outside, "Postage-due matter." At city delivery offices each class of matter shall be tied in separate bundles and a facing slip put on each one stating the number of pieces therein and the amount claimed for postage.

NOTE: See § 17.39 as to claim for credit for the value of stamps and for value of stamps on postage-due bills not returned or returned without stamps, and on matter forwarded to foreign countries, and on foreign undelivered matter.

(c) **Advice with return.** A memorandum giving the date and number of pieces transmitted shall be sent from other than letter-carrier offices with every return.

(d) **Special-delivery matter.** Unclaimed and unmailable special-delivery matter sent to a dead letter branch for final disposition shall be entered alphabetically on Form 1522, in duplicate, numbered consecutively by the names of the addressees and no other entries need be made on this form. The special-delivery matter with the original Form 1522 shall be tied or wrapped separately and included in the regular dispatch of unclaimed or unmailable matter, as the case may be. Copy of the form shall be retained for the files of the dispatching office.

(e) **List to accompany matter.** A manuscript list of each piece of matter of the third class of obvious value and of all matter of the fourth class shall be sent with such matter. This list shall be made on Form 1522. Copy of list shall be retained for reference.

(f) **Dispatch of return.** The whole return shall be wrapped and securely tied in one parcel addressed "Postmaster, _____" (at post office of the dead-letter branch or division headquarters of Railway Mail Service), as may be proper,

and indorsed "Return of unclaimed matter from -----" (here add name of post office). A penalty envelope may be used for the address label, but shall be fastened securely to the parcel. When a return of first-class matter is too bulky to be tied in one parcel a pouch shall be used, so that all the matter will be received together; but returns of third-class and parcel-post matter shall be inclosed, as far as practicable, in locked mail sacks equipped with locking cord fasteners.

(g) **Hotel and fictitious matter.** Hotel and fictitious matter shall be accompanied with a statement showing the number of pieces transmitted and sent separately from other unclaimed matter.

(h) **Dead-letter bills.** Postmasters at letter-carrier offices of the first class shall use dead-letter bills (Form 1561), and returns from all other offices shall be sent without dead-letter bills.

§ 45.5 **Valuable matter found loose in mails and post offices—(a) Treatment of.** (1) Postmasters at all central-accounting post offices and at other offices of the first class in a salary grade of \$5,650 or above receiving money or uncanceled postage stamps found loose in the mails shall, if they be unclaimed, retain the same for 1 month, and shall keep a complete record of such matter, with full particulars, such as may enable the rightful owners to identify and receive their property without loss of time. These postmasters may deliver such matter to the proper claimants, and take receipts therefor upon blanks provided for the purpose. They shall make every effort to match or identify money or articles found with losses or deficiencies in registered, insured, collect-on-delivery, or ordinary mail coming to their knowledge, and, if possible, deliver the same to the proper owners at the same time as the letters or packages from which they have become separated, or as soon thereafter as possible. Any article of merchandise found loose in the mails and unclaimed at the end of 2 months shall be disposed of by postmasters at division headquarters of the Railway Mail Service by public sale. A suitable record shall be kept thereof, and the net proceeds shall be accounted for as part of the postal revenues under the head "Miscellaneous Receipts" of the monthly and quarterly report with a separate supporting schedule.

(2) Money or uncanceled postage stamps found loose in the mails at all first-class post offices below the salary grade of \$5,650 (except central-accounting offices), and at all second-, third-, and fourth-class offices, shall be forwarded weekly to the proper central-accounting postmaster and shall then be retained for 1 month awaiting reclamation. At the end of that period, if not reclaimed, the money shall be deposited as part of the postal revenue and accounted for under the head of "Miscellaneous Receipts" of the monthly and quarterly report with a separate supporting schedule, and the postage stamps shall be destroyed by burning under proper supervision, in the presence of a witness.

(b) **Returns of articles except money and stamps.** Postmasters at other offices shall make weekly returns to postmasters at division headquarters of the Railway Mail Service of all articles, except money and uncanceled postage stamps, which were found loose in the mails and forwarded to them from the Railway Mail Service or other sources. All such matter on hand at the time of such return shall be included therein.

(c) **Returns of money and stamps.** Postmasters at all first-class post offices below the salary grade of \$5,650 (except central-accounting offices), and at all

second-, third-, and fourth-class offices receiving money or uncanceled postage stamps found loose in the mails from the Railway Mail Service or other sources shall make weekly returns thereof to the central-accounting office and include therein all such matter on hand at the time of making the returns. Each article of this matter shall be enclosed in a separate envelope or wrapper, endorsed with a description of the article and a statement of when and where found. Such packages shall be numbered and described on Form 1522. Stamps may be transmitted in bulk, but the list shall show the total number of each denomination and the total value of the entire return. Dispatches shall be made by official registered mail when the value thereof is \$1 or more.

(d) **Returns of merchandise.** All articles of merchandise found loose in the mails shall be sent to the proper dead parcel post branch as shown in § 43.48 (j).

§ 45.6 **Returns of unailable matter.** Unailable matter shall not be held to be advertised. All central-accounting and other offices of the first class in a salary grade of \$5,650 or above shall treat daily unailable first-class matter and such matter reaching all other post offices shall be forwarded weekly to the proper central-accounting postmaster. Unailable matter of the second, third, and fourth classes shall be forwarded to the proper dead parcel post branch. All unailable matter received through the mails and on hand at the time of return shall be included in the dispatches, except that which is to be disposed of otherwise. (See § 42.19.)

§ 45.7 **Make-up and transmission of unailable matter—(a) List or statement to accompany.** Each return of unailable parcels shall be accompanied with a list of such matter on Form 1522, the full name and address on each parcel to be given as nearly as possible; but matter of the first class shall be accompanied with a statement only of the number of pieces transmitted and sent separate from matter of the third and fourth classes.

(b) **Reason for sending.** Every piece of unailable matter sent to a dead letter branch, or to post offices at division headquarters of the Railway Mail Service, shall have plainly written or stamped upon it the specific reason therefor as provided in §§ 43.49 and 114.26, and shall also bear the name of the post office and the date on which it was so sent, care being taken in endorsing or stamping such matter not to deface the original postmark or address.

(c) **Preparation of returns.** Returns of unailable matter shall be securely fastened in one package, with list enclosed, addressed "Postmaster, Dead Letter Branch, _____" or "Postmaster, Dead Parcel Post Branch, _____," as may be proper, and plainly endorsed "Return of unailable matter from _____" (here add the name of the post office). All matter shall be included in the same return.

(d) **Duplicates.** Duplicates of all lists and statements shall be retained by postmasters.

(e) **Separate from ordinary matter.** Unailable matter shall not be sent with returns of ordinary unclaimed matter.

TREATMENT

§ 45.8 **Return of undelivered letters, authority for.** The Postmaster General * * * may make regulations for * * * return (of undelivered letters) from the dead letter office to the writers

when they cannot be delivered to the parties addressed. When letters and parcels of the first class are returned from the dead letter office to the writers, a fee of 5 cents shall be collected at the time of delivery, and in addition a charge shall be made of the minimum registry fee for the return of all ordinary dead letters containing \$1 or more in cash, and parcels of the first class apparently valued at \$1 or more, under such rules and regulations as the Postmaster General may prescribe. (R. S. 3936, as amended; 39 U. S. C. 406.)

NOTE: See § 43.42 as to time of retention in post offices.

§ 45.9 Return of undelivered matter to senders by dead letter or dead parcel post branches—(a) Conditions. All matter unclaimed by the addressees and undelivered matter of every character reaching a dead letter or dead parcel post branch shall, as far as circumstances and conditions permit, be returned to senders, except such as is obviously of no value or is unmailable under any provision of law, which shall be disposed of as the First Assistant Postmaster General may direct. All registered matter shall be returned to the senders upon payment of any postage due thereon required to be paid before transmission.

(b) Fee for return. The fee of 5 cents for the return of ordinary letters and parcels of the first class to writers which do not bear the card address of the sender shall be collected by means of postage-due stamps to be affixed by postmasters to such letters and parcels before delivery, and the amount to be charged shall be indicated on official or penalty envelopes before dispatch to post offices from a dead letter branch. In addition to the fee of 5 cents charged for the return, all ordinary letters and parcels of the first class dispatched under official registered mail to postmasters for delivery to the rightful owners shall be charged with the minimum registry fee for such service, which shall be collected by means of postage-due stamps. The total amount of the collection shall be indicated upon the proper receipt form prior to dispatch. Postmasters at all dead letter branches shall keep a record of the number of all letters returned to the writers subject to the collection of a fee of 5 cents for return and in addition the number of letters containing \$1 or more in cash and valuable first class parcels returned subject to the collection of the minimum registry fee, together with the total amount to be collected. This data shall be entered on Forms 4911 and 4913.

§ 45.10 Opening of letters to effect proper disposition. When necessary to open letters for the purpose of making proper disposition of them, they shall be opened only by clerks or employees designated for that purpose by the postmasters at dead letter branches. Every letter containing a valuable inclosure shall be indorsed with the name of the person opening it and a brief memorandum of the character of the inclosure. When a letter is found to contain money, a record of the address thereon and the amount shall be immediately made by the person who opens it, and the record and all such letters, together with all other letters containing inclosures of value, shall be delivered at the close of each day to the clerk designated to receive them.

DISPOSITION OF VALUABLE INCLOSURES AND LETTERS CONTAINING THEM

§ 45.11 Disposal of letters containing valuables—(a) Authority for. All letters of domestic origin which cannot be delivered by post-

masters shall be sent to the Post Office Department or to a post office designated by the Postmaster General and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee cannot be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct. All other undeliverable letters shall be disposed of without record and not held for reclamation. (R. S. 3938, as amended; 39 U. S. C. 408.)

(b) Government securities not reclaimed. Unregistered Government bonds, Government-bond coupons, and other securities of the United States (with the exception of postage stamps, savings stamps, and thrift stamps) and all other negotiable paper or intangible property susceptible of being converted into cash, which may be found in unclaimed letters or be found loose in the mails, shall, if not reclaimed after the expiration of one year, be converted into cash, and the proceeds deposited with other postal funds as miscellaneous postal receipts.

NOTE: See § 8.24 as to miscellaneous receipts.

(c) War savings securities. Any war savings securities, either registered or unregistered, which shall be found in unclaimed letters or be found loose in the mails, in railway postal cars, in letter boxes, or on post-office premises shall, if affixed to a certificate or card on which the name of a person has been inscribed, be transmitted to the Secretary of the Treasury, Division of Loans and Currency, Washington, D. C., for disposition, and where the securities are not affixed to a certificate or card or folder on which the name of a person is inscribed, such securities shall be delivered to the Third Assistant Postmaster General, Division of Finance, for redemption, the proceeds of which shall be disposed of as miscellaneous receipts of the Postal Service.

§ 45.12 Recording and filing of dead matter containing valuables—(a) Provision for. Suitable record shall be kept of all articles containing money, negotiable paper, notes, drafts, money orders, wills, checks, deeds, and other valuable and important papers, valuable personal photographs or pictures, and more than 5 cents in postage stamps. Such of the matter as cannot be restored to proper claimants shall be filed for reclamation.

(b) Treatment of money. Money enclosed in a letter which cannot be restored to the owner shall be kept in such letter during the year allowed for reclamation. Before such letters are filed a record in ink shall be made on the envelope or cover showing the amount of money contained therein. A permanent book record shall be kept to show the amounts contained in all letters filed, withdrawn from file or delivery to owners, or (at branches) for deposit as part of the postal revenues, and the amount of such money on hand at close of business each day. After the expiration of the time allowed for reclamation the branches shall remove unclaimed money letters from the files, strip the money from the letters and deposit at least once a month as part of the postal revenues, and account for it under the head "Miscellaneous Receipts," of the monthly and quarterly report, with a separate supporting schedule. The letters and correspondence shall be destroyed and any valuable enclosure found therein, except money, disposed of as the First Assistant Postmaster General may direct. Each employee through whose hands such matter passes shall receipt and account

for it. Unclaimed postage stamps after expiration of time for reclamation shall be destroyed under proper supervision by burning in the presence of a witness, and a record kept of their value.

§ 45.13 Third- and fourth-class matter containing valuables, and letters containing merchandise—(a) Records. Records shall be kept of the addresses and contents of valuable third- and fourth-class matter received in dead parcel post branches: *Provided, however,* That it shall not be deemed necessary to open and examine the contents of parcels bearing the names and addresses of both senders and addressees; and when such parcels or inclosures cannot be delivered or restored to senders they shall be held in the file awaiting reclamation for the following periods from date of recording. All matter from the ordinary mails shall be held 60 days; all mail matter including that of the first class not in the form of a letter addressed to foreign countries, posted in violation of law and treaty stipulations that is found upon examination to contain merchandise or other valuable inclosures shall be held 6 months; and all insured and c. o. d. matter shall be held 6 months, after which claims for reclamation may not be allowed: *Provided, however,* That ordinary, insured, or c. o. d. articles which the records show to be undeliverable to the addressees, and which bear written or printed instructions of senders that they are to be treated as abandoned if undeliverable to the addressees, may be disposed of immediately upon receipt in dead parcel post branches, or at post offices especially designated by the First Assistant Postmaster General. The treatment prescribed in the foregoing provision shall also apply to parcels of domestic origin and foreign address, including ordinary, registered, insured, and c. o. d. which have been returned to this administration as undeliverable to the addressees and which bear written or printed instructions of the senders that they are to be treated as abandoned if undeliverable to the addressees, and those whose contents are obviously of no value which the records show to have been refused by the senders.

(b) Disposition. All articles remaining unclaimed at the expiration of the time prescribed shall be disposed of under such conditions as the Postmaster General may direct. Postal employees are strictly forbidden to submit bids at auction sales of unclaimed merchandise.

(c) Account of proceeds of sales. An account shall be kept of the proceeds of sales of dead matter and the net amount realized deposited by postmasters as part of the postal revenues and accounted for under the head "Miscellaneous Receipts," of the monthly and quarterly report, with a separate supporting schedule.

(d) Packages containing liquids or injurious matter to be destroyed. Packages reaching post offices at division headquarters of the Railway Mail Service containing medicine, perishable articles, liquids, or articles of a like character liable to injure other matter with which they come in contact, or to attract rodents or vermin, shall be destroyed as soon as it is ascertained that they cannot be restored to the owners, but a suitable record shall be kept of all articles thus destroyed.

(e) Postage on returned parcels. A parcel of fourth-class mail returned to the sender from a post office at division headquarters of the Railway Mail Service shall be charged with postage at the zone rate from such division headquarters, together with an additional charge for postage at the zone rate from the post office where the matter was originally detained to such division headquarters.

DISPOSITION OF LETTERS WITHOUT VALUABLE INCLOSURES:

PRINTED AND UNMAILABLE MATTER

§ 45.14 **Disposition of letters not containing valuables—(a) Return to senders when possible.** Letters without valuable inclosures shall be returned to the writers, so far as possible, subject to a charge of 5 cents each and a record shall be kept thereof in accordance with § 45.9 (b).

(b) **When not returned to senders.** Letters containing personal correspondence only not returned to the writers shall be mutilated by tearing across two ways and shall be sold as waste paper. Undeliverable advertising matter mailed under first-class postage shall be sold as waste paper without mutilation.

§ 45.15 **Disposition of undeliverable printed matter obviously without value.** Undeliverable printed matter obviously without value shall be sold as waste paper. Undeliverable magazines and other periodicals not disposed of in accordance with § 6.22, illustrated papers, and picture cards, not classed as merchandise and appropriate in character, may be disposed of to such hospitals, asylums, and other charitable and reformatory institutions as the First Assistant Postmaster General may direct.

§ 45.16 **Disposition of seized or detained matter—(a) Authority for.** All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same or otherwise disposed of as the Postmaster General may direct. (R. S. 3895; 39 U. S. C. 258.)

(b) **Third- and fourth-class matter.** All domestic matter of the third or fourth class received by dead letter branches, or post offices at division headquarters of the Railway Mail Service, which is unmailable under §§ 36.1 to 36.6, inclusive, shall be destroyed or otherwise disposed of under the direction of the superintendents or the postmasters, except when it can be ascertained therefrom by whom it was deposited in the mails, in which case the matter shall be held and the fact reported to the Chief Inspector, or unless on submission to the Postmaster General he shall direct its preservation as evidence or other disposition.

(c) **Sealed matter which is nonmailable.** Sealed matter declared nonmailable by law and received by dead letter branches, or post offices at division headquarters of the Railway Mail Service shall be disposed of in accordance with the order of the Postmaster General.

(d) **Matter forbidden delivery under fraud orders; fictitious matter.** All mail matter the delivery of which is forbidden by order of the Postmaster General under §§ 36.9 and 36.10, which is received by dead letter branches, or post offices at division headquarters of the Railway Mail Service, shall be treated in accordance with such order.

NOTE: See § 117.2 as to treatment of obscene, lottery matter, and matter of an immoral character.

Title Six

DELIVERY SERVICE

Part
 50 City delivery
 51 Village delivery

Part
 52 Rural delivery
 53 Special delivery

PART 50—CITY DELIVERY

Sec.	Sec.	
ESTABLISHMENT AND SUPERVISION		
50.1 City Delivery Service.	50.12 Collection of postage due.	
50.2 Limits and frequency of service.	50.13 Preference to first-class matter in collections from boxes.	
50.3 Supervision of delivery service.	50.14 Carriers to receive matter for mailing.	
50.4 Expenditures for City Delivery Service.	50.15 Carrier not to return mail to sender.	
HOURS OF SERVICE		
50.5 Time schedule for carriers.	50.16 Return of undelivered mail to office; exception.	
50.6 Office regulations concerning carriers.	LETTER BOXES	
50.7 Use of substitute carriers.	50.17 Street letter boxes.	
DELIVERY AND COLLECTION OF MAIL BY CARRIERS		
50.8 General regulations to apply to carrier delivery.	50.18 Mailing chutes and receiving boxes.	
50.9 Care in delivery to proper person.	50.19 Location of letter boxes.	
50.10 Prohibitions in delivery of mail.	50.20 Collection time cards on letter boxes.	
50.11 Delivery where vicious dogs are kept.	50.21 Care of street letter boxes.	
	50.22 Mail keys.	
	50.23 Private mail receptacles.	
	50.24 Police protection of letter boxes.	

ESTABLISHMENT AND SUPERVISION

§ 50.1 City Delivery Service—(a) Establishment. Letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of fifty thousand within its corporate limits, and may be so employed at every place containing a population of not less than ten thousand, within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post office which produced a gross revenue, for the preceding fiscal year, of not less than ten thousand dollars. This section shall not affect the existence of the free delivery in places where it was established prior to January 3, 1887. In offices where the free delivery shall be established, such free delivery shall not be abolished by reason of decrease below 10,000 in population or \$10,000 in

gross postal revenue, except in the discretion of the Postmaster General. (Sec. 1, 24 Stat. 355; 39 U. S. C. 151.)

NOTE: See Manual of Instructions for Postal Personnel for required conditions for establishment of City Delivery Service.

(b) From consolidated offices. When two or more post offices situated within the corporate limits of any city, village, or borough are consolidated by authority of the Postmaster General, and the said offices together produced a gross revenue for the preceding fiscal year of not less than ten thousand dollars, letter carriers may be employed for the free delivery of mail matter in like manner as if any one of such post offices had produced such revenue in said fiscal year. (36 Stat. 911; 39 U. S. C. 152.)

§ 50.2 Limits and frequency of service—(a) Authorization. The limits of the City Delivery Service and the number of daily deliveries and collection trips to be made shall be fixed by the department and shall not be changed except by authority of the First Assistant Postmaster General.

(b) Changes in routes. Postmasters may make changes in carrier routes within established limits so as to equalize the carriers' work and to improve the service.

(c) Hours of service. The routes shall be laid out in such a manner that none of the carriers shall be required to work more than 8 hours a day within a period of 10 consecutive hours.

NOTE: See § 50.5 as to hours of service.

§ 50.3 Supervision of delivery service—(a) By postmasters. Postmasters shall see that all employees connected with the City Delivery Service are fully informed as to their duties and responsibilities.

(b) Filing and posting of orders. All orders of the Post Office Department affecting the City Delivery Service or the duties of letter carriers shall be suitably filed, and copies of all such orders shall be posted in conspicuous places in the post offices and stations.

(c) Issuance of instructions. Postmasters shall issue such instructions, not in conflict with the Postal Laws and Regulations, as are necessary to promote the efficiency of the City Delivery Service and maintain proper discipline.

(d) Testing of carriers. Postmasters shall frequently test at irregular intervals the efficiency of letter carriers in the collection and delivery of the mail.

§ 50.4 Expenditures for City Delivery Service. Postmasters shall not make expenditures on account of the City Delivery Service without first obtaining authority from the First Assistant Postmaster General, Division of City Delivery Service, except in cases of urgent necessity, when the First Assistant Postmaster General shall be promptly notified.

NOTE: See § 17.33 as to accounts of City Delivery Service.

HOURS OF SERVICE

§ 50.5 Time schedule for carriers—(a) Preparation of. Postmasters shall prepare for the guidance of carriers in their work a time schedule made on the basis of 8 hours' work each week day except Saturday (see §§ 137.71 (b), 137.69, and 137.70), and so arranged as to provide only such time as is absolutely necessary for the legitimate duties of each carrier. The hours of daily service need not be continuous, but they must be within 10 consecutive hours.

(b) **Copy to carrier.** Each carrier shall be furnished with a copy of the schedule under which he is required to work.

(c) **Overtime only in emergency.** Postmasters shall not direct or permit carriers to work overtime except in cases of emergency.

§ 50.6 **Office regulations concerning carriers—(a) Reporting for trip.** Letter carriers shall not report prior to schedule time for the first trip of the day nor for the beginning of a trip following a "swing."

(b) **Not to remain in workroom.** (1) Carriers shall not remain at their desks nor in the working room of the office during a "swing" or interval between trips, nor during the dinner hour; neither shall they remain in the post office after completing the last trip of the day.

(2) Carriers engaged exclusively in the collection service shall not be allowed to remain in the workroom of the office except while depositing and facing the mail collected by them.

(c) **Use of time recorders.** Carriers shall register on the time recorder upon reporting, leaving, returning, and ending for each trip which begins and ends at the post office. The time cards shall constitute the official time record. Should the time recorder be out of order, the time recorded by carriers on their time cards shall constitute the official record.

(d) **Not to register for one another.** One carrier shall not register on the clock for another. Violation of this rule may subject both carriers to removal.

(e) **Entries on trip reports.** The time of reporting, leaving, returning, and ending for each trip shall also be recorded by the carriers on their time cards; the entries on these cards shall be made at the beginning and end of each trip and not be deferred until the close of the day.

(f) **When collections made on way to office.** When collections are made in the morning, on the carrier's way to the office, the first and second entries on the time card shall be the time of opening the first box.

(g) **When carrier does not return after completing trip.** When a carrier completes his delivery on his route and does not return to the post office, the time recorded on his time card for returning and ending on that trip shall be the time of delivery of his last piece of mail.

(h) **Accurate report of time.** Carriers or supervisors in charge of carriers shall not conceal the fact that overtime has been made; nor shall carriers whose duties require less than 8 hours a day expand the actual working time on their routes, nor attempt to record unnecessary time in order that their trip reports may show 8, or approximately 8, hours' work.

(i) **When carrier unable to deliver all matter taken out.** When carriers are unable to deliver all mail matter taken out on the last trip of the day without making overtime, they shall return to the post office within the 8 hours prescribed with the undelivered mail, and such failure shall be reported to the postmaster or the superintendent of the station, and a full statement also be made on Form 1571 of the day.

(j) **Carrier's record of changes of address.** A city delivery carrier shall not be required to keep a complete directory of all patrons on his route, but shall keep a record of all changes of address. Unlimited forwarding orders and permanent changes of address shall be observed for a period of 2 years.

§ 50.7 **Use of substitute carriers.** When regular carriers are absent from duty for any cause their places shall be supplied by substitute carriers if necessary.

NOTE: See § 137.17 (d) as to assignments of substitute carriers.

DELIVERY AND COLLECTION OF MAIL BY CARRIERS

§ 50.8 General regulations to apply to carrier delivery. The regulations as to the delivery of mail matter shall apply to the delivery of such matter by letter carriers, except where inapplicable or as otherwise modified herein.

NOTE: See §§ 43.20 to 43.40 as to delivery of mail matter; §§ 61.3, 61.21 to 61.25, and 64.7 as to delivery of registered, insured, and C. O. D. matter by carriers; § 53.22 as to special-delivery matter.

§ 50.9 Care in delivery to proper person. Carriers shall be careful to deliver mail to the persons for whom it is intended, or to some one authorized to receive it. They shall, in case of doubt, make inquiry with the view of ascertaining the owner. Failing in this, the mail shall be returned to the office, to be disposed of as the postmaster may direct.

§ 50.10 Prohibitions in delivery of mail. (a) Carriers shall not deliver mail matter to patrons in the street unless such delivery can be made without unreasonable delay.

(b) Mail matter shall not be delivered by carriers in boxes or other receptacles at premises not occupied in whole or in part by the addressees unless expressly ordered by the postmaster.

(c) Carriers shall not enter any house while on their trips, except in the discharge of their official duties.

(d) Carriers shall not deliver mail matter which has not passed through the post office or station with which they are connected.

(e) Mail matter intrusted to carriers shall not be exhibited to persons other than those addressed, except on the order of the postmaster or some one authorized to act for him.

(f) Letters for delivery shall not be carried by carriers in their pockets.

(g) Carriers shall not deviate from their respective routes nor stop for their meals while on their trips.

(h) Carriers shall not throw away or improperly dispose of mail matter, however trifling or unimportant it may appear to them.

(i) Stamps shall not be removed from mail matter intrusted to carriers for delivery or collected by them for mailing.

NOTE: See § 137.26 as to demanding fees for delivery of mails.

§ 50.11 Delivery where vicious dogs are kept. Carriers are not required to deliver mail at residences where vicious dogs are permitted to run at large.

§ 50.12 Collection of postage due. Carriers shall collect and promptly return to the postmaster all postage and other charges due on mail intrusted to them for delivery, as indicated by the postage-due stamps attached or otherwise. Such mail matter must not be delivered until the amount due shall have been paid.

NOTE: See § 130.15 as to penalty for failure to collect or to account for postage due.

§ 50.13 Preference to first-class matter in collections from boxes. When carriers, making collections from letter boxes, find that it will be impossible on any one trip to carry to the post office the contents of all the boxes on their routes, preference shall be given to mail matter of the first class. Newspapers and packages placed on the tops of letter boxes should be collected when it can be done without overloading the mail sacks and preventing the prompt collection of mail matter properly deposited in the boxes.

§ 50.14 Carriers to receive matter for mailing—(a) Letters. Carriers, while on their routes, shall receive letters with postage stamps affixed, handed them for mailing, and, when making delivery at any residence, shall collect such letters

placed on or in the mail box; but they should not delay their deliveries by waiting for such letters. Carriers shall not accept money to pay postage on letters tendered to them for mailing.

(b) **Other matter.** Carriers should also receive other small articles of mailable matter with postage properly prepaid, but they should refuse to receive packages that are cumbersome on account of size, shape, or weight, especially when the carrying of such packages would interfere with the prompt delivery of mail and the collections from letter boxes.

(c) **Receipt and registry of first-class matter.** Carriers shall receive and register all letters and packages of first-class matter that are not cumbersome on account of size, shape, or weight, and properly offered them for registration, and shall give the regulation receipt therefor.

NOTE: See § 137.26 as to carriers demanding fee for letters collected; § 61.7 as to registration of mail by letter carriers.

(d) **Collections by mounted carriers.** Mounted carriers making curb delivery shall collect letters with postage affixed from boxes on their routes where the flag is up indicating that there is mail therein, even though there is no mail for delivery.

§ 50.15 **Carrier not to return mail to sender.** Carriers shall not return, under any circumstances, to any person any letter or letters said to have been deposited in a letter box, or which have come into the custody of the carrier in a regular way. An applicant for the return of such mail should be directed to the postmaster. (See §§ 42.22 and 42.23.)

§ 50.16 **Return of undelivered mail to office; exception.** After the last daily delivery, carriers shall return to the post office or station with which they are connected their satchels and all mail that cannot be delivered, except that when in the opinion of the postmaster the interest of the service will be promoted thereby, carriers may be permitted to take their satchels home with them direct from their routes, but undelivered ordinary mail matter remaining in satchels shall first be deposited in the nearest letter box.

LETTER BOXES

§ 50.17 **Street letter boxes—(a) Authorization.** The Postmaster General may establish, in places where letter carriers are employed, and in other places where, in his judgment, the public convenience requires it, receiving boxes for the deposit of mail matter, and shall cause the matter deposited therein to be collected as often as public convenience may require. (R. S. 3868; 39 U. S. C. 155.)

(b) **Inside buildings only when open to public.** No boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station, * * *. (R. S. 3868; Sec. 1, 24 Stat. 569, as amended; 39 U. S. C. 156.)

§ 50.18 **Mailing chutes and receiving boxes—(a) Care and custody.** * * * the Postmaster General is hereby authorized, in his discretion, to declare by official order that the chutes connected with

mail boxes that are attached to any chute or device which may be approved by him are a part of said receiving boxes and under the exclusive care and custody of the Post Office Department. (Sec. 1, 24 Stat. 569, as amended; 39 U. S. C. 156.)

(b) **Where may be placed.** Mailing chutes and receiving boxes may be placed, subject to the approval of the postmaster, in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories in height, and apartment houses comprising not less than 40 residential apartments. Buildings in which receiving boxes are or may be located shall be open to the general public, without restriction, at all times during the hours prescribed for mail collections, in order to afford access to such receiving boxes for the deposit of mail matter therein. Mailing chutes installed in conformity with these regulations shall be approved by the postmaster before they are accepted for service.

(c) **Unapproved chutes.** Unapproved chutes shall not bear any sign or insignia indicating that they are under the jurisdiction and protection of the United States Postal Service.

(d) **Location of receiving boxes.** No receiving box shall be located more than 100 feet from a main entrance. In no case shall a receiving box be placed on other than the ground floor of a building.

(e) **Specifications for construction.** Mailing chutes and receiving boxes shall be constructed in accordance with specifications prescribed by the department. Application for approval of such chutes and boxes shall be made to the First Assistant Postmaster General, Division of City Delivery Service.

(f) **Maintenance.** Owners or lessees of buildings shall be required to maintain mailing chutes and receiving boxes in good order at all times.

(g) **Inspection.** Every mailing chute and receiving box shall be inspected by a representative of the postmaster at least once each year.

(h) **For first-class matter only.** Only matter of the first class shall be deposited in mailing chutes and receiving boxes.

(i) **Property of United States.** Mailing chutes and receiving boxes shall be considered the property of the United States whenever and so long as collections of mail matter are made therefrom, and shall be and remain under the exclusive custody and control of the postmaster until such collections are discontinued by his direction.

(j) **Mail chute contracts—(1) Waiver of claims.** Every mail-chute contract shall contain an explicit waiver by the owner or owners of patents issued and to be issued upon the chute and receiving box, or either of them, covered by such contract, and upon any device or devices connected therewith, of all claims against the United States and its officers and agents on account of the use or employment of such chute and box and such device or devices, and shall also contain a full warranty by the company or person proposing to erect such chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mails the postmaster shall also require such person or company to file with him a waiver of all claims of every name and nature arising under the contract, with a bond in such form and with such penalty as shall be prescribed by the Postmaster General, conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box or either of them.

(2) **Bond of indemnity.** With every mail-chute contract submitted for approval there shall be furnished evidence that a surety bond in such form and with such penalty as shall be prescribed by the Postmaster General has been given to the purchaser guaranteeing the construction and installation of the mail-chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(k) **When erected under lease.** When mailing chutes and receiving boxes are erected under lease, the postmaster may sign an agreement, indorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting such chutes and boxes, providing that if the lessor of such chutes and boxes shall request the discontinuance of mail collections therefrom and the return of the mailing apparatus to him the postmaster shall, after due notice to such proprietor or lessee, discontinue such collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by said lessor.

(l) **Attachment of collection time cards.** Printed cards, properly framed, dust-proof, and glazed and giving information as to the use of mail chutes and receiving boxes, as well as stating that the hours of collection are posted on the receiving box and calling attention to the penalties for tampering with mail equipment, shall be attached to each mail opening. The card on the receiving box shall be completed to show the hours of collection therefrom.

(m) **Regulations to become part of contract.** These regulations shall be printed on the back and become a part of every contract hereafter entered into between manufacturers or owners of mailing chutes and receiving boxes for the erection and use of such chutes and boxes and the proprietor or lessee of the building in which they are located.

§ 50.19 **Location of letter boxes.** Postmasters may locate boxes within the city delivery limits in places where, in their judgment, they are most needed.

§ 50.20 **Collection time cards on letter boxes.** All letter boxes shall be supplied with time cards showing the hours at which collections are made therefrom.

§ 50.21 **Care of street letter boxes—(a) List of.** A list of street letter boxes, giving number and location, shall be kept in the post office.

(b) **To be kept in repair.** Letter boxes shall be kept in repair and in neat condition. If this should involve any expenditure, the postmaster shall first write to the Fourth Assistant Postmaster General, Division of Equipment and Supplies.

(c) **Damaged boxes; disposition if irreparable.** Whenever a letter box is broken or the time card thereon defaced, the carrier on whose route the box is located shall promptly report the facts to the postmaster. Broken or unserviceable letter boxes, collection boxes, and storage boxes that cannot be easily and cheaply repaired shall be thoroughly demolished and sold as waste postal material. Postmasters shall charge themselves in the quarterly postal account with the proceeds of such sales. Postmasters shall notify the Fourth Assistant Postmaster General, Division of Equipment and Supplies, each time a box is demolished, so that proper record can be made. (See § 6.22.)

§ 50.22 **Mail keys—(a) Furnished carriers.** Every letter carrier having in his possession a mail key shall attach it securely to his clothing by means of a safety chain. He shall be held strictly accountable for the safety and proper use of the key, and he shall not permit it to be examined or handled by any person not authorized to do so.

(b) Custody of. At the end of the day's work, carriers shall deliver their keys to the person designated by the postmaster to receive them, except that carriers who make early morning collections and carriers engaged in late collections who end their tour of duty in the field, at a distance from the post office, may be permitted to retain their keys overnight.

(c) Loss to be reported. The loss of a mail key by a carrier shall be reported immediately to the First Assistant Postmaster General, Division of City Delivery Service. The report shall contain the name of the carrier and the number of the key, as well as a full statement of the circumstances surrounding the loss.

NOTE: See § 99.36 as to loss of key.

§ 50.23 Private mail receptacles—(a) Rules and regulations. Private mail receptacles should be used to facilitate the delivery of mail. When designated by the owner or user thereof for the purpose of receiving mail, all rules and regulations affecting the use of such receptacles issued by the Postmaster General shall be effective and apply to such receptacles.

(b) Apartment-house mail receptacles. Approved apartment-house mail receptacles, one for each apartment, conforming to the apartment-house mail receptacle regulations set forth in Appendix C of the Manual of Instructions for Postal Personnel should be provided in apartment houses, family hotels, and flats containing three or more apartments except where the management has arranged that mail for the tenants be delivered at the office or desk for distribution by its employees. Directory boards, showing the names of all persons receiving mail, should be provided in apartment houses where there are 25 or more receptacles. Copies of the apartment-house mail receptacle regulations pamphlet may be secured upon application to the First Assistant Postmaster General, Division of City Delivery Service.

(c) Designated "letter boxes." Every letter box or other receptacle intended or used for the receipt or delivery of mail matter on any city delivery route, rural delivery route, star route, or other mail route is hereby designated a letter box for the receipt or delivery of mail matter and an authorized depository for mail matter within the meaning of the act of March 4, 1909 (18 U. S. C. 1702, 1705, and 1708).

(d) To be used for mail only. Every such private mail box or other receptacle intended for use for the receipt or delivery of mail matter by any city or village letter carrier shall be used exclusively for the reception of matter regularly in the mails, and any mailable matter, such as statements of accounts, circulars, sale bills, or other like matter, deposited therein shall be treated in accordance with the rules governing the mails, including the proper addressing and the payment of postage at the regular rate.

(e) Matter in box to be held for postage. When a carrier finds deposited in such a mail box or other mail receptacle mailable matter on which no postage has been paid, addressed to or intended for the person in whose box it is deposited, he shall take such matter to the post office to be held for postage and treated as prescribed by § 42.16.

(f) Penalty for misuse. Whoever knowingly and willfully deposits any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route

with intent to avoid payment of lawful postage thereon, shall for each such offense be punished by a fine of not more than \$300. (62 Stat. 784; 18 U. S. C. 1725.)

§ 50.24 Police protection of letter boxes. Postmasters shall arrange with the police authorities of their respective cities for the arrest of all unauthorized persons found tampering with, defacing, or collecting matter from street letter boxes, and of all persons wearing the carriers' uniform (including the carriers) found tampering with or collecting from the boxes at other than the usual and regular collection hours, of which the police authorities shall be kept informed.

NOTE: See § 130.44 as to penalty for injuring letter boxes or matter therein; § 137.84 (a), (b), as to penalty for wearing carrier's uniform.

PART 51—VILLAGE DELIVERY

<p>Sec. 51.1 Village delivery. 51.2 Auxiliary allowance on account of vacations. 51.3 Mail receptacles.</p>		<p>Sec. 51.4 All mail to be delivered by carrier; exceptions. 51.5 Carrier's record of changes of address.</p>
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§51.1 Village delivery—(a) Establishment. Village delivery may be established under such regulations as the Postmaster General may prescribe in towns and villages having post offices of the second or third class and in communities adjacent to cities having city delivery.

NOTE: See 39 U. S. C. 153 and annual appropriation acts.

(b) Administration and operation. The administration and operation of the Village Delivery Service shall be governed by the provisions of the Postal Laws and Regulations and the instructions in the Manual of Instructions for Postal Personnel relating to City Delivery Service, so far as they are applicable.

(c) Limits and frequency. The limits of the Village Delivery Service and the number of daily delivery and collection trips to be made shall be fixed by the department and shall not be changed except by authority of the First Assistant Postmaster General.

(d) Changes in routes. Postmasters may make changes in carrier routes within established limits so as to equalize the carriers' work and to improve the service.

§ 51.2 Auxiliary allowance on account of vacations. Requests for auxiliary allowance on account of vacations shall be submitted to the First Assistant Postmaster General, Division of City Delivery Service.

§ 51.3 Mail receptacles. Patrons shall provide private mail receptacles. Delivery service shall not be accorded any residence not equipped with a door slot or receptacle.

§ 51.4 All mail to be delivered by carrier; exceptions. Village carriers shall deliver all mail addressed to patrons if practicable. Patrons shall be notified to call at the post office for packages too large to be handled by the village carriers, or which cannot be delivered by a rural carrier.

§ 51.5 Carrier's record of changes of address. Village delivery carriers shall not be required to keep a complete directory of all patrons on their routes, but shall keep a record of all changes of address. Unlimited forwarding orders and permanent changes of address shall be observed for a period of 2 years.

TITLE VI—DELIVERY SERVICE

PART 52—RURAL DELIVERY

Sec.	ESTABLISHMENT OF SERVICE	Sec.	
52.1	Rural delivery service.	52.38	Acceptance of all mail required.
52.2	Who may be served by rural carriers.	52.39	When required postage uncertain.
52.3	Postmasters to supervise rural delivery service.	52.40	Treatment of mail collected by rural carriers.
52.4	Inspection trips and reports.	52.41	Unstamped mail placed in rural boxes.
52.5	Rural carriers subordinate to postmasters.	52.42	Exchange points.
52.6	Assistance by rural carriers in separating mail.	52.43	Cancellation of mail by rural carriers.
52.7	Regular carrier on leave not to accompany substitute.	52.44	Return of mail by carriers forbidden.
52.8	Carriers' certificates of service.	52.45	Undelivered mail and postal funds to be turned in promptly.
52.9	Duties of rural carriers.	52.46	Unidentified mail.
52.10	Deductions for failure to perform service.	52.47	Two or more routes on one road.
52.11	Holidays.	52.48	Service where contagious disease prevails.
52.12	Neatness and courtesy.	52.49	Special-delivery service on rural routes.
52.13	Instructions and information for carriers.	52.50	Special-delivery matter collected and delivered en route.
52.14	Approval required for special rules.	52.51	Exchange of special-delivery matter by carriers.
52.15	Carrier's roster of patrons.	52.52	Receipts for special-delivery matter.
52.16	Space in post offices for rural carriers.	52.53	Record of special-delivery matter.
52.17	Obstructions of travel to be reported.	52.54	Registered special-delivery mail.
52.18	Deviations from routes forbidden.	52.55	Statistical reports.
52.19	Accounting for funds.		SUPPLY OF INTERMEDIATE OFFICES
52.20	Carriers to report for duty regardless of weather.	52.56	Transportation of locked-pouch mail and supplies by carriers.
52.21	No interruption of service to be permitted.	52.57	Protection of pouches and contents.
52.22	Delivery schedules.	52.58	Punctuality and regularity in exchange of mails.
52.23	Trip reports.	52.59	Carriers to enter post offices in exchanging mails.
52.24	Loop routes.	52.60	Return of pouch undelivered.
52.25	Outside employment.	52.61	Detention of carriers at intermediate offices.
52.26	Passage of carrier not to be obstructed.	52.62	Postmasters to report irregularities.
	DELIVERY AND COLLECTION OF MAIL	52.63	Restrictions as to handling mail and equipment.
52.27	Separation of rural route mail.	52.64	Mail in transit, when delivery permitted.
52.28	Arranging of mail in delivery order.		VEHICULAR AND OTHER EQUIPMENT AND STAMP SUPPLIES
52.29	Rural carriers accountable for mail.	52.65	Vehicular equipment.
52.30	Showing of mail to others forbidden.	52.66	General equipment.
52.31	Mail bearing box number without name.	52.67	Sale of stamped paper by rural carriers.
52.32	Delivery into boxes; direct to patron if known.		RURAL STATIONS
52.33	Box signals.	52.68	Rural stations.
52.34	Office delivery to rural patrons.	52.69	Clerks in charge to supervise carriers.
52.35	Postage-due mail at rural delivery offices.	52.70	Functions of rural stations.
52.36	Diversion of mail in transit prohibited.		
52.37	Intermediate offices.		

<p>Sec. 52.71 Receipt and dispatch of mails at rural stations. 52.72 When rural stations are to be open. 52.73 Mail addressed to rural station. 52.74 Canceling of stamps. 52.75 Correspondence, reports, and requisitions. 52.76 Supplies at rural stations. 52.77 Monthly reports of rural stations.</p> <p style="text-align: center;">PATRONS' BOXES</p> <p>52.78 Patrons' boxes. 52.79 Inscriptions on rural mail boxes. 52.80 Manufacture and sale of boxes. 52.81 Erection of rural mail boxes. 52.82 Use of same box by more than one family.</p>	<p>Sec. 52.83 Withdrawal of service from box owner. 52.84 Boxes which do not conform to regulations. 52.85 Manufacture or sale of boxes by employees forbidden. 52.86 Damage to or depredations upon collection or rural boxes. 52.87 Locks on rural boxes. 52.88 Master keys to locks on rural boxes. 52.89 Rural box numbers. 52.90 Owner to be notified of box number assigned. 52.91 Numbering of boxes subsequently erected.</p> <p style="text-align: center;">UNITED STATES COLLECTION BOXES</p> <p>52.92 United States collection boxes. 52.93 Keys to collection boxes.</p>
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ESTABLISHMENT OF SERVICE

§ 52.1 **Rural delivery service—(a) Establishment.** Rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States. (Sec. 1, 39 Stat. 423; 39 U. S. C. 191.)

(b) Classes of service. All rural mail-delivery routes shall be divided into two classes to be known as—

(a) Standard horse-drawn vehicle routes, which shall be twenty-four miles in length, and

(b) Standard motor-vehicle routes, which shall be fifty miles in length, and shall only be established when a majority of the proposed patrons who are heads of families residing upon such proposed routes shall by written petition ask the Post Office Department to establish the same.

(c) Length of routes. (1) Nothing herein contained shall be construed to prohibit the establishment of horse-drawn vehicle routes of less length than the standard of twenty-four miles. If, in the discretion of the Postmaster General, in order to render more complete service, it should be necessary to do so the Postmaster General is hereby authorized to increase the length of routes not to exceed fifty per centum above the standards herein prescribed. (Sec. 1, 39 Stat. 423; 39 U. S. C. 192.)

(2) Rural routes of a length above 36 miles and less than 50 miles, also, may be established there being no recognized standard route of 50 miles.

NOTE: See decision of April 17, 1925, of Comptroller General (4 Comp. Gen. 862), citing act of February 28, 1925, 43 Stat. 1063.

(d) Requirements as to condition of roads. Roads on which rural delivery service is established shall be in good condition and so maintained, unobstructed

by gates, and there shall be no unbridged streams not fordable at all seasons of the year.

(e) **Frequency of service on new route.** The frequency of service on a newly established route shall not exceed three times a week, unless such route is formed wholly, or in greater part, by rearrangement of six-times-a-week service.

(f) **Consolidation of routes.** No consolidation of rural routes shall be made otherwise than on account of the resignation, death, retirement, or dismissal on charges of carriers in the Rural Mail Delivery Service. (Sec. 3, 48 Stat. 1213; 39 U. S. C. 192a.)

§ 52.2 **Who may be served by rural carriers.** All persons, except those who reside within the city delivery limits of cities where city delivery service is in operation, or within the village delivery limits of cities, towns, or villages where village delivery service is in operation, may be served by rural carriers, provided they will erect approved boxes on the established line of the routes in the manner required by the department.

§ 52.3 **Postmasters to supervise rural delivery service—(a) Knowledge of regulations required.** Postmasters at offices where rural delivery service is in operation shall familiarize themselves with the regulations, rules, orders, and instructions governing rural delivery, shall instruct the carriers and inform others concerning it, and shall supervise generally the rural service at their offices.

(b) **Details of supervision.** Postmasters shall supervise the work of the carriers and see that they perform their duties in an efficient manner and shall keep themselves informed as to the condition of the routes attached to their offices and the business transacted on them, and shall make prompt report to the First Assistant Postmaster General, of any dereliction on the part of the carriers, such as dishonesty, immorality, intoxication, any irregularity in the transaction of money order, insurance, C. O. D., or registry business, continued failure, without excuse, to serve their routes completely; unsatisfactory service, persistent insubordination and disregard of postmaster's orders, or other conduct detrimental to the best interests of the service, and await specific instructions before taking other action in the matter.

(c) **Changes in routes.** Postmasters shall make prompt report to the Department of any permanent changes of travel by rural carriers from the line of their routes as officially described, due to changes in roads by State or local authorities, or for other reasons, and should make recommendation for withdrawal of service from retraces or other portions of routes not regularly traveled, or on which the number of families served and the amount of mail delivered and collected do not warrant continuance of service thereon. They should make suggestions for extensions of routes for the supply of families not easily accessible to facilities, or to more conveniently serve patrons when, in their opinion the number of families, the distance they reside from rural or star routes or post offices and the condition of the roads to be covered warrant such extensions.

§ 52.4 **Inspection trips and reports.** Postmasters, their assistants, or other competent employees shall make a trip of inspection over the rural routes each year in the month of May. The inspections shall be made without expense to the Department. Report of each inspection shall be prepared in duplicate on Form 4248. The original of the form shall be promptly submitted to the First Assistant Postmaster General, and the copy shall be filed in the post office.

§ 52.5 **Rural carriers subordinate to postmasters.** Rural carriers shall be subordinate to the postmasters at the offices to which they are attached and

shall comply with their instructions and obey their orders, subject to directions from the Department.

§ 52.6 Assistance by rural carriers in separating mail. Postmasters shall not permit rural carriers, without specific authority from the Department, to handle or have access to mail other than that of patrons of their routes. Postmasters shall obtain permission from the Department to allow rural carriers to assist in the separation of second-, third-, and fourth-class matter when such action is necessary to enable the carriers to depart for the service of their routes at the prescribed time and a change in the schedule is impracticable.

§ 52.7 Regular carrier on leave not to accompany substitute. A regular carrier when on annual or sick leave shall not accompany the substitute who is employed to serve the route, the substitute being expected to be qualified and able to serve without assistance. A regular carrier who performs service or accompanies the substitute under such circumstances shall not be considered as on leave with pay, and payment shall be made only to the substitute carrier.

§ 52.8 Carriers' certificates of service. Certificates of service performed by rural carriers shall be carefully prepared by the postmaster on forms provided therefor and in accordance with instructions thereon. Promptly upon receipt of the certifying postmasters' certificates of service performed by rural carriers the disbursing postmaster shall compute the amount of pay due each carrier and issue his check in payment thereof on the Treasurer of the United States. (See § 52.10 as to deductions.)

§ 52.9 Duties of rural carriers—(a) Defined. The official duties of rural carriers shall be the delivery into and collection from boxes on their routes of mail matter of all classes; serving of post offices with mail whenever such service is authorized; sale of stamp supplies; receiving and receipting for matter presented for registration; delivery of registered, insured, and C. O. D. matter; the handling of registered matter in transit over their routes; taking of applications for money orders and the money therefor; the acceptance of parcels for insurance, the acceptance of C. O. D. parcels, the forwarding of mail addressed to their patrons, and the transfer of mail of former patrons whose addresses have been changed to other routes; the erection of United States collection boxes; and the performance of such other duties as may be required of them by law and the regulations of the Department.

(b) Delivering fourth-class mail and relaying bundles of mail. The services of rural carriers may be utilized by postmasters at offices where either city delivery or village delivery service is in operation to deliver fourth-class mail addressed to patrons of either of these services and to relay bundles of mail to be deposited in collection boxes or other suitable places for subsequent delivery by city or village carriers. However, they shall not be required to take such fourth-class mail or mail to be relayed in quantities in excess of the reasonable capacity of their conveyances after making provision for the loading of the mails for the rural routes, nor make any additional trips or travel, nor leave their conveyances out of their sight or at a greater distance than 50 yards in order to perform this work.

§ 52.10 Deductions for failure to perform service—(a) Authorization. Deductions for failure to perform service on a standard rural delivery route for thirty miles and less shall not exceed the rate of pay per mile for service for thirty miles and less; and deductions for failure to perform service on mileage in excess of thirty miles shall

not exceed the rate of compensation allowed for such excess mileage. (Sec. 8, 43 Stat. 1064, as amended; 39 U. S. C. 200.)

(b) **Rate of.** If a rural carrier shall fail to serve any part of his route and such failure is due to lack of proper endeavor, proper equipment, or to any reason personal to the carrier, deduction shall be made from his salary for such partial failure at the rate of pay per mile for service on routes of 30 miles and less; and for failure to perform service on that part of a route in excess of 30 miles deduction shall be made at the rate of pay for such additional mileage. On triweekly routes deductions shall be made of 2 days' pay for each schedule day on which no service is performed.

(c) **When to be made.** Deductions shall be made from the pay of rural carriers for each schedule day on which no service is rendered by them, unless it is found impossible after the carriers have reported at the post office to serve any part of their routes because of weather and road conditions, and for failure to serve their routes on any holiday not designated in § 52.11.

§ 52.11 **Holidays—(a) No service.** Service shall not be required on rural delivery routes on the legal public holidays (see § 137.76 for list of holidays in the Postal Service).

(b) **When falling on Sunday.** When a holiday on which service is not required falls on Sunday, the following Monday shall be observed unless otherwise specially provided.

§ 52.12 **Neatness and courtesy.** Rural carriers while on duty shall present a neat appearance and be courteous to patrons.

§ 52.13 **Instructions and information for carriers—(a) Access to office postal publications.** Rural carriers shall have access to the copies of the Manual of Instructions for Postal Personnel, Postal Laws and Regulations, and Official Postal Guides in post offices so that they may inform themselves regarding all regulations, rules, and orders relating to the Rural Delivery Service.

(b) **To be received from postmasters.** Carriers shall receive their instructions and obtain information concerning the service from the postmasters to whom they are subordinate and shall not write to the department in regard to such matters. In cases of uncertainty postmasters shall submit questions to the department and await definite instructions.

(c) **Submission of certain suggestions by carriers.** Rural carriers may submit directly to the department suggestions pertaining *solely* to methods of improving the service, either by enlargement of the local delivery zone to serve more patrons at reduced postal rates, through the direct exchange of mail matter between carriers, or by any other means that will promote the efficiency of the service or increase the patronage thereof. Copies of all suggestions at time of transmission shall be furnished the postmaster, whose duty it shall be to forward the same to the First Assistant Postmaster General, with such recommendation or comment as may be deemed proper.

§ 52.14 **Approval required for special rules.** Any special rules or instructions which postmasters may desire to promulgate for the guidance of their rural carriers with a view to promoting efficiency and maintaining proper discipline shall be submitted to the First Assistant Postmaster General for approval.

§ 52.15 **Carrier's roster of patrons—(a) Maintenance.** Every rural carrier shall procure the name of each patron on his route, using for that purpose the "Patron's name and address slip," and shall enter the names in alphabetical order in the roster book and place opposite each name the number of the box through which mail is delivered.

(b) **Quarterly examination of by postmaster.** Postmasters shall make a quarterly examination of each rural carrier's roster of patrons and ascertain the correctness thereof.

§ 52.16 **Space in post offices for rural carriers.** Space shall be provided for the rural carriers in some part of the post office not accessible to the public, which space shall be sufficient to enable them properly to perform their office work. Carriers shall have access to this portion of the office only for such time as may be required to arrange their mail and to make necessary records and reports before and after serving their routes.

§ 52.17 **Obstructions of travel to be reported.** In all cases of impassable roads, bad condition of roads, unsafe bridges, dangerous fords, or other obstructions to service on rural routes, the postmasters at delivery offices shall notify the patrons affected and the road supervisors or officials in charge of such matters and request that the necessary repairs be made, using for the purpose Forms 4024 and 4024-A. If the repairs are not made within a short time the postmaster shall report the facts to the First Assistant Postmaster General, with recommendation for an amendment of the route to withdraw it from impassable or unsuitable roads. Postmasters shall in like manner report every instance where a nonautomatic gate is being maintained on any road covered by rural delivery service.

§ 52.18 **Deviations from routes forbidden—(a) Exceptions.** Rural carriers shall serve their routes as ordered by the department and as officially described, except in cases of emergency, when they shall make such deviations and use such roads as may be available and will enable them to serve the greatest possible number of their patrons. When the deviations involve but slight additional travel and are likely to be of short duration, reports thereof to the department are not necessary. If the changes from the established route are of considerable extent, prompt and full report shall be made to the First Assistant Postmaster General. Correct copies of rural maps and official descriptions of routes shall be kept on file in the post office.

(b) **Assistant to carrier.** A rural route shall be served each schedule day when by the use of suitable equipment the performance of the service is practicable. When essential to the performance of full service, a rural carrier shall employ, at his own expense, some suitable person, preferably a bonded substitute, to assist him, and in such circumstances the assistant may accompany the regular carrier, if by such an arrangement more nearly complete service can be performed than otherwise would be possible. Ordinarily, when the employment of assistance is necessary, the person employed by the carrier shall, if practicable, serve a different part of the route from that covered by the regular carrier. A rural carrier when serving his route shall not be accompanied by any person to serve as driver or in any other capacity except as herein provided.

(c) **Deviation from regular days of service on triweekly route.** When, owing to climatic or other conditions which cannot be controlled, a carrier serving one triweekly route is unable to perform service on the days prescribed by the department, he shall, if conditions permit, be required to perform service on the next working day.

(d) **Service on horseback.** Postmasters may permit carriers to perform service on horseback when, on account of storms or other causes, roads are temporarily impassable for vehicles. In such cases the mail shall be completely protected from loss or damage.

§ 52.19 **Accounting for funds.** Rural carriers shall account for and promptly pay over to the proper officials each schedule day all funds belonging to the United States which may come into their possession, and make proper disposition of any money intrusted to them as agents of the Post Office Department.

§ 52.20 **Carriers to report for duty regardless of weather.** Rural carriers shall report at the offices for duty in accordance with schedule without regard to the condition of the weather and make every effort to perform full service. If a carrier is temporarily prevented from traveling over his route as officially described, he shall, if necessary to serve some of his patrons, reverse the order of travel, and shall, in case of any obstruction to travel over the regular route, use any available roads in order to serve his patrons.

§ 52.21 **No interruption of service to be permitted.** Postmasters at delivery offices shall not permit suspension or interruption of service on rural delivery routes because of the absence of regular carriers or substitutes, but in such emergency shall employ a suitable person to perform service temporarily.

§ 52.22 **Delivery schedules—(a) Maintenance of.** Rural carriers shall report at the post offices to which they are attached, not less than 30 minutes prior to the scheduled hour of departure to serve their routes, or as much earlier as may be necessary to enable them to assort their mail for delivery, shall have their conveyances at the post offices by the starting time, and shall return with their collections before going to their homes. They shall cover their routes expeditiously, but so regulate the rate of travel that the respective boxes will be reached at about the same hour each day.

(b) **Changes of.** (1) In case of emergency a temporary deviation from the schedule may be permitted, but no permanent change in a carrier's schedule shall be made except by direction of the department.

(2) When a change of schedule is rendered advisable by reason of change in the time of arrival or departure of mails or for any other reason, the postmaster shall notify the First Assistant Postmaster General accordingly and submit a new schedule.

(c) **Awaiting belated mails.** Postmasters shall require carriers to delay departure for service of their routes one hour when advisable on account of delay of incoming mails at the post office, provided such delay in departure will not prevent the complete performance of service on the route or the regular dispatch of mails collected by the carrier.

(d) **Stop for dinner.** Carriers, while serving their routes, may stop not to exceed 30 minutes for dinner, provided such stop will not prevent their return to the post offices to which they are attached on schedule time. During such interval the carrier shall retain personal custody of the mail and equipment.

§ 52.23 **Trip reports.** The exact time a rural carrier reports at the office, leaves to serve his route, returns at completion of the trip and leaves the office after completing his duties shall be reported daily by him on Form 4240. In case of partial failure the carrier shall note in his report the cause of his failure to complete the trip, the number of miles traveled, and the number of miles of the route served. The entries shall be made at the beginning and end of his trip. The carrier shall not be permitted to take the report away from the post office, and at the end of each month he shall complete the report promptly.

§ 52.24 **Loop routes.** Rural carriers who serve "loop routes" shall report to the postmasters at offices to which they are attached at stated intervals for instructions and to have checked their accounts of stamps and other postal supplies, and the postmasters shall exercise as close supervision as practicable over

the service and keep themselves advised, as far as possible, through inquiry of patrons and otherwise, as to the character of service rendered by the carriers.

§ 52.25 Outside employment—(a) Restrictions. Letter carriers of the rural free-delivery service shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster General may prescribe. (Sec. 1, 33 Stat. 439, as amended; 39 U. S. C. 196.)

(b) Soliciting of patronage or furnishing of lists forbidden. (1) Rural carriers shall not, either in person or through others, directly or indirectly, or by any method whatever, cooperate with or assist publishers or others in securing the patronage of the public, nor furnish, directly or through others; the names and addresses of patrons of the service, with or without compensation, to any individual or company, except to officers who are, under the regulations, entitled to them.

NOTE: See § 135.31 as to conduct of employees; § 41.4 as to giving information.

(2) Rural carriers shall not engage in any business while on or off duty which offers temptation to solicit patronage on their routes or in which their official position would give them special advantage over competitors.

(c) Carrying of unmailable packages. Rural carriers shall be permitted to carry outside of the mails, for and upon request of patrons of their routes, articles and packages of merchandise which under the law and regulations are unmailable provided there is no delay or interference with the regular mail service; but intoxicating liquors, explosives, or any articles exhaling bad odor shall not in any circumstances be carried by them while on duty.

(d) Mailable matter not to be carried unless postage prepaid. Rural carriers shall not carry while on duty any package of mailable matter the weight of which is within the limit prescribed for admission to the mails (except franked and other matter entitled under the law to free transportation), unless postage shall have been paid thereon at regular rates. Admissible matter shall be properly prepared for mailing and carried only in the mails.

(e) Kinds of packages not to be carried. Rural carriers shall not while on duty convey outside the mails any package which has been rendered unmailable by the addition of extraneous matter, nor any package containing articles or parcels to be delivered by the carrier to different persons.

(f) Not to leave route to handle packages carried outside the mails. Articles and packages which patrons desire conveyed outside the mails shall be delivered to the carrier in person. Carriers shall not leave their routes while on duty to receive or deliver such matter.

(g) Fees from patrons. Any fees charged by the carriers for transporting and delivering matter outside the mails shall be paid by the patrons for whom such service is rendered. Carriers shall not receive compensation from merchants for such service.

§ 52.26 Passage of carrier not to be obstructed. The passage of a carrier on a rural route shall not be willfully obstructed, but rural carriers are not entitled to privileges on public highway not possessed by private individuals. (See §§ 130.51 and 130.58.)

DELIVERY AND COLLECTION OF MAIL

§ 52.27 Separation of rural route mail. The mail for each rural route shall be separated by the postmaster or his assistants at the delivery office and handed to the carrier for delivery.

§ 52.28 Arranging of mail in delivery order. Before starting from delivery offices rural carriers shall assort their mail, arranging it in the order in which it is to be delivered, placing together, so far as practicable, the entire mail for each box, in order that prompt and accurate delivery may be effected.

§ 52.29 Rural carriers accountable for mail—(a) Care in delivery. Rural carriers shall be held strictly accountable for the care and proper delivery or dispatch of mail intrusted to them; they shall not carry mail in the pockets of their clothing, throw it into yards, nor leave it where it is likely to be lost.

NOTE: See §§ 130.47 and 130.48 as to destroying or improperly disposing of mail matter.

(b) Delivery of parcel-post mail. All ordinary parcel-post packages for patrons of rural routes shall be carried out on the routes on the first trip after their receipt at the post office. Where a patron lives within hailing distance of the route, the carrier shall make reasonable effort to hail him and have him meet the carrier to receive parcels too large to be placed entirely within the mail box. If delivery is not effected in this manner and a written request for delivery outside of the box has not been filed with the postmaster by the patron in accordance with the provision hereinafter stated, a notice on Form 4233 shall be left in the box requesting that the patron indicate thereon the day on which he will meet the carrier to receive the parcel. A parcel that is too large to be placed in the box of the addressee shall not be left outside of the box unless the patron shall, by written request filed in the post office, direct that parcels be delivered in this manner, with the express proviso that the Department and the carrier are relieved of all responsibility in case of loss or depredation.

NOTE: See §§ 52.49, 61.26, 64.7, and 64.29 as to delivery of special-delivery, registered, insured, and C. O. D. parcels.

§ 52.30 Showing of mail to others forbidden. Mail shall not be exhibited by rural carriers to others than the addressees.

§ 52.31 Mail bearing box number without name—(a) Delivery. Mail, other than registered, insured, and collect-on-delivery mail, for delivery by rural carriers which is addressed merely to the box and route number may be delivered to the owner of the box as long as no improper or unlawful business is conducted in this manner. Matter which is unaddressed shall be treated as undeliverable.

NOTE: See § 35.10, as to mail addressed to box holders.

(b) Return. First-class matter mailed by a patron and returned on account of failure of delivery to the addressee shall be placed in the box of the sender if the name of the post office and the route and box numbers are given on the return card, regardless of the absence of the sender's name.

(c) Insured and C. O. D. mail. Insured and collect-on-delivery mail shall be delivered in accordance with the provisions of § 64.7.

NOTE: See § 60.10, regarding registered matter.

§ 52.32 Delivery into boxes; direct to patron if known. Ordinary mail shall be delivered only into boxes of patrons to whom it is addressed, or into those of persons duly authorized to receive it. Carriers may deliver such mail directly to patrons whom they meet provided their identity is known and carriers are not thereby unduly delayed.

§ 52.33 Box signals—(a) Use of. Rural carriers shall open and examine boxes of patrons only when signals are displayed to indicate that they contain mail for dispatch. When the mail is collected from the box, the carrier shall lower the signal, whether he has deposited mail in the box or not.

(b) Carrier not to raise signal. The carrier shall not raise the signal on a box at any time.

§ 52.34 Office delivery to rural patrons. Postmasters shall deliver newspapers to patrons of rural-delivery routes who call therefor at the offices when they are open for business on Sundays and holidays, and shall deliver mail of any class to rural patrons who call for it during business hours on ordinary week days at times when such delivery will not interfere with the business of the office nor delay the rural carriers in departing to serve their routes.

§ 52.35 Postage-due mail at rural delivery offices. When mail matter on which the required postage has not been fully paid is received at a delivery office, addressed to a patron of a rural route, the postmaster shall affix the necessary postage-due stamps thereon and hand the mail to the carrier for delivery on collection of the amount due. If the deficient postage cannot be collected by the carrier without leaving his route, he shall fill in a notification card (Form 4233), deposit it in the addressee's box and return the unpaid or partly paid matter to the post office to be held until the amount of postage due is paid or directions received from the addressee as to the disposition of such mail." (See § 43.11.)

§ 52.36 Diversion of mail in transit prohibited. Postmasters and rural carriers shall not divert in transit any mail addressed to a post office other than the delivery office for the purpose of effecting more expeditious delivery thereof by carrier to the box of the addressee. All mail shall be delivered from the post office to which it is addressed except as otherwise provided by the Postal Laws and Regulations.

NOTE: See §§ 43.19 and 52.64 for exceptions.

§ 52.37 Intermediate offices. Rural carriers shall stop regularly at intermediate offices on their routes for mail addressed to such offices for patrons of the rural delivery routes. If such patrons reside on the part of the route already traveled by the carrier, the mail shall be left overnight in the delivery office and delivered by the carrier on his next trip. Such action shall not be considered as forwarding mail and no additional postage shall be required. Carriers shall enter intermediate offices to obtain mail from the postmasters or their assistants, provided it is not necessary for them to go a greater distance than 50 yards from their vehicles or out of sight of them.

§ 52.38 Acceptance of all mail required. A rural carrier shall accept any mailable matter which may be tendered to him by any person for delivery or dispatch provided the postage is fully prepaid or money equal to the postage required is furnished, unless it is ascertained that the purpose of thus handing mail to the carrier for deposit into one office is to "boycott" another office, or deprive it of its legitimate revenue. This provision applies also to registry business, the insurance of third- and fourth-class matter, the sale of stamped paper supplies, and to money-order business.

§ 52.39 When required postage uncertain. When matter is tendered to a rural carrier for mailing, the weight of which or the postage rate for which he is unable to ascertain, he shall receive from the sender an amount sufficient to insure full payment of postage, take the mail to the post office, and affix the necessary postage, returning to the sender on the next trip any excess amount collected.

§ 52.40 Treatment of mail collected by rural carriers. All mail collected by rural carriers shall be taken by them to the offices from which the respective routes are operated, and shall be properly faced by the carriers for cancellation and for delivery or dispatch, unless the regulations provide, or instructions are specifically issued by the department, for the delivering or depositing of the mail in some other manner. (See §§ 52.42 and 52.43.)

§ 52.41 Unstamped mail placed in rural boxes—(a) When sufficient money for postage is provided. When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he shall collect the mail and money and affix the necessary stamps, provided that, if the mail box does not have a corrugated bottom, the money is properly wrapped, is in a coin-holding receptacle, or is attached to the mail by means of a clip or other suitable fastener.

(b) When sufficient money for postage not provided. When mailable matter is deposited in a box for dispatch and the required postage has not been paid nor sufficient money left for the purchase of stamps, a rural carrier shall, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter shall be taken to the delivery office and treated as prescribed in § 42.16.

(c) Boxes to be used for mail only. Mail boxes erected on rural routes shall be used exclusively for the reception of matter regularly in the mails, and any mailable matter, such as circulars, sale bills, etc., deposited therein shall be treated in accordance with the rules governing the mails, including proper addressing and the payment of postage at the regular rate.

(d) Unpaid mailable matter intended for box owner. When a rural carrier finds deposited in a box mailable matter on which postage has not been paid, addressed to or intended for the person in whose box it is deposited, the carrier shall take such matter to the delivery post office to be held for postage and treated as prescribed by § 42.16.

§ 52.42 Exchange points—(a) U. S. collection boxes. Where the exchange of mail by rural carriers through a United States collection box is authorized, each carrier shall open the box and deposit in it, without canceling the stamps, mail collected on his route addressed to patrons of the intersecting route, to intermediate post offices or stations located thereon, or to the delivery office, delivery or dispatch of which will be thereby advanced, to be collected by the carrier on the connecting route.

(b) Hand-to-hand exchange. When carriers on intersecting rural routes are authorized to make hand-to-hand exchange, each shall deliver to the other all mail which would be thereby advanced in delivery or dispatch.

§ 52.43 Cancellation of mail by rural carriers—(a) Mail received and delivered on route. When mail is collected by a carrier on route, or received by one carrier from another, which can, in regular course of service, be delivered in the addressee's box by the receiving carrier prior to his return to the delivery office, he shall cancel the stamps thereon by writing legibly across them the

date, the name of the delivery office, the State, and the number of the route and deposit the mail in the proper box.

(b) **Mail addressed to another post office.** Any mail collected or received by a rural carrier on his route addressed for delivery at a post office other than the one from which his route starts shall be delivered, uncanceled, at the office of address, if an intermediate post office, or dispatched to the office of address, even though the addressee is a patron of the carrier's route and a more expeditious delivery could be effected by the carrier.

(c) **Limitation.** Except as provided in this section, no stamps on mail shall be canceled by carriers.

§ 52.44 **Return of mail by carriers forbidden.** Mail which has come into the custody of a rural carrier shall not be returned by him to any person. Any application for return of a letter or package shall be referred to the postmaster at the office of mailing.

§ 52.45 **Undelivered mail and postal funds to be turned in promptly—(a) Requirement.** Rural carriers shall deliver to the postmaster or other authorized person, each day, immediately after completing their trips, the undelivered matter and the mail collected by them and all postal funds and stamped paper supplies, and complete their money-order and registry business records and make all required reports before going off duty. When conditions warrant it, postmasters may require carriers before going off duty, to arrange for delivery by them mail received after the departure of the carriers upon the service of their routes. Carriers shall not, except by specific authority of the department, or in cases of extreme emergency, retain any mail in their possession overnight.

NOTE: See §§ 8.23 and 52.67 as to stamps and funds.

(b) **Notation of nondelivery.** Carriers shall note on the face of each piece of mail which they are unable to deliver the reason for nondelivery.

§ 52.46 **Unidentified mail.** When the addressee of mail received at a delivery office is unknown, such mail shall be placed in the hands of the rural carriers for possible identification and delivery before it is treated as undeliverable matter.

§ 52.47 **Two or more routes on one road.** A patron residing on a road traveled by two or more rural carriers may select the carrier by whom he prefers to have his mail delivered and collected, in which case only the designated carrier shall handle his mail. Unless such selection is made by the patron, each carrier passing the box shall deliver mail into it and collect therefrom any mail which he can expedite in dispatch or delivery, provided the box is on the right-hand side of the road as traveled by the carrier.

§ 52.48 **Service where contagious disease prevails.** A rural carrier shall deliver mail into the box of a patron in whose family a contagious disease exists, when this can be done without exposure to contagion, but no mail other than first-class mail or printed matter shall be collected from such box while quarantine is in force.

§ 52.49 **Special-delivery service on rural routes—(a) To patron more than mile from post office.** Special-delivery mail addressed to a patron of a rural route who lives more than 1 mile from the post office shall be sent out by the carrier on his first trip after the receipt of such mail and shall be delivered by the carrier at the patron's dwelling or place of business, provided it is not more than one-half mile from the route and there is a passable road leading to it, for which service the carrier shall be paid the regular fee. If the patron resides more than one-half mile from the route, the mail, after being properly recorded, shall be delivered by the carrier into the patron's box the same as ordinary mail.

(See § 52.29 as to parcels too large for box.) In the latter case, or in any case where delivery is effected without extra travel or special effort, the special-delivery fee shall not be paid to the postmaster, the clerk in charge of a rural station, nor the rural carrier.

(b) **To whom delivery may be made.** Special-delivery mail shall be delivered to the addressee or to someone authorized to receive his mail.

(c) **When to be placed in box.** If a rural carrier cannot make personal delivery of special-delivery matter at the residence or place of business of the addressee, it shall not be returned to the post office, but shall be deposited in the patron's box, and the carrier shall leave at the residence or place of business notice of nondelivery (Form 3955).

(d) **To patron within one mile of post office.** Special-delivery mail addressed to a patron of a rural route who resides within 1 mile of the post office or its delivery units, including rural stations, shall be delivered immediately by other than the rural carrier unless equally prompt and efficient delivery by the rural carrier is assuredly possible.

§ 52.50 **Special-delivery matter collected and delivered en route.** When a rural carrier collects on his route special-delivery mail addressed to a patron of his route which can be delivered before he returns to the office, he shall make proper entry on Form 4954, or Form 3951, as the case requires, cancel the stamps, and make delivery in the regular way, and upon arrival at the delivery office promptly notify the postmaster or clerk in charge of such collection and delivery so that the proper entry can be made on the records.

NOTE: See § 53.3 as to amount of special-delivery charge.

§ 52.51 **Exchange of special-delivery matter by carriers.** Special-delivery matter shall be transferred by one carrier to another at a point where regular exchange of ordinary mail is authorized, either in person or through a United States collection box, if such action will facilitate delivery. The carrier who makes or attempts to make delivery to the addressee shall be paid the regular fee by the postmaster at the office from which his route emanates.

§ 52.52 **Receipts for special-delivery matter.** A rural carrier starting from an office having city delivery service shall take a receipt on Form 3951 for special-delivery matter delivered. At other than city delivery offices receipts shall be taken on sheets (Form 3954). If receipts cannot be obtained on delivery, proper record shall be made of the reasons for failure to obtain them. (See §§ 53.14 and 53.15.)

§ 52.53 **Record of special-delivery matter—(a) In post office.** Special-delivery matter addressed for delivery along a rural route, beyond the special-delivery limits of an office, shall be recorded in the post office and treated in accordance with the regulations governing the handling of such mail.

(b) **Forms.** For recording special-delivery matter received, Form 3951 shall be used at city delivery and village delivery offices, and Form 3953 at all other offices.

(c) **At city delivery offices.** At city delivery offices the postmasters shall keep a record of the number of articles specially delivered by each rural carrier, and at the end of each month shall pay him the fee earned, taking his receipt therefor on Form 1592-A.

§ 52.54 **Registered special-delivery mail.** In registering special-delivery mail and in making delivery of registered special-delivery matter, the rules and regulations governing the registry system also shall be observed.

§ 52.55 **Statistical reports.** During the first 15 days of the month of May of each year a count shall be kept and record made on Form 4240, in duplicate, of the number of pieces of mail delivered and collected daily, except Sunday, on every rural route; also of the number of applications for money orders received, of the value of stamps (including permit matter) on mail collected by the carrier, and of the value of the stamps and other stamped paper sold by the carrier. One copy of the report shall be forwarded promptly to the First Assistant Postmaster General, Division of Rural Delivery Service; the other shall be retained in the files of the post office.

SUPPLY OF INTERMEDIATE OFFICES

§ 52.56 **Transportation of locked-pouch mail and supplies by carriers.** Rural carriers shall transport mails between post offices located on their routes whenever the performance of such service is specifically ordered by the department. They shall also convey, without extra pay, post-office blanks, mail bags, locks, keys, postal supplies, and official equipment to and from the intermediate post offices or stations to which they render regular service.

§ 52.57 **Protection of pouches and contents.** Mail pouches and their contents shall be carefully protected from injury, depredation, or loss. They shall not at any time be intrusted or delivered to a person who is not a sworn employee of the Post Office Department.

§ 52.58 **Punctuality and regularity in exchange of mails.** Rural carriers who supply post offices shall make special effort to exchange mails at the post offices in accordance with prescribed schedules even though at times adverse conditions of weather or highways prevent them from traveling over their entire routes.

§ 52.59 **Carriers to enter post offices in exchanging mails.** Rural carriers in serving intermediate post offices shall enter the offices to make exchange of mails with the postmasters or their assistants: *Provided*, That in order to do so it will not be necessary for them to go a greater distance than 50 yards from their vehicles or out of sight of them.

§ 52.60 **Return of pouch undelivered.** When a rural carrier finds it impossible to effect exchange of mail at an intermediate post office he shall return the pouch to the postmaster at the distributing office with a statement of the reason for such failure, and such postmaster shall promptly report the facts to the First Assistant Postmaster General.

§ 52.61 **Detention of carriers at intermediate offices.** Postmasters shall not detain carriers at intermediate offices more than 10 minutes to effect the exchange of mails except by express authority of the department.

§ 52.62 **Postmaster to report irregularities.** Postmasters at offices supplied by rural routes shall make report to the First Assistant Postmaster General of all cases of abandonment or interruption of service, or continued irregularity in time of arrival of the carrier; when mail arrives in bad condition or exposed to depredation, loss, or damage; when a pouch is received unlocked or without lock or fastened with other than a regulation lock; when mail is carried by an unauthorized person; and any other irregularity in the performance of service or the conduct of the carrier.

§ 52.63 **Restrictions as to handling mail and equipment.** Rural carriers shall not open or close mail pouches, handle mail to be pouched, or have in their possession locks or keys to locks used on mail pouches.

§ 52.64 **Mail in transit, when delivery permitted.** Upon the personal application or written request of the addressee, ordinary mail in transit to a post

office, which is supplied by rural carrier, may be delivered from the distributing office on Sundays and holidays, when the office is open to the public.

VEHICULAR AND OTHER EQUIPMENT AND STAMP SUPPLIES

§ 52.65 Vehicular equipment—(a) Carriers shall furnish. Carriers in rural mail-delivery service shall furnish and maintain at their own expense all necessary vehicle equipment for prompt handling of the mail. Nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes. The Postmaster General in his discretion may require all carriers to furnish sufficient equipment to properly handle postal business on their routes. (Sec. 1, 39 Stat. 423; 39 U. S. C. 193, 194, 195.)

(b) Character of conveyances. The conveyances provided by rural carriers shall be so constructed and maintained as to accommodate the mail and thoroughly protect it from damage or loss. The automobiles used by rural carriers in the performance of service shall be of sufficient capacity to enable the carriers properly to handle the business on their routes. When the use of horses is necessary or desirable the stock shall be kept in such condition as will enable the carriers to perform complete and uninterrupted service under adverse weather and road conditions.

(c) No advertising permitted on equipment. Rural carriers shall not display advertising matter of any character upon their equipment.

§ 52.66 General equipment—(a) Requisitions by postmasters. General equipment for rural delivery service, such as carriers' furniture, satchels, straps, record books, vouchers, report, and other official blanks, etc., when not otherwise provided, shall be furnished by the department upon requisitions of postmasters.

(b) Carriers to be provided with. Postmasters shall see that the rural carriers attached to their offices are constantly supplied with, and regularly take over their routes, all necessary service books and blanks and every article of equipment required in the performance of their official duties.

(c) Care of. All satchels, straps, record books, official blanks, etc., furnished by the department for carriers' use, shall be carefully preserved and always deposited in the post offices or rural stations when carriers are off duty, except in cases of extreme emergency.

(d) Report of equipment in bad condition; repairs. When carriers' satchels or other articles of equipment are in bad condition, the facts shall be reported promptly to the Fourth Assistant Postmaster General, Division of Equipment and Supplies. Satchels shall not be repaired by carriers.

(e) Accounting for. When a rural carrier leaves the service he shall satisfactorily account for and return to the postmaster, or some duly authorized person, every article of the official equipment, including all master keys and keys to patrons' boxes.

(f) Unauthorized expenditures forbidden. Postmasters shall not make expenditures on account of the rural service for the purchase or repair of service equipment, or for any other purpose, without specific authorization from the department.

§ 52.67 Sale of stamped paper by rural carriers—(a) Stock. Rural carriers when on duty shall carry, for sale, a stock of postage stamps, postal cards, and

stamped envelopes to the value of \$3 or more sufficient to meet the demands of purchasers. (See §§ 8.23 and 52.45.)

(b) **Accounting for stock.** The amount advanced by the postmaster shall be kept intact, and the stock of each carrier shall be replenished each schedule day by purchase from the postmaster from the proceeds of the sales of the day. The excess from sales of stamped envelopes accruing each day shall be turned over to the postmaster at the end of each trip, to be charged to his accounts as provided in § 8.24.

(c) **Checks not acceptable.** Carriers shall not accept checks in payment for postal supplies purchased of them.

RURAL STATIONS

§ 52.68 **Rural stations—(a) Establishment.** Rural stations shall be established and maintained in connection with rural delivery service when considered necessary to facilitate the transaction of postal business in communities where a considerable number of people would be seriously inconvenienced if compelled to transact business with the rural carrier only, or at such points where rural carriers are required to exchange mails and it is deemed inadvisable to establish post offices.

(b) **Clerk in charge—(1) Subordinate to postmaster.** A rural station shall be tributary to a post office and shall be in charge of a clerk subordinate to and under the control of the postmaster of such office, who shall frequently visit and inspect the station with a view to correcting irregularities and seeing that it is conducted properly.

(2) **Appointment of.** Clerks in charge of rural stations shall be appointed by the Postmaster General at an annual compensation fixed by him, and shall furnish bonds in a designated sum. The person appointed shall provide quarters and equipment suitable for the transaction of the business of the station. If call boxes or lock boxes are provided, the rentals must be at the rates prescribed by the regulations and paid to the Department.

§ 52.69 **Clerks in charge to supervise carriers.** Clerks in charge of rural stations shall exercise supervision over rural carriers on routes emanating from their stations, shall receive and certify to the correctness of the required reports, and transmit them to the postmasters at the offices to which they are attached.

§ 52.70 **Functions of rural stations.** At rural stations mail shall be dispatched, received, and delivered, money orders issued, mail registered, and stamp supplies sold.

§ 52.71 **Receipt and dispatch of mails at rural stations.** Mail shall be supplied to rural stations by rural carriers unless otherwise specifically authorized. Mail for delivery at a rural station or for a rural route emanating therefrom shall be properly separated at the distributing office, tied in bundles, and transported in the carrier's satchel to the station, where it shall be delivered to the clerk in charge. Dispatch of mail from rural stations shall be made in the same manner.

§ 52.72 **When rural stations are to be open.** Rural stations shall be kept open during ordinary business hours each week day, except on holidays when service on routes emanating therefrom is not required, and shall invariably be open in ample time to permit the rural carriers to work their mail, and shall be open when the rural carriers return from their routes, in order to permit them to deposit collections and attend to other duties.

§ 52.73 **Mail addressed to rural station.** Mail addressed to a rural station shall be retained there to be called for, unless the addressee is a patron of a rural

route starting from such station or of a route contiguous thereto, in which case the mail shall be delivered in the patron's box by the carrier of the route. The usual notices for registered, insured, and collect-on-delivery mail addressed to a rural station for delivery shall be issued in accordance with the requirements of § 60.8.

§ 52.74 **Canceling of stamps.** Postage on all mail deposited at a rural station for delivery or dispatch, whether by rural carrier or local patrons, shall be canceled by the clerk in charge, who shall make report thereof to the postmaster at the distributing office.

§ 52.75 **Correspondence, reports, and requisitions.** Clerks in charge of rural stations shall conduct all official correspondence with the postmasters at the offices to which the stations are attached, make remittances and accountings to them, and make requisitions on them for all necessary supplies.

§ 52.76 **Supplies at rural stations—(a) Furnishing of.** Postmasters at offices to which rural stations are tributary shall furnish the clerks in charge of such stations with postage stamps, stamp books, stamped envelopes, postal cards, registry supplies, etc., in sufficient quantities to meet their demands, for which the postmaster shall take proper receipts.

(b) **Receipt from carriers for stamp supplies.** When clerks in charge of rural stations issue stamp supplies to rural carriers they shall require receipts therefor similar in form to those required by postmasters in such cases.

§ 52.77 **Monthly reports of rural stations.** Accurate detailed accounts of business transacted at rural stations shall be kept by the clerks in charge and reports rendered monthly to the postmasters of the offices to which they are attached.

PATRONS' BOXES

§ 52.78 **Patrons' boxes—(a) Sizes.** Persons wishing to become patrons of rural routes shall provide and erect, at their own expense, standard boxes of either the No. 1 or the No. 2 size, the manufacture of which has been approved by the Department.

The box of the No. 1 size is 18½ inches long, 6¼ inches wide, and 7½ inches high.

The box of the No. 2 size is 23¾ inches long, 11 inches wide, and 13¾ inches high.

(b) **Copies of specifications obtainable.** Copies of the specifications and drawings to be followed in the manufacture of these standard boxes may be obtained on application to the First Assistant Postmaster General.

(c) **Use and transfer of boxes.** Patrons shall not be required to discard boxes which were in use on and before July 1, 1929, while they remain serviceable. A box which has been approved for use in the Rural Delivery Service, although it may not be either a No. 1 or a No. 2 size box, may be transferred by the owner to another route when he moves, or it may be continued in use at the old location by a person moving into the place occupied by the former owner of the box, but a box which is not a standard box of either the No. 1 or the No. 2 size or which has not been approved by the Department, obtained by one patron from another, may not be erected and used by the former at a different location.

§ 52.79 **Inscriptions on rural mail boxes—(a) Limitation.** The following inscriptions shall be placed on rural mail boxes, other inscriptions not being permitted:

(1) Name of owner.

(2) Name and address of manufacturer, inconspicuously placed.

(3) The words "Approved by the Postmaster General," "U. S. Mail."

(b) **Advertising on boxes or posts prohibited.** The display of advertising matter on rural mail boxes or on the posts, stands, or other supports upon which such boxes are erected or placed is prohibited.

§ 52.80 **Manufacture and sale of boxes—(a) Approval required.** Individuals, firms, or companies proposing to manufacture rural-delivery mail boxes for sale shall submit to the First Assistant Postmaster General a full-sized sample constructed in exact conformity with the specifications and drawings adopted by the Department. If the sample is approved, the manufacture and sale of the box will be authorized on condition that the manufacturer shall emboss or stamp in a conspicuous place on each box the words "Approved by the Postmaster General" and inconspicuously the name of the manufacturer. No box shall be approved for manufacture or sale that does not conform in every respect with the specifications adopted by the Department.

(b) **Purchase of boxes.** Authorized manufacturers may employ agents throughout the country to promote the sale of their boxes. But, regardless of any contracts or arrangements between manufacturers and agents, patrons may purchase boxes direct from manufacturers at authorized prices, patrons paying cost of transportation. (See Official Postal Guide for list of authorized manufacturers of rural-delivery mail boxes.)

§ 52.81 **Erection of rural mail boxes—(a) Accessibility.** Each box shall, if practicable, be erected on the right hand side of the road regularly traveled by a rural carrier and in such position as to be easily and safely accessible for the delivery and collection of mail by the carrier without leaving his conveyance.

(b) **Posts or other supports.** The posts or other supports upon which rural mail boxes are erected shall be of neat design and may be of wood, metal, or concrete, of suitable strength and dimensions. They may be either round or square, plain or ornamental, and with or without fixed or movable arms. Supports shall not be in the form of effigies or in forms intended to represent figures or mechanical objects, either grotesque or otherwise.

(c) **Receptacle for newspapers permitted on post.** A receptacle may be placed, by the patron, on the post or support of the rural mail box for use in delivering newspapers. The use of the box must not be restricted to any particular newspaper and it should display no advertising. The receptacle should be placed on the support below the mail box in such a manner that it will not interfere with the delivery of mail nor create a hazard for the rural carrier.

(d) **Approaches to boxes to be kept clear.** Patrons shall, as far as practicable, keep clear the approaches to their boxes by promptly removing obstructions which may render difficult or impossible the delivery of mail by the carrier.

§ 52.82 **Use of same box by more than one family.** More than one family, but not more than five families, may use the same box, provided that written notice of agreement, signed by the respective heads of families or individuals desiring to join in the use of such box, shall be filed with the postmaster at the distributing office.

§ 52.83 **Withdrawal of service from box owner.** Service shall not be withdrawn from any box owner by a postmaster or carrier without specific authority of the department.

§ 52.84 **Boxes which do not conform to regulations.** Rural carriers shall make report to postmasters of any boxes erected which do not conform to the regulations in the matter of type, condition, location, or inscriptions, and to the owners of these boxes the postmaster shall send Form 4056 (notice to patron of

irregularity in rural-mail box), requesting that the irregularities or defects be remedied. If, after a reasonable time, any patron fails to comply with the requirements, the postmaster shall make report thereof to the First Assistant Postmaster General, giving the name of the patron and a statement as to what is required in connection with the box. The same action shall be taken by postmasters in respect to boxes which they note in making the annual inspections required by § 52.4 are not in conformity with the regulations.

§ 52.85 Manufacture or sale of boxes by employees forbidden. Officials and employees of the Post Office Department and Postal Service shall not act as agents for manufacturers of rural-mail boxes and shall not be interested, directly or indirectly, in the manufacture or sale of any rural-mail box. A postmaster may, however, order, without compensation or profit to himself, on request of a patron or prospective patron, a standard box as required by the regulations.

§ 52.86 Damage to or depredations upon collection or rural boxes—(a) Report of. Cases of depredations on or interference with United States collection boxes or their contents, or with rural-mail boxes or their contents, shall be promptly reported by the postmaster of the distributing office to the post-office inspector in charge of the division where such depredation occurs.

(b) Collection boxes broken or in bad condition. When a United States collection box becomes broken, or is in bad condition, the carrier on the route shall notify the postmaster, who shall report the facts to the Fourth Assistant Postmaster General, Division of Equipment and Supplies. If the lock is out of order or the key broken, appropriate report shall be made to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

NOTE: See § 130.44 relative to injuries to mail boxes.

§ 52.87 Locks on rural boxes. The use of locks on boxes shall not be required, but is considered advisable as a measure of protection. If patrons provide locks, carriers shall accept keys and unlock and lock boxes when serving them. To facilitate the carrier's work, patrons should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for use in unlocking the boxes.

§ 52.88 Master keys to locks on rural boxes. Master keys to locks on rural-mail boxes intended for carriers' use shall be delivered only to postmasters, who shall place them in the hands of the carrier. Carriers shall protect from misuse, loss, or destruction master and other keys to patrons' boxes. The loss of a key by rural carrier shall be promptly reported to the postmaster, who shall require the carrier to replace the key at his own expense.

§ 52.89 Rural box numbers—(a) Assignment of on new route. Box numbers shall not be assigned until the expiration of 2 months from the date of installation of new service. If at that time 75 percent of the heads of families residing on the route have not erected boxes, the postmaster shall report that fact to the First Assistant Postmaster General, stating how many boxes have been erected.

(b) Numbering system. Each mail box on a rural delivery route shall have a number assigned to it, beginning with No. 1 for the first box reached by the carrier after leaving the office, succeeding boxes to be numbered in regular sequence in the order reached by the carrier in traveling over the route in accordance with the official description.

(c) Box served by more than one route. A box served by more than one route shall be given a number in the regular order for each route.

(d) **Entered in carrier's roster.** The box numbers so assigned shall be entered in the carrier's roster as required by § 52.15, but shall not be inscribed upon the boxes.

§ 52.90 **Owner to be notified of box number assigned.** When the assignment of box numbers on a route is completed, the postmaster shall furnish each box owner with the official number of his box, with request that he advise his correspondents to include in his address the number of the rural route and his box number.

§ 52.91 **Numbering of boxes subsequently erected.** New boxes erected between those already numbered shall be given any regular numbers which may have been vacated, and which would appear in order of sequence; otherwise new boxes shall be designated in the following manner: Those between the carrier's starting point and box No. 1, as A, B, C, etc.; those between Nos. 1 and 2, as 1-A, 1-B, etc., and so on throughout the route.

UNITED STATES COLLECTION BOXES

§ 52.92 **United States collection boxes—(a) Provision of.** United States collection boxes shall be supplied by the department for use in the rural delivery service, to be erected only at points where, after proper investigation, it is ascertained that they are necessary for the proper and convenient handling of the mail, such as at junction points of two or more routes, as a means for effecting exchange of mail by carriers, or as a depository for mail for dispatch in communities where there are no post offices. After such boxes have been erected at designated points in accordance with official instructions they shall not be removed therefrom except by order of the First Assistant Postmaster General.

(b) **Report to Department if not sufficiently used.** Postmasters shall from time to time take count of the amount of mail matter taken by carriers from United States collection boxes, and if it shall appear that the maintenance of a box is no longer necessary they shall so report to the First Assistant Postmaster General.

(c) **Record of.** A record shall be kept in the distributing offices of all United States collection boxes erected on rural delivery routes, giving the location thereof, and full information concerning exchange through them.

NOTE: See § 52.86 as to damage or depreciation upon collection boxes.

§ 52.93 **Keys to collection boxes—(a) Received for by carriers.** Keys to United States collection boxes shall be furnished to rural carriers by postmasters at distributing offices. For each key delivered to the carrier the postmaster shall take a separate receipt, on which shall be indicated the designative number of the key and date of its delivery to the carrier.

(b) **Care of.** Every carrier having possession of a United States collection-box key shall, when on duty, wear it securely attached to his clothing by the chain. When off duty, the key shall be deposited in the distributing office with the postmaster, or person designated by him, for safe-keeping, and shall never be passed over to, handled, or examined by any person not a sworn officer of the postal service, nor be left where there is danger of losing it or exposing it to theft. These keys shall not be tampered with nor shall any attempt be made to repair or alter them. A violation of this rule or the loss of a key, shall be considered sufficient cause for removal of a carrier.

(c) **Report of loss.** When a carrier loses or breaks a key to a United States collection box, the fact shall be immediately reported by the postmaster to the First Assistant Postmaster General, with a full statement of the circumstances and the number of the key.

PART 53—SPECIAL DELIVERY

Sec.	ESTABLISHMENT: RATE: DISPATCH	Sec.	
53.1	Special-delivery service.	53.16	Special-delivery mail registered, insured, or sent C. O. D.
53.2	Postmaster's responsibility for immediate delivery.	53.17	Forwarding of special-delivery matter.
53.3	Rates on special-delivery matter.	53.18	Responsibility for efficient service and supervision of messengers.
53.4	Expediting of special-delivery matter.	53.19	Postmasters or others acting as special-delivery messengers.
53.5	Expense of special-delivery service.		SPECIAL-DELIVERY MESSENGER SERVICE
53.6	Special-delivery matter bearing insufficient postage.	53.20	Special-delivery messengers.
53.7	Make-up and dispatch of special-delivery matter.	53.21	Employment as special-delivery messengers.
53.8	Cancellation of special-delivery stamps on articles mailed abroad.	53.22	Delivery of special-delivery matter by letter carrier on regular trip.
	RECORD AND DELIVERY	53.23	Receiving of special-delivery matter by carriers and messengers on their trips.
53.9	Separation and time-stamping of special-delivery matter.	53.24	Carfare allowances at first-class offices.
53.10	Contract for special delivery.	53.25	Combinations among messengers prohibited.
53.11	(Section number reserved.)	53.26	Conduct of messengers.
53.12	Hours of special-delivery service.	53.27	Pay roll of special-delivery messengers.
53.13	Prompt delivery to be constant aim.		
53.14	Special-delivery receipts and records.		
53.15	Manner of delivery or other disposition.		

ESTABLISHMENT: RATE: DISPATCH

§ 53.1 Special-delivery service—(a) Establishment. Every article ofailable matter upon which * * * [a] special [delivery] stamp shall be duly affixed [in addition to the lawful postage thereon] shall be entitled to immediate delivery, within the carrier-delivery limit of any free-delivery office, and within one mile of any other post office which the Postmaster General shall at any time designate as a special-delivery post office. * * *. (Sec. 1, 24 Stat. 220; 39 U. S. C. 167.)

(b) Special-delivery offices. Special-delivery service shall be performed at every post office. Delivery shall be made within a radius of 1 mile of every post office, or delivery station, or branch of such post office, and within the delivery limits of every office having village or city-delivery service.

(c) Regulations. The Postmaster General shall prescribe suitable regulations, not inconsistent with law, for the performance of the immediate-delivery service, the keeping of the records and rendering of accounts thereof, and all matters connected therewith, and may prescribe the hours within which such immediate delivery shall be made at any post office. (Sec. 2, 24 Stat. 221; 39 U. S. C. 171.)

NOTE: See § 114.5 for special-delivery service to Canada and other countries.

§ 53.2 Postmaster's responsibility for immediate delivery.

* * * The postmaster shall be responsible for * * * [the] immediate delivery of every * * * article [bearing a special-delivery stamp], and shall cause delivery to be made of all such articles received at his office bearing such stamp and entitled to delivery thereat, * * *. (See § 137.52.) (Sec. 1, 24 Stat. 220; 39 U. S. C. 167.)

§ 53.3 Rates on special-delivery matter—(a) Amounts; stamps.

To procure the most expeditious handling and transportation practicable and the immediate delivery of mail matter at the office of address, special-delivery stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than two pounds, if of the first class, 15 cents; if of any other class, 25 cents. Matter weighing more than two but not more than ten pounds, if of the first class, 25 cents; if of any other class, 35 cents. Matter weighing more than ten pounds, if of the first class, 35 cents; if of any other class, 45 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-delivery stamps. (Sec. 2, 46 Stat. 1469, as amended; 39 U. S. C. 276c.)

NOTE: See § 8.2 as to distinctive stamps for special delivery.

(b) "Special Delivery" endorsement. Postmasters and other employees shall endorse every special-delivery article, except ordinary-sized long and short envelopes bearing the distinctive special-delivery stamp, with the words "Special Delivery" on the envelope or wrapper directly above the name of the addressee, regardless of whether or not the distinctive special-delivery stamp, or the equivalent in ordinary stamps, is affixed.

(c) Rating and endorsement for fee paid. All special-delivery mail, except ordinary-sized long and short envelopes, shall be properly rated and plainly endorsed, by rubber stamp or otherwise, with the words, "Special-Delivery Fee Paid_____cents," thus indicating the proper special-delivery fee according to the weight of the article.

§ 53.4 Expediting of special-delivery matter—(a) All personnel to cooperate.

Postmasters and all persons employed in the Postal Service shall facilitate in every way not inconsistent with the Postal Laws and Regulations the prompt dispatch, transmission, and immediate delivery of all special-delivery matter. Where delivery is possible, failure to deliver shall not be considered excusable.

(b) Cases of neglect to be reported. Any disregard of the regulations relative to the special-delivery service or failure to give proper attention to special-delivery matter shall be reported to the First Assistant Postmaster General, Division of City Delivery Service.

§ 53.5 Expense of special-delivery service. The expense of the special-delivery service shall be paid out of the receipts of said service and charged against the appropriation for said service.

§ 53.6 Special-delivery matter bearing insufficient postage—

(a) Delivery. * * * The omission by the sender to place the lawful postage upon a letter bearing such special-delivery stamp and otherwise entitled to immediate delivery under the provisions of this section [§ 53.1] shall not hinder or delay the transmission and delivery thereof as provided herein, but such lawful postage shall be collected upon its delivery, in the manner provided by law for the collection of deficient postage resulting from the overweight of letters. (See § 43.11.) (Sec. 3, 23 Stat. 387, as amended; 39 U. S. C. 165.)

(b) Letters only. The foregoing provision permitting the dispatch of mail matter bearing a special-delivery stamp without prepayment of postage shall apply to letters only.

(c) First-class matter other than letters. Mail matter of the first class other than letters, when prepaid one full rate by stamps affixed in addition to the special-delivery stamp, shall be dispatched with the deficient postage rated thereon; but such matter with postage wholly unpaid, although bearing a special-delivery stamp, shall be held for postage.

(d) Second-, third-, and fourth-class matter. Wholly unpaid and insufficiently prepaid matter of the second, third, or fourth class, although bearing a special-delivery stamp, shall be held for postage, *Provided*, That when through inadvertence a parcel of third- or fourth-class matter prepared for mailing as special-delivery matter is partly but not fully prepaid, and it is not practicable to collect the deficiency from the sender without delaying the parcel, it shall be rated with the amount due and dispatched, the deficiency to be collected upon delivery. In such case, however, the sender should be advised that it is expected that the full postage, together with the proper special-delivery charge, will be prepaid on parcels mailed in future.

(e) Postage due, how rated. One full rate of postage due shall be required of the addressee on special-delivery letters weighing 1 ounce or less transmitted without any prepayment of postage. On special-delivery letters exceeding 1 ounce in weight transmitted without any prepayment of postage the deficient postage at the single rate and an additional charge of 1 cent for each ounce or fraction thereof, computed on the unpaid weight, shall be collected on delivery. All other special-delivery matter which through inadvertence reaches its destination with no prepayment of postage shall be charged with postage due at double rates. (See §§ 34.3, 34.12, 43.6, 43.10, and 43.11.)

(f) Collection of postage on delivery. On partially prepaid special-delivery matter the deficient postage shall be collected on delivery, the same as on other short-paid matter.

§ 53.7 Make-up and dispatch of special-delivery matter—(a) Letters. Special-delivery letters shall be made up in separate packages when there are five or more for the same place or route; if less than five they shall be placed at the top of the package under the registered letters, if any. When the package is for a route or "dis" the slip shall be placed across the package so as to expose the stamps, the lower third of the slip being turned in to enclose the special-delivery matter.

(b) Other than first-class matter. Special-delivery mail other than first class shall be sacked separately from other second-, third-, and fourth-class mails and

given the same dispatch and handling in closed pouch trains as is accorded pouches of letters, and when dispatched in R. P. O. trains shall be handled in postal cars as far as practicable. All post offices shall make up a direct sack in every case where there are two or more parcels the size of an ordinary shoe box or larger, addressed to the same post office. Any residue special-delivery mail remaining after all directs have been made shall be distributed to States and R. P. O. lines and dispatched in accordance with the scheme of dispatch for first-class mail. At the smaller offices where the quantity is insufficient to warrant directs and the character of the parcels is such as not to injure first-class matter, they shall be pouched with letter mail.

(c) **Registered special-delivery matter.** Registered special-delivery matter shall be dispatched in accordance with the regulations governing the dispatch of registered mail.

§ 53.8 **Cancellation of special-delivery stamps on articles mailed abroad.** United States special-delivery stamps attached to articles mailed abroad and contained in mails for the United States shall be canceled in the sea post offices or the United States exchange post office which opens the mails and distributes the articles therein contained. In case said stamps were canceled in the foreign mailing office, the articles shall nevertheless be delivered by special messenger.

RECORD AND DELIVERY

§ 53.9 **Separation and time-stamping of special-delivery matter.** Postmasters shall, immediately after opening the mails and upon the receipt of local or drop matter in the post office, withdraw special-delivery mail, and impress with the receiving stamp of the office or write on the envelope or wrapper the name of the office and the date and hour when the matter arrives.

NOTE: See § 43.4 as to backstamping special-delivery mail.

§ 53.10 **Contract for special delivery—(a) Authorization.** * * * [The Postmaster General] may contract for the immediate delivery of all articles [bearing special-delivery stamps] from any post office at any price less than eight cents per piece, when he shall deem it expedient. (Sec. 1, 24 Stat. 220; 39 U. S. C. 167.)

(b) **Maximum price for bulk delivery.** When 100 or more pieces are received for delivery to one address on one trip the contract price shall not be more than 50 percent of the total special delivery fees involved.

§ 53.11 (Section number reserved.)

§ 53.12 **Hours of special-delivery service—(a) Schedule.** Special-delivery matter shall be delivered at city delivery offices from 7 a. m. to 11 p. m., and at all other post offices from 7 a. m. until 7 p. m., and after the arrival of the last mail, provided this is not later than 9 p. m. Special orders may be made fixing later hours for delivery in particular cases.

(b) **Sundays and holidays.** Special-delivery matter shall be delivered at post offices of the first and second classes on Sunday and at other offices if the mail or mails arrive between 9 p. m. on Saturday and 6 p. m. on Sunday. Special delivery shall be made at all offices on holidays. (See §§ 25.6 and 25.7.)

§ 53.13 **Prompt delivery to be constant aim.** Every reasonable effort shall be made to effect the prompt delivery of special-delivery mail. If the address is deficient or incorrect, it shall be completed or corrected if possible. If the ad-

dressee has removed to the delivery of another post office, the article, if ordinary mail of the first class, shall be immediately forwarded if the new address is known or can be ascertained; if the article be registered mail, it shall not be forwarded without such authority as is required by § 60.14, in the absence of which a registry notice shall be sent. (See § 43.12 as to immediate forwarding of perishable or "pledge" matter of second, third, or fourth class.)

§ 53.14 Special-delivery receipts and records—(a) Provisions for. To provide for the immediate delivery of letters bearing the special stamp, the postmaster may, with the approval of the Postmaster General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or someone authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post office, and at all times subject to examination by an inspector of the department; but the Postmaster General may, under such rules and regulations as he shall prescribe, authorize the delivery of special-delivery matter without obtaining a receipt therefor: *Provided*, That nothing herein contained shall be construed as excusing the delivery of special-delivery matter by messenger in the first instance.

(b) **At first-class offices, no receipt; other records.** At offices of the first class, receipts for special-delivery mail will not be taken and no office record will be maintained other than a record of the number of pieces given for delivery to each special delivery messenger or other employee and the time of leaving and returning. This does not apply to rural carriers who will obtain receipts as required by § 52.52.

(c) **At second-, third-, and fourth-class offices, delivery book.** At second-, third-, and fourth-class offices, each messenger shall be furnished with a delivery book or its equivalent (Form 3951 at city delivery offices and Form 3954 at other offices) in which shall be entered the address of each piece of matter received for special delivery, the date and hour of its receipt by the messenger, the registry, collect-on-delivery or insurance number, if any, the amount of postage due thereon and the time of delivery by messenger.

NOTE: See § 53.16 as to delivery of special-delivery registered, insured, or collect-on-delivery mail.

§ 53.15 Manner of delivery or other disposition—(a) To authorized recipient. Ordinary special-delivery matter shall be delivered to anyone authorized to receive the ordinary mail of the addressee. Where possible, receipts shall be obtained for deliveries made at second-, third-, and fourth-class offices, except as provided in paragraph (h) of this section.

(b) **Delivery in mail receptacle—(1) When adequate.** When no one responds to the repeated ringing of the bell or knocking on the door, the messenger may deposit the mail in the usual mail receptacles (including door slots and apertures under doors) after determining through close observation of the premises and suitable inquiry that the mail is correctly addressed and the occupants are only temporarily absent.

(2) **Care to be exercised.** Care shall be exercised that mail be not left in receptacles at offices, houses, or apartments where the occupants are to be away for more than a day. The messenger shall be held to a high degree of diligence and common sense in dealing with such cases.

(3) **Notation on receipt and separate notice beneath door.** When special-delivery mail is left in the receptacle after observing the foregoing precautions, a messenger at other than a first-class office shall note in the proper space on the

receipt from the time of such action and the reason why he felt justified in leaving the mail. Messengers at all classes of offices shall also push beneath and beyond the door a notice showing that there is a letter in the receptacle.

(c) **Delivery beneath door.** Where the mail receptacle is unsafe, or no receptacle is provided, or where it is not possible to place the letter in the receptacle, special-delivery ordinary mail may be pushed beneath the door of the dwelling, apartment, or place of business. When delivery is made in this manner, Form 3955 shall be placed in the receptacle, or if receptacle is not provided, the Form 3955 shall be pushed beneath the door. Where mail or notices are pushed beneath the door they shall not be visible from the outside.

(d) **Notice to addressee of attempted delivery.** When special-delivery matter cannot be delivered as above described, Form 3955, special-delivery notice, shall be left under the door or in the receptacle, properly checked to show that the article has been returned to the post office. If the article, the delivery of which has been attempted, is a registered, insured, or C. O. D. piece, or is marked or known to be perishable, the messenger shall indicate its character on the face of Form 3955. The messenger's number, the date, and the name of the addressee shall be entered on this form, and at post offices having carrier-delivery stations, the station where the article is being held, and its location, shall be entered.

(e) **When no receipt obtained.** When delivery is made without obtaining receipt, entry shall be made on Form 3951, showing what disposition was made of the mail and time of delivery.

(f) **Delivery into post-office box.** (1) At city and village delivery offices, special-delivery mail addressed to a post-office box or to the general delivery shall be delivered into the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to the residence or place of business. Where special-delivery mail is received at a city or village delivery office addressed to a street address and the addressee usually receives his mail through a post-office box or through the general delivery window, the mail shall be delivered as addressed, unless the addressee has given a written notice directing delivery into the box or through the general delivery window. At first-class offices such mail shall not be recorded, but at all other city and village delivery offices of the second or third class, special-delivery mail for delivery through post-office boxes of the general delivery window shall be recorded on Form 3951 (Form 3954 at village delivery offices) when delivered to the box section of the general delivery section, as the case may be and the signature of the addressee will not be required.

(2) At offices not having city or village delivery service, all special-delivery mail shall be delivered to the residence or place of business of the addressee, unless the addressee has filed a written request that such mail be deposited into his post-office box or held for delivery through the general delivery window.

NOTE: See § 53.16 as to delivery of special-delivery registered, insured, or collect-on-delivery mail.

(g) **Undeliverable special-delivery mail—(1) Procedure.** Special-delivery mail which is returned to the post office by messengers as undeliverable shall be given attention by the supervisor or clerk in charge of the special-delivery section to ascertain the correct address of the addressee. If it is not possible to ascertain the correct address of the addressee and put the article in the way of delivery from the directory in the post office, it shall, if the office has delivery service, be listed on Form 3951 and turned over to the supervisor in charge of carrier service for further attempt at delivery. The supervisor shall deliver the special delivery

in question to the proper carrier, making note on Form 3951 to show the carrier to whom it was delivered. Carriers need not sign for such special-delivery mail. However, if it cannot be delivered as addressed, the carrier should return it to the supervisor, properly marked for forwarding or endorsed to show the reason for nondelivery. At the end of the trip the supervisor will return Form 3951 to the special-delivery section with all undelivered specials and suitably endorsed to show the designation of the carrier to whom the specials were delivered that are not returned. The special-delivery records shall show final disposition of the article.

(2) **Disposal of.** Special-delivery matter which cannot be delivered shall be treated in accordance with the regulations governing the return of other undeliverable matter. (See §§ 43.43 to 43.50, and 114.26.)

(h) **Special-delivery perishable matter—(1) Acceptance of.** Parcels containing perishable articles likely to spoil within the time reasonably required for transportation and delivery shall not be accepted for mailing, except that when special-delivery service will enable such articles to be delivered before spoiling when they are received at the delivery office after delivery hours or on Sundays and holidays, they may be accepted for mailing if the proper special-delivery charges are paid in addition to the regular postage.

(2) **Accepted inadvertently without special-delivery charge prepaid.** When perishable parcels are received at the delivery office after hours or on Sundays or holidays when there is no delivery, and which have been inadvertently accepted for mailing without the special-delivery charge being prepaid, such articles, if likely to spoil before the next regular delivery, shall be rated up as short paid the amount for special-delivery service that should have been affixed at the mailing office and handled as special-delivery matter.

(i) **Matter bearing request for return.** Paragraphs (b) and (g) of this section shall not apply to a special-delivery letter bearing the specific request that it be returned to the writer if prompt delivery cannot be effected by either the messenger or the regular carrier. (See § 43.43 (b).)

§ 53.16 **Special-delivery mail registered, insured, or sent C. O. D.** When special-delivery mail is registered, insured upon payment of other than the minimum fee, or sent collect on delivery, the usual registry, insurance, or collect-on-delivery receipts shall be taken, and all other requirements of the registry, insurance, and collect-on-delivery regulations shall be observed, but no special-delivery receipt need be taken. When special-delivery insured mail is endorsed "INSURED—Minimum Fee," the mail shall be treated as ordinary special-delivery mail, but requests of senders for return receipts (Form 3811) or restricted delivery service shall be complied with. The usual special-delivery receipt will be obtained and any required special-delivery record made of such matter at offices other than first-class. (See § 64.15.)

§ 53.17 **Forwarding of special-delivery matter.** After special-delivery matter has been taken out for delivery and returned with the information that the person addressed has removed to the delivery of another office, and such matter is then forwarded, it is not entitled to special delivery at the office of second address. Such matter shall be indorsed by the forwarding postmaster "Forwarded, fee claimed by office of first address." Where a forwarding order has been given by the addressee in advance of the arrival of the matter, so that no attempt to deliver is necessary, it shall be forwarded with the indorsement, "Forwarded, fee not claimed," and the postmaster at the office of final destination shall make special delivery and be entitled to the regular fee therefor.

Special-delivery matter forwarded from one post office to another without any indorsement shall be taken out for immediate delivery the same as if indorsed "Forwarded, fee not claimed," and the facts reported to the First Assistant Postmaster General, Division of City Delivery Service. The failure of the postmasters to properly indorse special-delivery matter may deprive them of the fee to which they would otherwise be entitled. (See § 43.12.)

§ 53.18 Responsibility for efficient service and supervision of messengers. Postmasters shall hold strictly responsible for effective and accurate special-delivery service the supervisory official or other employee directly in charge of such service, who shall at all times maintain proper discipline among the messengers, see that they perform their full duty in all cases, and that in the event of failure to make proper effort at delivery suitable disciplinary action is taken. A messenger's claim for pay for an unsuccessful effort to deliver a piece of mail shall not be allowed unless he exercises diligence and good faith in attempting delivery.

§ 53.19 Postmasters or others acting as special-delivery messengers—(a) At fourth-class offices. Special-delivery matter may be delivered at fourth-class post offices by the postmaster or any assistant or employee or other competent person whom the postmaster may employ as messenger. Such postmaster, assistant, employee, or other person so employed as a messenger shall be paid compensation as shown in § 137.52 on all special-delivery mail on which special-delivery service is given or attempted.

NOTE: See § 53.1 as to limits of delivery at other than free-delivery offices; § 53.4 as to responsibility for delivery of special-delivery matter.

(b) At second- and third-class offices. At second- and third-class post offices when, because of the small volume of special-delivery mail, it is impossible to employ substitute carriers or clerks as special-delivery messengers or to obtain messengers, special-delivery matter may be delivered by the postmaster, who shall be paid the compensation prescribed in § 137.52.

SPECIAL-DELIVERY MESSENGER SERVICE

§ 53.20 Special-delivery messengers. * * * The Postmaster General may, in his discretion, direct any free-delivery office to be excepted from the foregoing provision [concerning the delivery of special-delivery matter by postmasters, clerks, or other persons], and require the delivery to be made entirely by special messengers, according to the provisions of sections 169 and 170 of this title. * * * (Sec. 1, 24 Stat. 220; 39 U. S. C. 167.)

NOTE: See § 53.1 as to limits of delivery at free-delivery offices; § 137.52 as to compensation of messengers.

§ 53.21 Employment as special-delivery messengers—(a) Minors. Postmasters at first-class offices should employ substitute special-delivery messengers where the volume of such business is sufficient to warrant these employees in taking up the work and the conditions are otherwise favorable. At other than first-class offices messengers should be employed and paid on a fee basis. If this is not possible, substitute carriers and clerks, preferably the former, instead of boys, may be used in delivering specials for which the fees should be paid. When in the judgment of the postmaster circumstances require the employment of minors, or he is of the opinion that the efficiency of the service will thereby

be promoted, compliance shall be made with the State Child Labor Laws respecting age and hours of employment. Minors under 18 years of age must not be permitted to operate automobiles or motorcycles in the delivery of special-delivery matter.

(b) **Suitable number.** The force of special-delivery messengers in each office shall be so arranged that a suitable number may always be on hand to secure immediate delivery of all special-delivery matter at any time within the prescribed hours of the day, but postmasters shall not employ a greater number of messengers than actually necessary.

(c) **Use of other employees when messengers not available.** When delivery of special-delivery mail cannot be made promptly by regular special-delivery messengers, postmasters may cause such delivery to be made by regular, substitute, and temporary employees, and such employees shall be paid their regular rate of compensation for such delivery service. However, at offices of the first, second, and third classes, regular employees (other than rural carriers and clerks in charge of rural stations) shall not receive any extra compensation for delivering such mail during their regular tours of duty, nor shall substitute employees receive any extra compensation for effecting special deliveries during the time for which they are paid at the hourly rate.

(d) **Additional messengers.** Additional special-delivery messengers shall not be appointed to handle special mailings, but such mailings shall be delivered by the regular special-delivery messengers. If there are insufficient regular messengers to effect prompt delivery, the work shall be assigned as indicated in paragraph (c) of this section.

NOTE: See § 52.49 as to conditions under which rural carriers and clerks in charge of rural stations may receive fees.

§ 53.22 **Delivery of special-delivery matter by letter carrier on regular trip.** Whenever special-delivery matter can be as promptly delivered by a letter carrier on his regular trip as by special messenger it may be given to him for that purpose, but he shall not be allowed any compensation therefor. At other than first-class offices the carrier shall be provided with a delivery book, or its equivalent, and a receipt shall be taken by him, or delivery effected into a receptacle the same as in the case of delivery by messenger.

§ 53.23 **Receiving of special-delivery matter by carriers and messengers on their trips.** Letter carriers, whether assigned to delivery or collection duty, and special-delivery messengers shall receive all prepaid matter bearing a special-delivery stamp which may be handed to them on their trips, and shall keep such matter separate from other mail, and deliver it to the proper clerk immediately upon their arrival at the post office. Letter carriers shall not turn over local matter for special delivery directly to messengers, even though they may be satisfied that it will be more speedily delivered.

§ 53.24 **Carfare allowances at first-class offices.** Allowances may be made at post offices of the first class upon application to the First Assistant Postmaster General, Division of City Delivery Service, for carfare for special-delivery service.

§ 53.25 **Combinations among messengers prohibited.** Special-delivery messengers shall not make combinations or arrangements with a view to securing a division of the total permissible compensation of the month, and postmasters shall, by distribution of the work and assignment of hours of duty, equalize as far as practicable the compensation of messengers.

§ 53.26 **Conduct of messengers—(a) Requirements.** Special-delivery messengers shall conduct themselves in an orderly manner while in the office and on their trips and shall be held personally responsible for properly safeguarding special-delivery matter entrusted to their care for delivery.

(b) **Not to have access to other mail.** A special place should be provided in the post office for the accommodation of the messengers, and it should be so arranged as to prevent their access to other parts of the office and to mail matter other than that in which they are immediately concerned. (See § 41.13.)

§ 53.27 **Pay roll of special-delivery messengers paid on fee basis—(a) First- and second-class offices.** Except at offices authorized to effect salary payments by checks drawn on the Treasurer of the United States, postmasters of the first- and second-class offices shall take receipts from each messenger, or rural carrier acting as messenger, showing the name of the messenger, his number, and the number of pieces delivered, or attempted to be delivered, at each rate of pay, as ascertained from the postmaster's record. The quarterly voucher shall be detached and forwarded to the Comptroller, Bureau of Accounts, with the quarterly postal account. (See § 17.30.)

(b) **Report by third- and fourth-class offices.** Postmasters of third-class offices shall report in their quarterly postal accounts (Form 1550-T/C) the actual number of pieces delivered, or attempted to be delivered, and the amount paid as fees to messengers; and postmasters of fourth-class offices shall make similar report on Form 1550-FC. (See § 53.14.) (See § 137.53 for payments on salary basis at first-class offices.)

NOTE: § 17.38 as to fixing compensation where false returns of special-delivery matter are made; § 130.19 as to punishment for false returns.

Title Seven

REGISTRY SYSTEM: INSURANCE AND COLLECT- ON-DELIVERY SERVICES

<p>Part</p> <p>58 Registration of domestic mail matter</p> <p>59 Treatment of matter at post offices of mailing and in transit</p> <p>60 Treatment of registered matter at post offices of delivery</p>	<p>Part</p>	<p>61 Handling of registered matter by city, village, and rural carriers</p> <p>62 Miscellaneous provisions relating to registered mail</p> <p>63 Indemnity for losses</p> <p>64 Domestic insurance and collect-on-delivery services: Indemnity</p>
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PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

<p>Sec.</p> <p style="text-align: center;">ESTABLISHMENT OF SYSTEM OF REGISTRATION</p> <p>58.1 Establishment of registry system.</p> <p style="text-align: center;">PREPARATION OF MATTER FOR REGISTRATION</p> <p>58.2 Requirements for registration.</p> <p style="text-align: center;">REGISTRATION OF UNOFFICIAL MATTER</p> <p>58.3 Registry fees and limits of indemnity.</p> <p>58.4 Rules and regulations.</p> <p>58.5 Acceptance of matter for registration.</p> <p>58.6 Restricted delivery.</p> <p>58.7 Matter found in ordinary mail intended to be registered.</p>	<p>Sec.</p>	<p>58.8 Registration at stations and branches.</p> <p>58.9 Registration numbers.</p> <p>58.10 Registry receipts.</p> <p>58.11 When matter is considered registered.</p> <p style="text-align: center;">REGISTRATION OF PENALTY AND FREE MATTER</p> <p>58.12 Free registration of official matter.</p> <p>58.13 Free registration of currency mailed for redemption.</p> <p>58.14 Registration of remittances of postal or money-order or postal-savings funds.</p>
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ESTABLISHMENT OF SYSTEM OF REGISTRATION

§ 58.1 **Establishment of registry system.** For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, * * *. (R. S. 3926, as amended; 39 U. S. C. 381.)

NOTE: See §§ 58.3 to 58.5, and 63.1 to 63.8, as to indemnity for losses.

PREPARATION OF MATTER FOR REGISTRATION

§ 58.2 **Requirements for registration—(a) General.** Postmasters and other postal employees before accepting matter for registration shall require it to be properly enveloped or wrapped, to be legibly and correctly addressed, to bear

the name and address of the sender, and the necessary stamps or printed or metered indicia showing that postage, registration fee, surcharge, if any, and other fees for available services specially requested, have been fully prepaid. Unsealed parcels of second-class matter mailed at the second-class pound rates shall not be accepted for registration, but may be accepted for registration when postage is prepaid at the transient second-class rate. Letters contained in business reply envelopes, however, may be accepted for registration without prepayment of postage, but the registry fees, any required surcharges, and the fees for other special services shall be prepaid. If a return receipt is requested, the words "Return receipt requested" or "Return receipt requested showing address where delivered," as may be proper, shall be placed conspicuously upon the cover, preferably above and near the address. Inquiry shall be made as to contents and method of packing of articles presented for registration. Improperly packed articles shall not be accepted. Articles containing fragile matter shall be indorsed "Fragile." Any indorsements restricting delivery and any other required indorsements shall similarly be placed upon the cover near the address. Postmasters and other postal employees shall not assist in the preparation of matter for registration, either by placing the contents in an envelope or by sealing or addressing it.

(b) **Fee not to cover two or more articles.** Two or more articles tied or otherwise fastened together shall not be registered as one unless inclosed in the same envelope or wrapper.

(c) **Sealing.** Envelopes presented for registration shall be securely sealed in every part with mucilage or glue and be strong enough to carry their inclosures safely. Postmasters shall discourage the use as covers for registered mail of envelopes constructed in such a manner as to facilitate rifling. Postmasters shall not accept for registration articles inclosed in flimsy envelopes, or which are not so wrapped or enveloped as to carry safely, or an unsealed parcel containing first-class matter. Parcels containing merchandise (other than those consisting of currency or securities which must be securely sealed in every part) may be sealed with paper strips without first being sealed with mucilage or glue, provided the paper strips completely and securely seal the parcels, but parcels containing currency or securities must be securely sealed in every part. No sealed letter or parcel which appears to have been opened and resealed shall be accepted for registration, except as provided in §§ 58.7, 60.15, and 60.16.

(d) **Indefinitely addressed matter not accepted.** Matter indefinitely addressed, or addressed to fictitious names, to initials, to box numbers or buildings only, or "owner" or "occupant" followed by street and number without the names of addressees, shall not be accepted for registration. This applies to the names and addresses of senders as well as addressees.

NOTE: See Manual of Instructions for Postal Personnel as to use of paper strips or seals on registered matter and registration of window envelopes.

See § 62.4 as to responsibility for loss of registered mail.

REGISTRATION OF UNOFFICIAL MATTER

§ 58.3 Registry fees and limits of indemnity—(a) Schedule of. Mail matter shall be registered on the application of the party posting the same. The registry fees, which shall be in addition to the regular postage, and the limits of indemnity therefor within the maximum

indemnity provided by this subsection, shall be as follows: For registry indemnity not exceeding \$5, 25 cents; for registry indemnity exceeding \$5 but not exceeding \$25, 35 cents; for registry indemnity exceeding \$25 but not exceeding \$50, 40 cents; for registry indemnity exceeding \$50 but not exceeding \$75, 45 cents; for registry indemnity exceeding \$75 but not exceeding \$100, 50 cents; for registry indemnity exceeding \$100 but not exceeding \$200, 60 cents; for registry indemnity exceeding \$200 but not exceeding \$300, 70 cents; for registry indemnity exceeding \$300 but not exceeding \$400, 85 cents; for registry indemnity exceeding \$400 but not exceeding \$500, \$1; for registry indemnity exceeding \$500 but not exceeding \$600, \$1.10; for registry indemnity exceeding \$600 but not exceeding \$700, \$1.20; for registry indemnity exceeding \$700 but not exceeding \$800, \$1.30; for registry indemnity exceeding \$800 but not exceeding \$900, \$1.40; for registry indemnity exceeding \$900 but not exceeding \$1,000, \$1.50. (Sec. 208, 62 Stat. 1265; 39 U. S. C. 387.)

(b) Surcharges for over-value registered mail. For registered mail having a declared value in excess of the maximum indemnity covered by the registry fee paid, there shall be charged additional fees (known as "surcharges") as follows: When the declared value exceeds the maximum indemnity covered by the registry fee paid by not more than \$50, 2 cents; by more than \$50 but not more than \$100, 3 cents; by more than \$100 but not more than \$200, 4 cents; by more than \$200 but not more than \$400, 6 cents; by more than \$400 but not more than \$600, 7 cents; by more than \$600 but not more than \$800, 8 cents; by more than \$800 but less than \$1,000, 10 cents. If the excess of the declared value over the maximum indemnity covered by the registry fee paid is \$1,000 or more, the additional fees for each \$1,000 or part of \$1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows: For local delivery or for delivery within the first zone, 11 cents; for delivery within the second zone, 12 cents; for delivery within the third zone, 14 cents; for delivery within the fourth zone, 15 cents; for delivery within the fifth or sixth zone, 16 cents; for delivery within the seventh or eighth zone, 18 cents. (Sec. 208, 62 Stat. 1265; 39 U. S. C. 387.)

(c) Surcharges for over-value insured mail treated as registered. For insured mail treated as registered mail having a declared value in excess of the maximum indemnity covered by the insurance fee paid, there shall be charged additional fees (known as "surcharges") as follows: When the declared value exceeds the maximum indemnity covered by the insurance fee paid by not more than \$50, 1 cent; by

more than \$50 but not more than \$100, 2 cents; by more than \$100 but not more than \$200, 3 cents; by more than \$200 but not more than \$400, 4 cents; by more than \$400 but not more than \$600, 5 cents; by more than \$600 but not more than \$800, 6 cents; by more than \$800 but less than \$1,000, 7 cents. If the excess of the declared value over the maximum indemnity covered by the insurance fee paid is \$1,000 or more, the additional fee for each \$1,000 or part of \$1,000 on articles destined to points within the several zones applicable to fourth-class matter shall be as follows: For local delivery or for delivery within the first zone, 8 cents; for delivery within the second zone, 9 cents; for delivery within the third zone, 10 cents; for delivery within the fourth zone, 11 cents; for delivery within the fifth or sixth zone, 12 cents; for delivery within the seventh or eighth zone, 13 cents. (Sec. 208, 62 Stat. 1265; 39 U. S. C. 387.)

(d) Accounting for fees. All such fees shall be accounted for in such manner as the Postmaster General shall direct. * * * (Sec. 208, 62 Stat. 1265; 39 U. S. C. 387.)

§ 58.4 Rules and regulations. The Postmaster General may make such rules and regulations in accordance with sections 381, 381a, and 384 of this title as he may consider necessary or advisable. (Sec. 3, 47 Stat. 340; 39 U. S. C. 384a.)

§ 58.5 Acceptance of matter for registration—(a) Familiarity with fees, indemnities, and surcharges. Postmasters and postal employees concerned shall thoroughly familiarize themselves with the fees and limits of indemnity covering domestic registered mail and the arrangements under which surcharges are to be collected in connection with domestic registered mail and insured mail treated as registered mail. Registry surcharge is not applicable to international registered mail. Care must be exercised at all times to see that all of the prescribed charges are collected.

NOTE: See § 58.10 as to declaration of value and Manual of Instructions for Postal Personnel for detailed instructions as to registry fees and surcharges.

(b) Sender to be advised as to fees. In accepting mail for registration, postmasters shall advise sender as to the amount of registry fee necessary if sender desires indemnity covering the full declared value, but not exceeding \$1,000.

(c) Not acceptable if full value not stated. When the full value knowingly and wilfully is not stated at the time of mailing, the article is rendered nonacceptable. When this fact is known by any postmaster he shall refuse to accept the article until the requirement is met by the sender.

NOTE: See § 114.7 as to the registration fees in connection with international registered mail.

(d) Matter without intrinsic value. Mail matter without intrinsic value for which no indemnity is provided may be registered at the minimum fee of 25 cents.

(e) Classes of mail acceptable. Postmasters shall register all mailable first-, second-, and third-class matter properly prepared and offered for that purpose.

(f) Second- and third-class matter. Mailable second- and third-class matter

valued in excess of \$100 upon which a registry fee providing indemnity in excess of \$100 is paid shall be sealed and first-class postage paid thereon.

NOTE: The requirement for the sealing of registered matter of the second and third classes valued in excess of \$100 on which a registry fee providing indemnity in excess of \$100 is paid and the prepayment of letter postage thereon does not prohibit the voluntary sealing of registered matter of the second and third classes valued at \$100 or less, prepaid at the first-class rate of postage, nor the sealing subject to postal inspection of third-class matter valued at \$100 or less, prepaid at the third-class rate of postage under the provisions of § 35.6.

See § 25.5 as to post-office hours for registry business, and §§ 35.2 and 35.3 as to limit of weight.

(g) Fourth-class matter, and official matter not mailed free. Mailable fourth-class matter may be registered if it is sealed and the first-class rate of postage paid thereon. Official matter of such a character that it is not entitled to be mailed free of postage under the penalty privilege if it exceeds 4 pounds in weight may be accepted for registration with postage paid thereon at the fourth-class rate, in addition to any required registry fee and surcharge, provided it consists of such official matter as the Third Assistant Postmaster General, Division of Registered Mails, may designate as being acceptable for registration at the fourth-class rate of postage. (See § 37.14.) Such official matter intended for registration should be sealed.

(h) Acceptance when circumstances imply special risks. The Third Assistant Postmaster General may specially authorize any postmaster to decline to accept for registration articles which either singly or collectively are known or presumed to be of large value when the articles are addressed to post offices to which the registered matter cannot reasonably be transported without seriously jeopardizing its safety or endangering the lives of the persons handling the mail; or he may authorize any postmaster to accept such matter upon condition that it will not be transmitted over the entire route to office of address, but will be sent to the post office nearest or most accessible to the one addressed to which the matter may be transmitted without undue risk, where it will be held for delivery and notice to call issued to the addressee.

NOTE: See § 61.21 as to the holding of registered matter of large value for desk delivery.

(i) Acceptance by city, village, and rural carriers and clerks in contract stations. City, village, and rural carriers and clerks in contract stations shall not accept for registration mail of such value as will involve unusual risk, but shall request senders to present the matter at the main office or such classified station or branch as may be designated by the postmaster. When there is reason to believe that because of local conditions, mail of large value is being subjected to unusual hazards through being presented for registration at any classified station instead of at the main office, report of the facts should be made to the Third Assistant Postmaster General, Division of Registered Mails.

(j) Registered air mail. Mail for dispatch via air mail service shall be accepted for registration upon the prepayment, by postage stamps affixed, or metered impression, of the required registration fee and surcharge, if any, in addition to the air mail postage. Registered air mail shall be indorsed "Air mail" and be made up and dispatched in accordance with the registry regulations and be given the most expeditious handling consistent with the safeguards required for registered mail. When registered mail for dispatch via air mail originates off the route of the air mail service and justifies the use of inclosing equipment, the face of the paper jacket, or the label of the sack or pouch, shall also be indorsed "Air mail."

NOTE: See part 96.

See §§ 63.1 to 63.8 as to indemnity for domestic registered mail; §§ 63.9–63.17 as to fees and limits of indemnity applicable to domestic registered collect-on-delivery mail; and part 119 as to indemnity for international registered mail.

(k) **Recommendation of registry to patrons.** Postmasters and postal employees shall recommend that money and valuable matter of the first, second, and third classes and valuable articles of the fourth class, such as currency, coin, jewelry, and precious stones, usually of small bulk but of considerable value, be registered, because of the greater safeguards provided by the registry service. They shall recommend also the use of postal money orders, or postal notes whenever available, instead of cash, for remittances by mail; and when postal money orders or postal notes are not available, that money be sent by registered mail.

(l) **Statistical records.** Postmasters at offices of the first, second, and third classes shall keep such statistical records as will enable them to report promptly at the close of each fiscal year the number of articles registered at each of the prescribed fees as well as any required statistics covering registry surcharges.

§ 58.6 Restricted delivery—(a) Authority for. The Postmaster General, under such regulations as he may prescribe, is authorized to collect an additional fee of 20 cents for effecting the delivery by carrier or otherwise of domestic registered, insured, or collect-on-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order: *Provided*, That no refund shall be made of fees paid for this service unless request for refund is made and erroneous delivery of the article or articles was made by the Postal Service or nondelivery of the article or articles was due to some fault of the Postal Service. (48 Stat. 992, Sec. 212, 62 Stat. 1267; 39 U. S. C. 246d.)

(b) **Fee and procedure.** Upon payment of an additional fee of 20 cents, the sender may restrict delivery of a domestic registered article at the time of mailing by indorsing it "Deliver to addressee only" or "Deliver to addressee or order," or with words of similar import, or, after mailing and before delivery, by written order through the mailing postmaster. This fee shall also be collected by the postmaster at the office of delivery for delivering each registered article which the addressee has restricted in delivery to himself or order. When delivery of an article has been restricted by the sender, notation to that effect must be placed on the sender's receipt and on the records of both the office of mailing and the office of address. When delivery is restricted by the addressee, notation to that effect must be placed upon the records of the office of delivery.

NOTE: The fee of 20 cents for restricted delivery shall not be charged on any official registered mail which under the law is entitled to free registration. The additional fee is chargeable, however, on official registered mail when such mail is not entitled to free registration. (See § 58.12.)

§ 58.7 Matter found in ordinary mail intended to be registered—(a) Removal. When any domestic article marked to indicate that the sender desires it registered is found in the ordinary mail at the mailing office, it shall be removed therefrom and registered, whether or not any postage is affixed thereto or the name and address of sender is shown.

(b) **Registration and recording—(1) Indorsement.** The postal employee who removes the article from the ordinary mail shall indorse it to show when and by whom it was found in the ordinary mail and condition if other than good. If the article is in bad condition, it shall be repaired or reinclosed. (See § 59.86.) The records of the mailing section shall show the names and addresses of sender and addressee, when and by whom it was removed from the ordinary mail, and condition if other than good.

(2) **Registration receipt.** The employee who actually registers the article shall receipt for it to the mailing section and mail a registration receipt to the sender with caution regarding placing in the ordinary mail matter intended for registration. The registration receipt and the office registration record shall show the particulars usually required, and, in addition, the amount of postage, fee, or other charges borne by the article, the amount of any deficiency in postage, fee, or other charges, and its condition if other than good. The office registration record shall show by whom the article was removed from the ordinary mail. The amount of any deficiency in postage or other charges shall be noted on the article. The records of the post office of delivery shall show, in addition to the usual particulars, by what office the article was removed from the ordinary mail.

(3) **Collection of deficiency.** Postmasters at offices of delivery shall collect any deficiency on articles withdrawn from the ordinary mail and registered and note on their records the amount of deficiency collected upon delivery.

(c) **Found at mailing office—(1) Treatment of.** When the sender of an article intended for registration but found in the ordinary mail *at the mailing office* can be reached without missing the first available dispatch, information shall be obtained from him showing the value of contents of the article and there shall be collected any registry surcharge applicable as well as any deficiency in postage, registry fee, or other charges. If this would delay the article and it bears stamps sufficient to pay at least the postage necessary to permit of its dispatch, the article shall be rated up with the deficiency and dispatched. If sufficient postage is not paid to permit of dispatch of the article and the name and address of the sender are known, the postmaster will ascertain from him the value of the article and obtain the required charges. If, however, the name and address of the sender are not known, the postmaster will advise the addressee of the article so he may furnish postage and fee for its forwarding if he so desires.

(2) **Deficiency in fees for special services.** When the article is restricted in delivery or marked to indicate that a return receipt is requested showing where delivery is effected but does not bear stamps sufficient to pay for these services, the postmaster shall hold the article and obtain from the sender, if his name and address are known, payment of charges for the special services requested as well as any deficiency in postage, fee, or surcharge, and information as to the value of the article. If the sender's name and address are not known, the registered article shall be transmitted to its destination, if it bears sufficient postage to permit of its dispatch, marked up to indicate the amount of deficiency to be collected from the addressee.

(3) **When patron continues placing in ordinary mail articles intended for registration.** When after due notice any sender continues placing in the ordinary mail articles intended for registration, they shall be indorsed at the office of mailing, but not at other post offices, "Not in the registered mail," dispatched as ordinary mail, and report made to the Third Assistant Postmaster General, Division of Registered Mails, when domestic articles, and to the Second Assistant Postmaster General, International Postal Service, when addressed to foreign countries.

(4) **When stamps do not indicate whether special delivery or registry.** An article found in the ordinary mail bearing any required special-delivery fee in ordinary stamps in addition to required postage, but not marked to indicate whether the sender desired the article sent as special delivery or as registered mail, shall be dispatched as ordinary special-delivery matter after being indorsed "Special Delivery," provided that where practicable without missing

first available dispatch the desire of the sender shall be ascertained and the article treated accordingly.

(d) Found in transit—(1) At post office. If an article marked to indicate that the sender desired it registered is found in the ordinary mail at a post office while in transit, it shall be removed therefrom and dispatched to destination as registered matter. If it bears the name and address of the sender, a registration receipt shall be mailed to the sender with caution against depositing in the ordinary mail matter intended for registration. The postmaster at sender's address shall be furnished a description of the letter in order that he may collect any required surcharge from the sender.

(2) By railway postal clerk. If the article is removed from the ordinary mail by a railway postal clerk, he shall give it the next number in his registry jacket series, inclose it in a jacket bearing the same number, and list the article on the jacket bill to show the number given it, the railway post office and train number, date of registration, the post office and State and date of original mailing, and the names and addresses of sender (if shown) and addressee. The jacket shall be addressed to the postmaster at destination of article if for domestic delivery, or to the proper United States exchange office if for foreign delivery.

(e) Cautionary notice to sender by delivery office. (1) If the article does not bear the name and address of the sender or is removed from the ordinary mail by a railway postal clerk, the postmaster delivering the article shall mail the registration receipt and cautioning notice to the sender, after obtaining the sender's name and address from the addressee. He shall also furnish the postmaster at the sender's address a description of the article in order that any required surcharge may be collected.

(2) Cautionary notice shall likewise be given by a postmaster receiving from a dead-letter office, for restoration to the sender, a registered article which has been removed from the ordinary mail.

(f) Report of such mailings by employees at points other than offices of mailing. Postal employees who notice at points other than the offices of mailing that any sender frequently places in the ordinary mail matter intended for registration shall report the fact, through proper channels, to the postmaster at the mailing office.

NOTE: See §§ 60.15, 60.16, and 114.10 as to treatment of registered matter found in the ordinary mail.

§ 58.8 Registration at stations and branches. Mail may be registered at all branch post offices and stations as well as at the main office, but registered mail shall be delivered only from the main post office or from branch post offices and stations designated by name or letter, or from numbered stations when specially authorized.

NOTE: See § 58.5, paragraphs (e) and (h).

§ 58.9 Registration numbers—(a) Use of. (1) Unless otherwise authorized by the Third Assistant Postmaster General, window registration receipts, and the articles they describe, shall be consecutively numbered, beginning with No. 1 on the 1st day of July of each year, and continuing throughout the entire fiscal year. At large offices, where it is necessary, in order to prevent conflict of numbers, the registration series may commence with some number other than 1, and the series of numbers shall be commenced anew as frequently as is necessary to obtain the use of as small numbers as practicable. All registration numbers shall

be legibly entered and the use of prefixes, suffixes, or dashes avoided as far as practicable. In rendering reports to the department every series of numbers used during the period for which the reports are rendered shall be included.

(2) Registration numbers shall, as far as practicable, be placed on mail by means of numbering machine (if already available for the purpose), pen and ink, or indelible pencil, rather than with ordinary pencil.

(b) **At stations and branches.** Unless otherwise authorized, the registration numbers given articles at a numbered station shall be in a series beginning with an even thousand, in which the figure indicating the thousand shall be the same as the number of the station, thus:

Station No. 1-----	1000 to 1999
Station No. 2-----	2000 to 2999

When a station has exhausted its series, the same series shall be started anew.

§58.10 Registry receipts—(a) Details to be recorded. Receipt shall be given the sender at the time each article is accepted for registration or as insured mail treated as registered mail. Unless otherwise authorized by the Third Assistant Postmaster General, the receipt and post office record shall bear notations showing the registration number, registry fee, class of postage, full value of contents or known or estimated cost of duplication of nonnegotiable securities and valuable papers, amount of surcharge, if any, names and complete addresses of sender and addressee, amount of return receipt or special delivery fee, if any, restriction in delivery, if any, and the fee paid therefor, and postmark showing date of registration. The receipt and office record covering air mail articles must be indorsed "Via air mail." If the article has no value or is not valued in excess of \$5, the notations, respectively, "No value" or "Not over \$5" shall be entered on the receipt and office record. When the declared value is not stated because the article is one which is entitled to free registration or for other authorized reason, the receipt and office record shall be marked briefly to show reason why no value was declared. At offices using the quick registration receipt, which will not show the names and addresses of the sender and addressee, the office record of the article shall be completed to show names and complete addresses of sender and addressee as well as the other particulars.

NOTE: See §§ 63.18 to 63.22 as to *additional* receipts or certificates of mailing for registered mail.

(b) **Full value to be declared at time of mailing.** The full value of all registered mail or insured mail treated as registered mail shall be declared by the mailer at the time of mailing unless otherwise prescribed by the Postmaster General, and any claim for indemnity in any amount involving such mail, when the full value knowingly and willfully was not stated at the time of mailing, shall be invalid. * * * (Sec. 3, 45 Stat. 469, as amended; 39 U. S. C. 381a.)

NOTE: See §§ 58.3 to 58.5, and §§ 63.1 to 63.8 as to indemnity.

Declaration of value is not required if the article mailed is entitled to free registration.

(c) **Use of firm mailing sheets.** Mail for registration recorded by the sender on firm mailing sheets shall, at the time of its acceptance at the post office, be carefully checked as to registration numbers, amounts of postage and fees (and surcharges, if any) paid, and the names and addresses of the addressees, etc. Exception to these requirements may be authorized by the Third Assistant Post-

master General. Any discrepancies shall be noted on the mailing list retained at the post office and on the receipt issued to the sender.

§ 58.11 **When matter is considered registered.** An article shall not be considered as *registered* until it has been accepted and a receipt therefor has been issued by the postmaster or an authorized employee of his office.

NOTE: See § 58.7.

REGISTRATION OF PENALTY AND FREE MATTER

§ 58.12 **Free registration of official matter—(a) General authority for.** Any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, District of Columbia, or by the Public Printer, which requires registration may be registered without the payment of any registry fee. (Sec. 3, 23 Stat. 158, as amended; 39 U. S. C. 321a.)

(b) **Official postal matter.** (1) * * * Mail matter for the official business of the Post Office Department which requires registering shall be registered free of charge, and pass through the mails free of charge. (R. S. 3927, as amended; 39 U. S. C. 384.)

(2) Postal employees must not register unnecessarily official matter relating to the Postal Service.

(c) **Census matter.** All mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official business, Census Office," shall be transmitted free * * * by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such endorsement to avoid the payment of * * * registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction. (Sec. 14, 46 Stat. 25; 39 U. S. C. 337.)

(d) **Naturalization matter.** (1) All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the [Immigration and Naturalization] Service by clerks of [State or Federal] courts addressed to the Department of Justice or the [Immigration and Naturalization] Service, or any official thereof, and endorsed "Official Business", shall be transmitted free * * * by registered mail if necessary, and so marked. (Sec. 343, 54 Stat. 1163; 8 U. S. C. 743.)

(2) If any person shall use the endorsement "Official Business" authorized by * * * [above paragraph] to avoid payment of * * * registry fee on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of

\$300, to be prosecuted in any court of competent jurisdiction. (Sec. 743 (f), 54 Stat. 1167; 8 U. S. C. 746 (f).)

(e) **By Government officers.** The laws cited in paragraphs (a) to (d), inclusive, except those which relate to matter upon the official business of the Post Office Department, or the census, or that relating to naturalization mail, apply to such matter only as is registered at the seat of government. Government officers located at Washington, D. C., whose official mail may be registered free there, under the above statutes, may have such mail registered free elsewhere, when they are temporarily away from Washington; but not those officers who are permanently away from that city, or who are engaged in field service for their respective departments. Matter entitled to free registration by officers or employees of the Government temporarily absent from Washington should be indorsed over their signatures with the words "Temporarily absent from Washington, D. C."

(f) **Civil service matter.** Letters or parcels relating exclusively to official business of the United States Civil Service Commission, Washington, D. C., and addressed thereto, when presented for mailing by members of local boards of examiners of the Commission located permanently in the various cities, shall be accepted by postmasters, who shall place them under the authorized official penalty envelopes or labels and in their official capacity register them free, as from the postmaster to such commission. If desired, an informal receipt shall be given by the postmaster to the official from whom the matter is received.

NOTE: See § 37.9 as to penalty for misuse of official indorsement; §§ 37.11 to 37.13 as to the free transmission of ordinary mail relating to the census, naturalization, and selective service; § 58.13 as to currency for redemption.

(g) **Diplomatic matter.** Under such regulations as the Postmaster General shall prescribe correspondence of the members of the Diplomatic Corps of the countries of the Pan American Postal Union [Postal Union of the Americas and Spain] stationed in the United States may be reciprocally transmitted in the domestic mails * * * and be entitled to free registration, but without any right to indemnity in case of loss. The same privilege shall be accorded consuls of such countries stationed in the United States, and vice consuls when they are discharging the functions of such consuls, for the exchange of official correspondence among themselves, and for that which they direct to the Government of the United States. (45 Stat. 1177; 39 U. S. C. 336.)

NOTE: See § 37.8 as to free postage.

(h) **Not accorded certain official matter.** Free registration is not accorded to mail of the legislative or judicial branches of the Federal Government nor to that of a State government or any of its branches.

(i) **Use of special envelopes and labels.** (1) Specially printed envelopes and labels may be used in the preparation and dispatch of official matter registered at the post office at Washington, D. C., or elsewhere, but official matter included in such envelopes or to which such labels are attached, mailed at post offices other than Washington, D. C., shall not be registered free except as provided in paragraphs (b), (c), (d), and (g) of this section. The rubber registration stamp need not be used on registered official mail under cover of such specially

printed envelopes or labels, but such mail not under cover of these envelopes or labels shall be marked "Registered."

(2) In delivering registered mail inclosed in such envelopes or having such labels attached, the envelopes or labels shall not be separated from the matter.

§ 58.13 Free registration of currency mailed for redemption—

(a) Authority for. Under such regulations as the Postmaster General may prescribe, all postmasters are authorized to register in the manner prescribed by law, but without payment of any registration fee, all letters containing fractional or other currency of the United States, which shall be by them sent by mail to the Treasurer of the United States for redemption; and the postmaster at the city of Washington, in the District of Columbia, shall register, in like manner, without charge, all letters containing new currency returned for currency redeemed, which shall be received by him from the Treasurer, in sealed packages, marked with the word "Register" over the official signature of the said Treasurer. (R. S. 3932; 39 U. S. C. 385.)

NOTE: See § 34.18 as to payment of postage at first-class rate on such shipments.

No indemnity liability is assumed in connection with any currency shipments upon which postage, registry fee, and any required surcharge have not been paid. (See § 63.6 (a).)

(b) Procedure for handling. (1) When a letter containing currency to be sent to the Treasurer of the United States for redemption is offered for registration, the postmaster shall require the contents to be exhibited to him and a list furnished giving a detailed description of the money to be remitted. In case of fractional currency, the number and denomination of pieces will be sufficient; but of currency of the denomination of \$1 and upward the letter, number of series, date, and denomination of each note shall be given.

(2) The list shall be carefully compared with the money to be remitted, and when found correct shall be filed with the postmaster.

(3) The money shall be inclosed and the letter sealed in the presence of the postmaster, who, after postage is prepaid by the sender, shall mark plainly upon the envelope the words "Accepted without registry fee under section 58.13," issue the usual registry receipt therefor, and treat it as any other registered letter.

§ 58.14 Registration of remittances of postal or money-order or postal-savings funds. When a remittance of postal or money-order or postal-savings funds is registered, the package shall be prepared as follows:

(a) If in bulk small enough, the money shall be inclosed in a strong envelope (such as the department provides expressly for the purpose), which shall be securely sealed, and addressed. If the remittance is of such a character that the envelope alone will not safely carry it in the mails, the funds shall be wrapped in material strong enough to carry them, the wrapper sealed, and the remittance then securely inclosed in the official penalty remittance envelope.

(b) If in coin in bags or in currency in packages too large for inclosure in the official remittance envelope, the bag or package shall be rewrapped with strong paper, and this additional wrapper thoroughly sealed. An official remittance envelope shall then be pasted thereon in such manner as to expose the address.

NOTE: See § 7.10.

PART 59—TREATMENT OF MATTER AT POST OFFICES OF MAILING AND IN TRANSIT

Sec.		Sec.	
	PREPARATION OF MATTER FOR DISPATCH	59.28	Damaged jackets.
59.1	Indorsement of registered matter.	59.29	Jackets not to be delayed.
59.2	Correction of address before dispatch.	59.30	When jacket for R. P. O. misses connection.
59.3	Return receipts.		STATE POUCHES, SACKS, AND JACKETS
	BILLING OF REGISTERED MATTER FOR DISPATCH	59.31	State pouches, sacks, and jackets.
59.4	Billing and recording of domestic registered mail.		LEAD-SEAL SACKS
59.5	Manifold registry dispatch bill.	59.32	When lead-seal sacks may be used.
	IRON- AND BRASS-LOCK POUCH AND REGISTERED POUCH AND JACKET SERVICES		ROTARY-LOCK POUCHES AND SACKS
59.6	Billing of articles dispatched in iron-lock or brass-lock pouches.	59.33	Rotary-lock pouches or sacks.
59.7	Dispatches in iron- or brass-lock pouches.	59.34	Pouch bill in rotary-lock pouch or sack.
59.8	Brass-lock pouch service to be used only when authorized.	59.35	Labeling, checking, and locking rotary-lock pouches or sacks.
59.9	Dispatch to be made in one or as few brass-lock pouches as possible.	59.36	Receipt for rotary-lock pouch or sack.
59.10	Record to be kept of brass-lock pouches in certain cases.	59.37	Hand-to-hand delivery of rotary-lock pouches or sacks.
59.11	Separate receipt for each brass-lock pouch used in dispatch.	59.38	Damaged transit pouches or sacks.
59.12	Return of extra brass locks.	59.39	Pouches or sacks which are wrongly labeled or have missed connection.
59.13	Brass-lock pouches not to pass first brass-lock office.	59.40	Opening of rotary-lock pouches and sacks and lead-seal sacks.
59.14	When brass-lock pouch received by office not authorized to exchange such pouches.	59.41	Use of pouch bills.
59.15	Miscarriage of brass-lock pouch.	59.42	Nonreceipt of listed or scheduled pouches or sacks.
59.16	Care of brass locks and keys.	59.43	Return of pouches and sacks.
	REGISTERED JACKETS, SACKS, AND POUCHES	59.44	Rotary locks.
59.17	Dispatch of registered mail in pouches, sacks, and jackets.	59.45	Coupons of manifold pouch or jacket bills.
59.18	Lightest possible equipment to be used.		DISPATCHING AND ROUTING
59.19	Hand-to-hand receipt when possible.	59.46	Certification to proper dispatch of registered mail.
59.20	Examination of pouches, sacks, and jackets.	59.47	Delivery of registered mail to mail messenger or carrier.
59.21	Missent jacket, sack, or pouch.	59.48	Delivery of pouches on routes having R. P. O. service.
59.22	Registered jackets.	59.49	R. P. O. clerks to call at terminal post office for dispatches of registered mail.
59.23	Jackets to contain all domestic articles going by same mail to same office.	59.50	Dispatch of matter on railroad or steamboat routes having no R. P. O. service.
59.24	Separate jackets for international and domestic mail.	59.51	Dispatch of matter on railroad or steamboat routes having closed-pouch service only.
59.25	Numbering of jacket envelopes and sealed sacks.	59.52	Bulky or fragile registered articles for catcher stations.
59.26	Responsibility for losses from improperly prepared jackets.	59.53	Dispatch of matter from offices on star or mail-messenger routes and distant from railway or steamboat line.
59.27	Misdirected or unaddressed jackets.	59.54	Dispatch of matter on star routes.
		59.55	Arrangement of matter in catcher pouches.

- Sec.
59.56 Care of catcher pouches.
59.57 Pouching by railway postal clerks.
- STATION DISPATCHES
- 59.58 Treatment and exchange of registered mail at and between branches and stations.
59.59 Main-office-to-station bill.
59.60 At independent branch post offices and independent stations.
- NAVY MAIL
- 59.61 Make-up and dispatch of registered mail for naval vessels.
59.62 When hand-to-hand delivery cannot be effected.
59.63 Book of instructions.
- LOSSES AND DISCREPANCIES IN CONNECTION WITH DISPATCHES
- 59.64 Failure to return registry dispatch receipt cards or coupons of registry bills.
59.65 Report of nonreceipt or loss to be made to inspector in charge.
59.66 Procedure on return of registry dispatch receipt card.
- INQUIRIES BY SENDERS
- 59.67 Inquiry regarding disposition of domestic registered article.
- WITHDRAWAL OR RECALL OF MATTER
- 59.68 Withdrawal or recall of registered matter.
- REGISTERED MATTER IN TRANSIT
- 59.69 Transit record.
59.70 Examination of registered matter when received.
59.71 Treatment of registered matter addressed to office beyond where pouch opened.

- Sec.
59.72 Pouch passed by another office.
59.73 Way pouch passed unopened because of defective lock or key.
59.74 Transit mail to be delivered direct.
59.75 Make-up of mail for registry transfer stations.
59.76 Procedure in transfers between registry and mailing clerks.
59.77 Junctions and terminal offices.
59.78 Receipt for registered matter at terminal offices.
59.79 Delivery to railroad employees or mail carriers forbidden.
59.80 Noting illegible postmark.
- ARTICLES MISSENT, MISDIRECTED, DAMAGED, UNSEALED, OR WITHOUT COVER
- 59.81 Missent articles.
59.82 Unaddressed or misdirected matter.
59.83 Misdirected packages of stamps or stamped paper.
59.84 Packages of stamped paper damaged in transit.
59.85 Misdirected or damaged stamped paper received by railway postal clerk.
59.86 Registered articles received unsealed or in bad order.
59.87 Matter found loose in pouch, sack, or jacket apparently belonging to specific piece.
59.88 Registered letters received unsealed.
59.89 Matter found without cover in registered jacket, sack, or pouch.

PREPARATION OF MATTER FOR DISPATCH

§ 59.1 Indorsement of registered matter—(a) **Registry mark.** All registered matter shall be plainly marked in bold letters, on its face, "Registered," and the original registration number shall be placed immediately under such word. The regulation rubber stamp, reading "Registered No. ——" should be used for this purpose. This indorsement, if practicable, shall be placed in the *left* portion of the address side of the article near the address. Articles too small to contain the word "Registered" shall be similarly marked with the letter "R," to be followed by the original registration number.

(b) **Postmark.** A legible impression of the postmarking stamp shall be placed twice on the back of each letter and other sealed article over the crossings of the upper and lower flaps. (See § 43.4 as to backstamping.) When the envelope is constructed in such a manner that additional impressions of the postmarking stamp will render rifling of the envelope more difficult, such impressions shall be placed across the flaps at the ends of the envelope in addition to those placed over the upper and lower flaps. The postmark shall not be placed on the address side of sealed registered mail unless the article is sealed on the address side. All other registered mail shall be legibly postmarked on the address side. Unless other-

wise specially authorized, the postmark of the office of mailing on all registered matter shall show the date of registration as well as the office and State of origin.

NOTE: See §§ 42.9 to 42.13 as to canceling and postmarking.

§ 59.2 Correction of address before dispatch—(a) May be made by sender. When a receipt has been inadvertently given for a registered piece which, before dispatch, is found to be unmailable, either because of noncompliance with the requirements of the regulations or because it is addressed to a place not listed in the Official Postal Guide as a post office, the sender shall be notified and permitted to take appropriate action. In case the sender is a local resident and does not respond to the notice within three days, the article shall be appropriately indorsed and returned to him as registered mail. In case the sender is not a local resident, a reasonable time shall be allowed to permit an answer to the notice.

NOTE: See § 45.1 as to disposition.

(b) On matter mailed at stations. Incorrect addresses, as to destination only, on registered articles mailed at stations, and which have been erroneously sent to the main office, may be corrected thereat upon the written request of the sender, verified by the superintendent of the registering station. All records and receipts given for the articles shall be changed to cover the new address.

(c) Registered matter not to leave custody of post office. Unmailable registered articles for which receipts have been given shall not be allowed to leave the custody of the post office for correction of address or otherwise, unless the formalities for withdrawal prescribed in § 59.68 are fully complied with or unless the article is regularly returned to the sender as registered mail.

§ 59.3 Return receipts—(a) Authorization and fees—(1) Particulars. Whenever the sender of any registered mail shall so request, and upon payment of a fee of 5 cents at the time of mailing or of 10 cents subsequent to the time of mailing, a receipt shall be obtained for such registered mail, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided*, That upon payment of the additional sum of 26 cents at the time of mailing of any such registered mail, a receipt shall be obtained for such registered mail, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery * * *. (Sec. 209, 62 Stat. 1266; 39 U. S. C. 388.)

(2) No refund of fees. * * * no refund shall be made of fees paid for return receipts for registered or insured mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the Postal Service. (Sec. 209 (a), 62 Stat. 1266; 39 U. S. C. 388.)

(b) Return receipt showing address where delivered—(1) Additional fee therefor. The charge of 26 cents for obtaining a return receipt *requested at the time of mailing* to show the address where a registered article is delivered shall be *in addition* to the charge of 5 cents for a return receipt requested at the time

of mailing, making a total charge of 31 cents for a return receipt *requested at the time of mailing* to show where the article is delivered.

(2) **Must be requested at time of mailing.** All requests for return receipts to show the address where a registered article is delivered shall be made at the time of mailing. No action shall be taken on such requests received after the article has been mailed.

(c) **Indorsement—(1) Return receipt showing address where delivered.** When the sender of a registered article at the time of mailing requests a return receipt showing the address where the article is delivered, the article and the return receipt shall be conspicuously marked "*Return receipt requested showing address where delivered.*"

(2) **Return receipt but not address of delivery.** When the sender of a registered article at the time of mailing requests a return receipt without requesting the address where the article is delivered, the article shall be conspicuously marked "*Return receipt requested.*" A registry return receipt when requested at the time of mailing shall be filled out and accompany any registered article addressed to a post office in the United States or its possessions.

NOTE: See §§ 58.2, 58.10, and 60.9 as to return receipts.

(3) **Return receipt for restricted delivery.** Return receipts for registered mail restricted in delivery shall be indorsed "Deliver to addressee only" or "Deliver to addressee or order," as the case may be, immediately below the space for signature of addressee.

(d) **Free official registry does not include free return receipt.** The separate and additional charge for return receipts applies to all registered mail regardless of whether mailed by the public or any branch of the Government, including post offices. The right to free registration does not carry with it the privilege of obtaining free return receipts.

(e) **Request for return receipt after mailing.** When the sender of a registered article requests a return receipt after mailing, the postmaster shall collect a fee of 10 cents for such service. The request of the sender shall be filed as a record for the mailing office, and the postmaster at that office shall prepare the return receipt, request the postmaster at the office of address to obtain the receipt as requested, affix the amount collected in postage stamps to the postmaster's request and cancel the stamps. The postmaster at the office of address shall comply with and file the request or promptly transmit it to any other office to which the article may have been forwarded, in order that the postmaster at the office of delivery may comply with and file the request.

(f) **Fastening of return receipts to articles.** Senders' return receipts accompanying registered mail shall be securely fastened to the articles. Receipts found loose in the mails shall be assembled with and fastened to the registered articles to which they belong, but if this can not be done the loose receipts shall be destroyed.

NOTE: See § 114.9 as to return receipts for registered matter sent to foreign countries.

BILLING OF REGISTERED MATTER FOR DISPATCH

§59.4 **Billing and recording of domestic registered mail—(a) Particulars required.** The Third Assistant Postmaster General, Division of Registered Mails, may prescribe what particulars of registered matter shall be entered in billing or recording any domestic registered mail.

(b) Procedure. Unless otherwise specially authorized by the Third Assistant Postmaster General, Division of Registered Mails, all registered letters, parcels, and jackets shall be billed and recorded in the domestic service under the original registration number and the name of the post office and the State of origin. Unless otherwise authorized by the Third Assistant Postmaster General, rotary-lock pouches and sacks shall be billed and recorded by lock letters and fixed and rotary numbers and the name of the post office and State (or railway post office) of origin. In billing and recording registered articles the entries shall be made from the articles themselves. The dispatching record, such as the stub of the window registration book, manifold registry dispatch book, transit book, or railway postal clerk's receipt book, shall show to whom the registered matter was delivered or dispatched.

NOTE: See § 62.2.

(c) When not all information available. When not all of the required information can be furnished, such portion of the description as is legible, together with the name of the post office and State of destination, shall be entered in making the dispatching or transit record.

§ 59.5 Manifold registry dispatch bill—(a) When to be used. The manifold registry dispatch bill (Form 3851, 3852, 3853, or 3854) shall be used in the dispatch of registered mail in pouches or sacks closed with rotary locks and in jackets. The form shall be used in lieu of registry dispatch receipt card, Form 3830 (see § 59.6) in iron-, or brass-lock dispatches, when more than five registered articles are dispatched at one time, and when advantageous may be used even though an average of but three articles are dispatched. Figures instead of words shall be used on manifold registry dispatch bills and their coupons to show the total number of registered articles received or dispatched.

(b) Takes place of other transit records. When the manifold registry dispatch bill is used, the matter described thereon shall not be reentered in the transit record or railway postal clerk's registry receipt book.

(c) Request of postmaster for manifold bills. When considered advantageous because of saving reentry of registered articles within the post office, or for other reasons, the postmaster at an office of the first or second class may request, through proper channels, that registered mail dispatched to his office in brass-lock or iron-lock pouches be listed on manifold bills, and that two copies of the bill accompany the registered matter. When such requests involve railway postal clerks, they shall be addressed to the General Superintendent of the division of Railway Mail Service involved. When the requests involve other post offices, they shall be addressed direct to postmasters at such offices.

NOTE: See § 59.76 as to receipts, records, and witnessing; and § 59.41 (a) as to use of manifold registry dispatch bill in connection with rotary lock and jacket dispatches.

IRON- AND BRASS-LOCK POUCH AND REGISTERED POUCH AND JACKET SERVICES

IRON- AND BRASS-LOCK POUCHES

§ 59.6 Billing of articles dispatched in iron-lock or brass-lock pouches—(a) Forms to be used. All registered matter dispatched in iron-lock or brass-lock mail pouches shall be accompanied with a registry dispatch receipt card (Form 3830), or a manifold bill (Form 3851, 3852, 3853, or 3854), describing each registered article.

NOTE: See § 59.7 as to pouching registered mail.

(b) **How to make out forms.** In making out registry dispatch receipt cards, the sending post office or postal employee shall fill in the blanks provided for the return address and shall make the required entries. (See § 59.48.) The receipt shall be postmarked with date of its dispatch.

(c) **Transit and local articles.** Transit articles, as well as articles of local origin, shall be entered on the same card or manifold bill. (See § 59.48.) When the card is used, no blanks shall be left between the entries, and after the last entry a diagonal line shall be drawn from the left side to the lower right corner.

(d) **Blank spaces to be filled by receiver.** If blank lines or spaces are left on the registry dispatch receipt card, wavy lines shall be run through the blank lines or spaces by the receiver, and the irregularity reported to the Third Assistant Postmaster General, Division of Registered Mails.

NOTE: See § 60.1 as to signing registry receipt cards and bills, and § 62.6 as to omission of initials from signature.

(e) **Entries and signatures to be in ink.** The entries and signatures on registry dispatch receipt cards shall in every instance, if practicable, be made with pen and ink. Unless otherwise authorized by the Third Assistant Postmaster General, stamped signatures on such cards or on manifold bills or their coupons may be used only when followed by written signature or name.

§59.7 **Dispatches in iron- or brass-lock pouches—(a) Not in newspaper or tie sacks.** Registered matter and registry dispatch receipt cards shall not be dispatched in a newspaper or tie sack, except when lead-sealed sacks are specially authorized.

(b) **How placed in pouches and packages.** (1) When not impracticable on account of size or shape, registered matter dispatched in iron- or brass-lock pouches shall be placed at the top of the local or No. 1 working package. The facing slip shall be placed atop the package immediately over the registry dispatch receipt card or manifold bill in the manner prescribed by subparagraph (2). In the absence of a local or No. 1 working package, any registered matter which ordinarily would be included in such a package shall be placed in an unsealed jacket used as a container and the registry card or manifold bill describing the matter securely attached to the outside of the jacket.

(2) The registry dispatch receipt card or manifold bill shall be placed on the local or No. 1 working package, immediately under the facing slip, with the word "Registers" prominently exposed. The facing slip shall be placed across the package with the lower half of the slip turned under the registered letters and special-delivery letters, if any, thereby exposing the registry card or bill and the word "Registers" on the card or bill to view at all times. The registry dispatch receipt card or manifold bill shall always be placed on top of the local or No. 1 working package; in the absence of such a package, the card or bill shall be treated as provided in subparagraph (1). Registered letters shall, when practicable, be placed on top of the local or No. 1 working package, if there is such a package, regardless of the fact that there is other registered matter for dispatch which cannot be conveniently included in that package.

(c) **Not to be included in city packages.** Registered matter shall not be included in city packages unless inclosed in direct pouch for city addressed, nor in State packages of ordinary mail.

(d) **Not necessary to untie package of ordinary mail.** In offices where registry and mailing sections are separate and the outgoing package of ordinary mail first to be worked has been tied out in the mailing section, it need not be untied

to insert registered matter subsequently brought to the mailing section. Such matter shall be tied on top of the local or No. 1 working package of ordinary mail with the registry receipt card or manifold bill on top, so as to expose the words "Registers" or "Registry bill No. —," or otherwise handled in accordance with paragraphs (b) (1) and (e).

(e) **When not tied with ordinary mail because of shape or size.** Registered parcels which cannot be tied with the ordinary mail on account of size or shape, and which on this account might become mislaid if dispatched loose in the pouch, shall be inclosed, if possible, in unaddressed, unnumbered, and unsealed registered jacket envelopes, used merely as containers; otherwise they shall be placed loose in the pouch. The unsealed jacket shall be securely closed with clips or string so that the parcels will not become loose in the pouch.

(f) **Entry to show whether dispatched loose or outside pouch.** The entry on the manifold bill or registry dispatch receipt card of any registered article which is not included in the local or No. 1 working package or in the unsealed jacket where properly used under paragraph (b) (1) shall be preceded by the letter "L" (loose in pouch) or "O" (outside of pouch), as may be appropriate. When registers are dispatched outside of or loose in an iron- or brass-lock pouch the destinations of these registers shall be shown on the registry dispatch receipt card or manifold bill, in addition to the other particulars required.

(g) **Pouches containing special-delivery or air mail registered articles.** When any iron- or brass-lock pouch or rotary-lock pouch or sack contains a special-delivery registered article, the label of the sack or pouch shall be marked "Special delivery." When such a pouch contains an air mail registered article and is to be transmitted over any portion of the route by other than airplane, the label shall be marked "Air mail."

§59.8 **Brass-lock pouch service to be used only when authorized.** When so ordered by the Third Assistant Postmaster General, Division of Registered Mails, registered mail service between post offices where the service is mainly over star routes shall be performed by direct exchange in pouches fastened with special brass locks. Ordinary through mail may be dispatched with registered mail in such pouches when it does not interfere with the proper transaction of the registry business.

NOTE: See § 59.17 as to dispatch of registered mail.

§59.9 **Dispatch to be made in one or as few brass-lock pouches as possible.** If more than one pouch be required for any one dispatch, the postmaster shall, as far as possible, avoid a division of the registered portion of the mail by placing it all in one brass-lock pouch or in as few such pouches as will contain it.

§59.10 **Record to be kept of brass-lock pouches in certain cases.** In exceptional cases where brass-lock pouch dispatches have been authorized between a post office and railway post office or between railway post offices, record (similar to that made of iron-lock pouches) shall be made by all persons handling the brass-lock pouches, showing the number of pouches received and dispatched, the offices of origin, and the offices to which the pouches are addressed.

NOTE: See §§ 42.38, 43.5, and 108.3 as to pouch records.

§59.11 **Separate receipt for each brass-lock pouch used in dispatch.** When two or more brass-lock pouches are used in any one dispatch, separate registry dispatch receipt cards or manifold bills shall be inclosed in each pouch; and a note shall be made at the foot of each such card or on the bill specifying the number of pouches sent, as follows: "----- brass-lock pouches sent by this dispatch."

§ 59.12 Return of extra brass locks. If more than the usual number of brass-lock pouches are received at one time from any post office, the extra locks shall be returned, without registration, to the sending office by the next mail.

NOTE: See § 99.15 as to surplus pouches.

§ 59.13 Brass-lock pouches not to pass first brass-lock office. Brass-lock pouches shall not be exchanged with any other than the first brass-lock post office on the route nor shall they be permitted to pass such office. They shall be properly labeled and the registered contents billed to the first brass-lock post office on the route.

§ 59.14 When brass-lock pouch received by office not authorized to exchange such pouches—(a) Disposal. Brass locks shall not be used on pouches sent to offices not authorized to exchange brass-lock pouches. If, however, a postmaster not so authorized receives a mail pouch secured with a brass lock and labeled to his office, he shall cut the stitching of the seam, as provided in § 99.24, and properly dispose of the contents of the pouch.

(b) Report of irregularity. In every such case the brass lock and pouch shall be returned to the office from which received and the postmaster who improperly used it shall be notified.

§ 59.15 Miscarriage of brass-lock pouch—(a) Treatment. When a brass-lock pouch labeled to some other office is brought to a brass-lock office, it shall be opened at once and the inclosed registered articles checked against the entries on the registry dispatch receipt card or manifold bill and indorsed as to condition, when required, and recorded in the transit record when required. The card or bill shall be indorsed "Pouch delivered at this office because of (giving the reason); contents (correct or not, as the case may be; but if incorrect the details shall be given)," and this indorsement shall be signed by the postmaster and postmarked with the date thereof and the name of his office. (See §§ 60.1 and 60.2.) A new registry dispatch receipt card, returnable to the postmaster who prepares it, or bill, shall be dispatched with the registered articles to the post office for which the pouch was originally intended.

(b) When left at office having no key. If a properly labeled brass-lock pouch be left by mistake at an office having no key to open it, it shall be forwarded unopened, to its destination by first mail.

§ 59.16 Care of brass locks and keys. (a) Brass locks and keys shall, as far as possible, remain in the custody of one person in the office, and such record kept that it may be shown beyond question who had possession of a key on any given day.

(b) When not in actual use the brass-lock keys shall be attached by a chain to the inside of the safe, if there be one in the office.

REGISTERED JACKETS, SACKS, AND POUCHES

General provisions

§ 59.17 Dispatch of registered mail in pouches, sacks, and jackets. Registered mail may be dispatched in rotary-lock pouches and sacks, registered jacket envelopes, State pouches, sacks, and jackets, iron- and brass-lock pouches, and when specially authorized, in lead-seal sacks and split-paper jackets. Except where otherwise modified, the general regulations and instructions relating to the registry system shall apply to these dispatches also.

§ 59.18 Lightest possible equipment to be used. Postal employees shall use the lightest equipment practicable in dispatching registered mail. Pouches or

sacks shall not be used when a registered jacket envelope will properly carry the registered matter.

NOTE: See § 59.33 as to rotary-lock pouches or sacks for registered mail of unusual value.

§ 59.19 Hand-to-hand receipt when possible. Hand-to-hand receipt shall be obtained for dispatches of registered mail in paper jackets or in pouches or sacks closed with rotary locks, whenever practicable. Unless it is known that hand-to-hand receipt can be obtained over the entire route, pouches or sacks used to inclose registered matter shall not be filled so that they cannot be inclosed in a No. 2 iron-lock pouch.

§ 59.20 Examination of pouches, sacks, and jackets. Postal employees who receive or dispatch rotary-lock pouches, sacks, or jackets shall carefully examine them for any damage to the pouches or sacks or discrepancy in the lock numbers, and make sure the pouches or sacks are securely locked.

NOTE: See §§ 59.38 and 59.40.

§ 59.21 Missent jacket, sack, or pouch. (a) When a registered jacket or rotary-lock sack or pouch plainly addressed to a post office is missent to another post office, the postmaster shall make proper entry of it on his transit or other authorized record, and dispatch it unopened to its address. (See also § 59.81.)

(b) When a registered jacket or rotary-lock sack or pouch addressed to a railway post-office train or transfer clerk is missent or has missed connection, it shall be treated by the postmaster or other postal employees receiving it in accordance with § 59.39.

Registered jackets

§ 59.22 Registered jackets—(a) When should be used. Postal employees shall use registered paper jacket envelopes in the dispatch of five or more, and should use such jackets when practicable in the dispatch of three or more separate registered articles addressed to or intended for distribution by the same post office, registry transfer station, railway post office, terminal railway post office, or transfer clerk, when at least one record and handling of the articles in transit will thereby be saved. Jackets shall also be used in making dispatches of three or more registered articles over a star route when their handling and recording as single pieces at one or more intermediate offices will be saved.

(b) **Use of in Alaska.** Postmasters at offices in Alaska shall use registered paper jacket envelopes in the dispatch of one or more letters or small sealed parcels, when the method of handling the registered matter in transit or the conditions of its transmission justify the use of jackets in order to give greater protection to the mail.

(c) **Rules and regulations applicable.** When applicable the rules governing rotary-lock pouches and sacks shall be observed in the opening and closing of registered jacket envelopes; in other respects the treatment of the jacket envelopes shall be as prescribed for registered letters and parcels, except as modified herein.

NOTE: See § 59.40.

§ 59.23 Jackets to contain all domestic articles going by same mail to same office—(a) Preparation of jacket. All domestic registered letters or parcels to go by the same mail to the same office shall, if practicable, be inclosed in the same

registered jacket envelope and entered on the same manifold bill. Such envelope shall be plainly postmarked twice after it has been sealed so that the postmarks will appear partly upon the upper and partly upon the lower flap. The number of the registered jacket shall be entered in the proper place on the dispatching record. When made up for a railway post office, its name and the train number shall be given in the address on the jacket.

(b) **Indorsement on jacket.** Jackets containing fragile, special delivery, or air mail articles shall be marked "Fragile," "Special Delivery," or "Air Mail" on the address side immediately above the address.

§ 59.24 **Separate jackets for international and domestic mail.** (a) Separate registered jackets shall be used for international and domestic mail.

(b) Registered jackets containing registered matter for United States naval vessels or the Canal Zone shall be marked "Naval mail" or "Canal Zone," respectively.

§ 59.25 **Numbering of jacket envelopes and sealed sacks.** Registered jacket envelopes and sealed sacks shall be numbered consecutively, beginning with No. 1 on the 1st day of July of each year and continuing throughout the fiscal year, without regard to the numbers on the articles inclosed in them, unless otherwise authorized by the Third Assistant Postmaster General.

NOTE: No objection will be made to the series of jacket numbers being commenced anew on dates other than July 1, where this is found expedient at any of the larger post offices.

§ 59.26 **Responsibility for losses from improperly prepared jackets.** If a registered jacket envelope is dispatched unaddressed or unsealed, except as provided in § 59.7, or in bad order, and a depredation is committed which cannot be traced to the person committing it, the dispatching postal employee may be held responsible for the loss.

§ 59.27 **Misdirected or unaddressed jackets.** When a misdirected or unaddressed registered jacket, except one containing postage stamps, stamped envelopes, or postal cards, which shall be treated as required by § 59.83, is received at a post office or railway post office, it shall be opened and contents verified in the presence of two witnesses, when practicable, who shall certify on the bill and jacket whether the contents were found correct as billed. If it is found that any of the contents can be expedited they shall be distributed and dispatched to destinations, the empty jacket filed, and the coupon of the bill signed and indorsed with the reason for opening and sent to the post office or railway post office by which the jacket was made up, and the irregularity reported to the Third Assistant Postmaster General, Division of Registered Mails. If it is found that none of the mail can be expedited, the entire contents shall be reinclosed in the jacket with the bill. Both jacket and bill shall be indorsed to show why the jacket was opened, whether the contents were found correct, and be signed by the opening employees. The jacket and contents shall then be placed in another jacket properly addressed and indorsed with the name of the original dispatching office or railway post office, and also with the name of the rejacketing office or railway post office, sealed, witnessed, when practicable, and dispatched under the original jacket number. Jackets which upon opening are found to contain mail billed or intended for another office shall be similarly treated.

§ 59.28 **Damaged jackets—(a) Treatment of.** Transit registered jackets, damaged or opened by mistake, shall be reenveloped at once at the post office where the damage or opening occurs or is discovered.

(b) **Reenveloping and recording.** The original jacket shall not be removed

or changed, but shall be indorsed with a full statement of the facts, signed by the postal employee receiving it, placed in a new jacket bearing the same number, postmark, offices of origin and address, and the postmark of the office at which the new envelope is supplied, and indorsed "Reenveloped at (name of office and State)." A record of the facts shall be made in the transit record. If the jacket is opened, the procedure authorized in § 59.39 in connection with wrongly labeled or missent rotary-lock pouches shall be observed so far as practicable.

(c) **Treatment in transit.** When a railway postal clerk discovers a registered jacket in a damaged condition while in his possession, he shall indorse such fact on the jacket and accompanying receipt. The damaged jacket shall be indorsed "Reenveloped by (name of railway postal clerk, etc.)," and inclosed in another registered jacket bearing the same number, postmark, offices of origin and address, and the postmark of the railway post office or transfer office jacketing the same. A statement of the facts shall be made in the proper record. If a clerk is not provided with a supply of registered jackets, he shall make proper indorsement and deliver the jacket to the post office at the terminus of his run or to a connecting line or transfer office to be reenveloped. A damaged jacket too large for inclosure in another jacket shall be delivered to the post office at the terminus of the clerk's run and there be rewrapped and treated as prescribed in this section.

§ 59.29 **Jackets not to be delayed.** A jacket plainly addressed to a post office in operation shall not be delayed merely because some simple irregularity is noted in connection with it. Registered jackets, sacks, or pouches in transit or addressed to another post office shall not be opened, except as provided in the regulations or by special authorization of the Third Assistant Postmaster General.

§ 59.30 **When jacket for R. P. O. misses connection.** When a registered jacket envelope addressed to a railway post-office train misses connection, it shall be treated in the manner prescribed for rotary-lock pouches by § 59.39.

STATE POUCHES, SACKS, AND JACKETS

§ 59.31 **State pouches, sacks, and jackets—(a) When to be made up.** When the quantity or bulk of registered mail addressed for delivery in any State or Territory justifies such action, postal employees may dispatch such mail in pouches and sacks closed with rotary locks or in jackets, addressed to a State or Territory by name only, in accordance with the following limitations:

(b) **Schemes and instructions.** State pouches, sacks, and jackets shall not be made up until schemes and instructions have been received from the proper officer of the Railway Mail Service.

(c) **Rules governing.** State pouches, sacks, and jackets shall be prepared and treated in accordance with the general rules and regulations governing registered pouches, sacks, and jackets, and shall be opened and contents distributed by the authorized railway postal clerks or authorized post offices only.

(d) **Limitation in authority to make up.** Authority to make up State pouches, sacks, or jackets shall not be construed as permitting the exceptional dispatch of registered mail in iron-lock pouches.

(e) **Consolidation of dispatches.** Dispatches addressed to offices may be billed and inclosed in the proper State pouch, sack, or jacket, and one or more State pouches, sacks, or jackets may be billed and inclosed in another State pouch, sack, or jacket addressed to the same State, when at least one record and handling in transit is saved thereby.

LEAD-SEAL SACKS

§ 59.32 When lead-seal sacks may be used. Lead-seal sacks may be used in authorized cases in lieu of, and in accordance with the regulations governing rotary-lock pouches and sacks, and registry jackets, in the dispatch of registered mail whenever the quantity or bulk of such mail justifies.

NOTE: See §§ 59.34 to 59.44.

ROTARY-LOCK POUCHES AND SACKS

§ 59.33 Rotary-lock pouches or sacks—(a) When to be used. All postal employees furnished with rotary-lock keys may make and receive dispatches of registered mail in pouches or sacks closed with rotary locks when the quantity or bulk of registered matter involved justifies the use of the equipment and at least one handling in transit of the registered mail inclosed is saved thereby. Rotary-lock pouches or sacks shall be used where the registered mail is of unusual value and its dispatch in a rotary-lock pouch or sack will afford additional protection.

NOTE: All post offices of the first and second classes, all terminal railway post offices, all railway post offices in full postal cars, and in the most important apartment car lines designated by a star in heavy-faced type (★) in the schedules of the Railway Mail Service, and certain transfer clerks have rotary-lock keys. See Official Postal Guide for list of post offices of the third and fourth classes, branch post offices, and stations that have such keys.

§ 59.34 Pouch bill in rotary-lock pouch or sack. A bill shall be prepared as indicated by the prescribed form (see § 59.4 as to particulars required in billing) and sent in each rotary-lock pouch or sack. (See § 59.5.)

§ 59.35 Labeling, checking, and locking rotary-lock pouches or sacks—(a) Procedure. Rotary-lock pouches or sacks shall be inspected and labeled before any articles are placed therein. Each article shall then be checked against the corresponding entry on the bill and the bill checked against the label of the pouch or sack, and the lock numbers proved correct. The articles shall be tied together in bundles in order of their entry on the bill, the original of the bill placed under the first registered article tied in the letter package, and the articles placed in the pouch or sack, which immediately shall be locked securely. (See § 59.46 as to witnessing.) Should a pouch or sack contain only parcel matter which cannot readily be tied into a package, the bill shall be placed inside a penalty envelope, marked to indicate that it contains the registry bill, and dropped into the pouch or sack.

(b) Locking. No rotary lock shall be used that is broken or wanting in any of its parts, is imperfect in the operation of its rotary numbers, or is difficult to unlock; and all locks shall be tested before use. After locking, the lock numbers shall be checked against the carbon counterpart of the bill retained in the files of the dispatching office. Postal employees locking pouches and sacks shall shake the locks, and endeavor to turn the shackle, to make certain that the lock is securely fastened.

(c) Checking. The requirements of this section as to checking of registered articles with the bill shall be strictly followed unless otherwise directed by the Third Assistant Postmaster General, Division of Registered Mails.

§ 59.36 Receipt for rotary-lock pouch or sack. (a) When a rotary-lock pouch or sack is delivered hand-to-hand, receipt therefor shall be taken immediately on the proper record.

(b) When hand-to-hand delivery cannot be made of a rotary-lock pouch or sack it shall be inclosed in an iron-lock mail bag, labeled to the proper office,

and a registry dispatch receipt card or manifold bill describing the pouch or sack by its letter, fixed and rotary lock numbers, inclosed with it.

(c) In receipting, each rotary-lock pouch or sack shall be counted as one registered piece in the totals written on registry dispatch receipt card, or the manifold bill.

§59.37 **Hand-to-hand delivery of rotary-lock pouches or sacks.** Railway postal clerks, including transfer clerks, and postmasters at offices which are terminals of railway post-office runs may reciprocally make hand-to-hand delivery of registered mail in pouches or sacks closed with rotary locks whenever the quantity or bulk of such matter justifies the use of the equipment, in lieu of hand-to-hand delivery of the matter by individual pieces. This shall not be construed as authorizing the pouching of such mail under iron locks between railway post offices and terminal post offices.

§59.38 **Damaged transit pouches or sacks—(a) Treatment of.** If a pouch or sack in transit is damaged so as to endanger the contents or if it bears a damaged or defective lock, the receipt given for it shall show such fact, and it shall be opened, the contents repouched, and the bill indorsed "Pouch opened because of ———; contents ———" (correct or incorrect, as the case may be, any discrepancy being stated). If the receiving office is not equipped with a rotary-lock key the pouch shall be sent to, or delivered at, the first office having a rotary-lock key and handled as above. (Railway postal clerks shall deliver such pouch to office at terminus of run or to connecting railway post office unless it is proper for them to open such pouches.) Postal employees shall record the facts in such cases and make a report at once to the Third Assistant Postmaster General, Division of Registered Mails, or to their inspector in charge if the damage involves the mail or indicates a loss. The pouch shall then be forwarded to its destination.

(b) **When substitution made.** If a new pouch or sack or lock must be substituted, the fact shall be stated on the original bill, and the new lock numbers given.

(c) **Receipt to be withheld until contents checked.** Upon the arrival of the damaged pouch or sack at an office having a rotary-lock key, the receiving clerk shall withhold his receipt until the contents have been examined and checked with the bill. When hand-to-hand delivery is made, the delivering postal employee shall be allowed to be present at such examination, and if there be any discrepancy or damage to the contents the receipt shall so state.

(d) **Opening of seam in emergency.** When necessary for the protection of the registered matter, or to avoid its being materially delayed, a postmaster or a railway postal clerk may open the seam of a registered pouch or sack which is so damaged as to endanger its contents or has attached a lock which cannot be opened. Appropriate note showing the action taken shall be made on the bill received in the pouch and also on the coupon of the bill, which in such case shall be returned to the post office or railway post office which made up the dispatch and note made on the bill to show disposition of the coupon. If any of the registered articles are damaged or missing, report shall be made to the inspector in charge. (See §§ 59.39 and 59.40.) Pouches and sacks which have been so opened shall be sent, with locks attached, to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, for repairs.

§ 59.39 **Pouches or sacks which are wrongly labeled or have missed connection—(a) Recording and opening.** When a wrongly labeled or missent rotary-lock pouch or sack, the destination of which is not plain, or one that has missed connection, is received in transit, it shall be recorded in the transit record, the hours of arrival and departure and lock numbers being given. If the receiving office has a key and believes the contents can be expedited, the pouch shall be opened in the required manner, and the bill indorsed "Pouch delivered to this office because ——" (giving the reason). The articles shall be checked and any necessary notations made.

NOTE: See § 59.40.

(b) **Dispatching.** If any of the contents can be expedited, they shall be distributed and dispatched to their destinations and the coupon of the bill signed, indorsed with reason for opening, and sent to the office making up the pouch; otherwise the changed lock number shall be written on the bill, dispatching requirements complied with fully, and after a copy has been made of the bill received in the pouch, the pouch and its contents shall be dispatched to their destination. If any of the contents are missing, § 59.40 shall be complied with fully. The missending or mislabeling of the pouch shall be reported to the Third Assistant Postmaster General.

(c) **Readdressing to another R. P. O.** If a pouch or sack addressed to a railway post office and which has missed connection or has been missent can be readdressed and dispatched to another railway post office train on the same route without the likelihood of delaying any of the contents, this shall be done, the name of the office of origin of the pouch or sack and the name of the railway post office and train to which it was originally addressed being crossed off, but not obliterated, and the name of the new dispatching office and new railway post office train addressed substituted. On the receipt of such pouch or sack the opening clerks shall mark the coupon to explain how it came into their hands and proceed in the usual manner.

§ 59.40 **Opening of rotary-lock pouches and sacks and lead-seal sacks—(a) Checking of contents by two clerks.** Rotary-lock pouches and sacks and lead-seal sacks shall be opened by two clerks where practicable, who shall enter on the bill the hour of opening and verify with the bill the serial letter and the numbers of the lock. The contents of the pouch shall be verified with the entries on the bill and the bill postmarked and signed by the two opening clerks unless otherwise authorized. The clerk actually opening the pouch or sack shall sign on the first line provided on the bill for signatures of receiving clerks. The total number of registered articles received shall be entered in figures, instead of words, on the bill and on the coupon when used.

(b) **When damage or loss is noted; holding of equipment.** If any discrepancy or damage is observed, it shall be noted on the bill and coupon and the coupon postmarked and signed by the two opening clerks and returned immediately to the dispatching office or railway post office. (See § 59.45.) If a depredation appears to have been committed on any of the contents, report in the manner hereinafter outlined shall be made by the office or railway post office of receipt to the inspector in charge of the division in which the receiving office or railway post office is located and the requirements of this paragraph as to lock, seal fastenings, pouch, sack, label, tag, and jacket shall be observed. If there are entries on the bill for which no corresponding articles are found and a probable loss is indicated, the facts shall be reported immediately to the dispatching office

or railway post office by telegram and by letter if report is made by a postmaster, or by letter to his district superintendent if report is made by railway postal clerk, the district superintendent thereupon to report to the dispatching office or railway post office by telegram and by letter. The pouch or sack, with lock or the seal fastenings, shall be held out of service. The label or tag, or registry jacket if one were used, shall be indorsed by the opening clerk and witness, and also retained. The equipment shall be marked for identification, postmasters or district superintendents, Railway Mail Service, holding the equipment until the discrepancy is satisfactorily explained or instructions are received from a post-office inspector to release it.

(c) **Report to inspector in charge.** Unless the dispatching office or railway post office finds the piece on hand or that it was billed and dispatched to an office or railway post office other than the one reporting the discrepancy, immediate report shall be made to the inspector in charge of the division in which the dispatch was made in the manner outlined in paragraph (b) of this section.

(d) **Discrepancy in lock numbers.** In the event of discrepancy between the serial or rotary numbers of the lock and the bill the lock shall be withheld from use until information is received from the dispatching office or railway post office in reply to inquiry, which shall be made immediately, that the discrepancy is due to clerical error.

(e) **Articles in pouch but not billed; articles missent.** When there are articles in the pouch for which there are no entries on the pouch bill, they shall be entered on the bill with a note of explanation and the particulars stated on the coupon. Any missent articles shall be promptly transmitted to their destinations, and the requirements of § 59.81 observed.

(f) **Reporting of irregularities.** Any irregularities noted in connection with the dispatch shall be reported to the Third Assistant Postmaster General, by postmasters direct to the department and by railway postal clerks through their district superintendents.

NOTE: See § 60.2 as to pouches, sacks, and jackets unaccompanied by registry dispatch receipt card or manifold bill.

(g) **Failure to report discrepancies or irregularities.** When the receiving postal employee fails to send proper notice of irregularities or discrepancies, the absence of the notice shall be regarded as evidence of the receipt of the contents of a registered pouch, sack, or jacket as billed, until the contrary be shown.

§ 59.41 **Use of pouch bills—(a) At receiving offices.** At receiving offices the bills shall be used for checking and indicating the distribution of the articles within the office. Each entry showing such distribution shall be signed with the initials of the clerk who makes it and who records the articles on any other registry record, unless some alternative procedure is followed with the approval of the Department. The pouch bills, after being checked, shall be filed.

(b) **Reentry of registered articles.** Registered articles received accompanied with manifold bill need not be reentered when the incoming bill can advantageously and properly be utilized to show record and dispatch of the matter.

NOTE: See §§ 59.46, 59.48, and 59.50.

§ 59.42 **Nonreceipt of listed or scheduled pouches or sacks—(a) Report of.** In case of the nonreceipt of any rotary-lock pouch or sack listed or scheduled, the receiving postmaster shall immediately telegraph notice of it to the sending postmaster, who, if the discrepancy be due to clerical or other remedial error, shall

make immediate explanation by letter to the receiving office. In similar cases railway postal clerks shall make telegraphic report to their district superintendents, who in turn shall advise the office or railway post office of address, by letter, if the shortage is due only to clerical or remedial error. If the discrepancy be such as to indicate to the dispatching office that a loss or miscarriage has occurred, the fact shall immediately be reported by postmasters and district superintendents of the Railway Mail Service, by telegraph, to the inspector in charge of the division in which the sending office is located. (See §59.40.) Such reports may be made by telephone when less expensive, or in case of great emergency. All messages by telegraph or telephone shall be confirmed immediately in writing.

(b) **When the matter is located.** Should the matter afterwards arrive at its destination, or should discovery of its whereabouts be made otherwise than through such procedure, the postmaster first obtaining such information shall promptly communicate it by letter to the officers mentioned.

(c) **When entire dispatch fails to arrive.** The course prescribed in this section shall be pursued whenever an entire dispatch fails to arrive at destination when due, unless the postmaster shall have positive information that it has been unavoidably delayed.

§ 59.43 **Return of pouches and sacks.** Pouches or sacks used in making registry dispatches shall not be returned except when the quantity or bulk of registered mail involved justifies a return dispatch, but if not needed for use shall be treated as surplus mail bags.

NOTE: See § 59.40 as to opening of pouches and checking contents at receiving offices.

§ 59.44 **Rotary locks—(a) Specific use of.** None but the locks intended therefor shall be used in making rotary-lock dispatches. These locks shall not be used for any other purpose unless specially authorized.

NOTE: See § 62.2.

(b) **Locks of special combinations.** Rotary locks of special combinations shall not be used for other than the purposes for which they are specially authorized. Postal employees shall record such locks in a manner similar to other rotary locks.

(c) **Care of locks and keys.** Rotary locks and keys shall be given special care. Rotary locks shall not be tampered with nor exposed to injury or loss. When a pouch or sack is opened the lock shall at once be placed in the safe, if there is one, of the registry branch, and kept there until needed. Unless otherwise authorized by the Third Assistant Postmaster General rotary-lock keys shall be attached to the safe by a chain, and may be detached therefrom only by the postmaster or the clerk in charge, or by a post-office inspector when he may require it. When the key is removed by a post-office inspector the postmaster shall make report of the fact at once to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

NOTE: See § 99.21 as to requisitions for rotary locks, and § 99.26 as to disposition of surplus rotary locks.

§ 59.45 **Coupons of manifold pouch or jacket bills—(a) When should be returned.** Coupons of manifold pouch or jacket bills shall be returned to the dispatching office covering dispatches of registered mail received in iron- or brass-lock pouches, dispatches to and from Army or Navy post offices located outside the United States proper, and in all cases where discrepancies or irregularities are noted.

(b) **When should not be returned.** Coupons of manifold pouch or jacket bills shall not be returned covering dispatches of registered mail in rotary-lock pouches or jackets made within the United States proper except where discrepancies or irregularities are noted.

NOTE: See § 59.76 as to disposition of coupons.

(c) **Noting of discrepancies.** Discrepancies shall be noted on the bills, and coupons used to notify the dispatching offices of such discrepancies, care being taken to fill in the blank spaces on the coupon with corresponding data on the bills.

DISPATCHING AND ROUTING

§ 59.46 **Certification to proper dispatch of registered mail—(a) Employees to be prepared to make affidavit.** Unless otherwise authorized by the Third Assistant Postmaster General, postal employees shall handle registered mail in such manner as to be prepared at any time to make affidavit (corroborated by the affidavit of a witness, if witnessing was practicable) that any particular piece was properly dispatched, delivered as a hand piece, or received, and its condition.

NOTE: See § 43.1 as to opening of pouches and initialing of labels on pouches or sacks in which the dispatch of registered mail is authorized; § 62.3 as to protection of registered mail; and § 62.4 as to financial responsibility in case of a loss.

(b) **Witnessing of dispatch and receipt.** Unless otherwise authorized by the Third Assistant Postmaster General, in every instance when practicable, two employees shall witness the placing of registered mail in jackets, sacks, or pouches (see § 59.35 as to rotary-lock dispatches) and the immediate sealing or locking thereof; also the opening of incoming jackets, sacks, or pouches and the removal of registered mail therefrom on receipt (see §§ 59.22, 59.40, and 60.1). Unless otherwise authorized, at the time registered mail is placed in or removed from jackets, sacks, or pouches the employee and witness shall check each piece against the corresponding entry on the manifold registry bill or registry dispatch receipt card, and comply in other respects with the regulations as to dispatch or receipt of registered mail. As evidence of their accountability, the employees shall write their names or initials in the transit, delivery, or other proper record.

(c) **Responsibility of witness.** The witnessing shall not be perfunctory and shall not be omitted on the ground of inconvenience or for any other insufficient reason. The witness shall be held to a strict accountability for careful performance of his duties as such.

(d) **Time of placing in jacket, sack, or pouch.** (1) Registered mail shall not be placed in a jacket, sack, or pouch until the last practicable moment before the equipment is sealed or locked.

(2) In dispatching registered with ordinary mail the registered matter shall be placed in the pouch at the last practicable moment before the pouch is locked and delivered to the person authorized to receive it.

NOTE: See § 59.55 as to dispatch of registered mail in catcher pouches.

(e) **Mail to be arranged in order of entry.** In dispatching and delivering registered mail it shall be arranged, as far as possible, in the order in which it is entered on the dispatching record or accompanying registry dispatch receipt card or manifold registry bill.

§ 59.47 **Delivery of registered mail to mail messenger or carrier.** (a) Registered mail shall not be delivered to a mail messenger or mail carrier without first being inclosed in a locked pouch, except as herein provided.

(b) A registered article too large for inclosure in a sack or pouch shall be dispatched outside of the pouch and hand-to-hand receipt obtained therefor when practicable.

(c) When it is impracticable to obtain a hand-to-hand receipt for an outside piece, it shall be dispatched with the pouch and the registry dispatch receipt card or manifold bill inclosed in the pouch shall designate the article as an outside piece, and show destination of the outside piece. In such cases receipts may be taken from, and obtained by, the mail carrier or mail messenger, if practicable; otherwise notation shall be made on the dispatching records showing to whom and when the article was delivered, and delivery made in the presence of a witness, if practicable.

NOTE: See §§ 59.19, 59.48, 59.49, and 59.77; also § 61.19 as to dispatches over rural routes.

§ 59.48 Delivery of pouches on routes having R. P. O. service—(a) To be made to postal clerk in charge. On routes over which there is railway post-office service, registered matter shall be pouched or delivered to the postal clerk in charge of the railway post office. It shall not be sent in a direct pouch labeled to a post office on the route, or by a train which does not carry a postal clerk, without special authorization.

NOTE: See § 62.2.

(b) To be made direct and hand-to-hand receipt secured. When it is practicable, registered mail shall be delivered direct and hand-to-hand receipt obtained on the authorized record. When hand-to-hand receipts cannot be obtained, signatures shall be obtained on a registry dispatch receipt card or coupon of the manifold bill. (See §§ 59.5, 59.71, 59.80, and 60.1.) Registered mail shall not be received for by totals, unless specially authorized.

NOTE: See § 62.2 as to exceptional treatment; and §§ 59.41 and 59.69 as to record of matter for which hand-to-hand receipts are received.

§ 59.49 R. P. O. clerks to call at terminal post office for dispatches of registered mail. Unless otherwise specially authorized, railway postal clerks before leaving a terminal post office shall apply for, receive, and receipt for all registered pouches, sacks, jackets, and single pieces, to be dispatched by their lines.

NOTE: See §§ 62.2 and 107.10.

§ 59.50 Dispatch of matter on railroad or steamboat routes having no R. P. O. service. On railroad or steamboat routes over which there is no railway post-office service, registered mail shall be dispatched in pouches which contain the ordinary letter mail, labeled in accordance with special orders.

NOTE: See §§ 59.5, 59.71, 59.80, and 60.1.

§ 59.51 Dispatch of matter on railroad or steamboat routes having closed-pouch service only. Postmasters at offices on railroad or steamboat routes having a closed-pouch service only shall place their registered mail in pouches labeled to offices at terminals of such routes, or to junction offices connecting with railway post offices; but registered mail for intermediate offices on the routes shall be included in any direct pouches which postmasters make up for such offices. Where trains on branch lines of railroad have direct connection with railway post-office trains, registered mail may be included in direct pouches labeled to the railway post office by postmasters at offices located on the branch lines and be transferred without passing through the junction office when so ordered by the proper officer of the Railway Mail Service.

NOTE: See § 59.57 as to registered mail in pouches lying over at railway junction points.

§ 59.52 Bulky or fragile registered articles for catcher stations. Bulky or fragile registered articles, liable to be damaged or to damage other mail if thrown from moving cars, shall not be sent to railway post office trains which do not stop at the post offices of dispatch or to which the articles are addressed, if they can be dispatched to railway post office trains that do stop at such offices. (See § 108.30.) Railway postal clerks receiving such registered articles for stations at which their train does not stop shall dispatch them at a station which will permit the most expeditious handling of the matter by another railway post office train, or in charge of railroad employees if no railway post-office train stops at the catcher station. In such case the registered matter shall, if practicable, be inclosed in a locked mail bag addressed to the post office at which it is put off, and the postmaster at that office advised, on a registry dispatch receipt card or manifold bill, of the reasons for such dispatch. The bill or receipt shall describe the matter as outside pieces when it is dispatched outside of a locked mail bag. If close train connections or the weight or bulk of the matter make it impracticable to take it to the post office at such place, it may be left at the station in the custody of the railroad company if of nominal value, in which case it should be billed and dispatched to another railway post office train or to the post office of destination.

§ 59.53 Dispatch of matter from offices on star or mail-messenger routes and distant from railway or steamboat line. Unless specially authorized otherwise, postmasters at offices on star or mail-messenger routes and at a distance from a railway or steamboat line shall not send registered matter in through pouches direct to a railway postal clerk if other offices intervene, even though ordinary mail be so sent. Such registered matter shall be sent in the regular way pouch.

NOTE: See § 62.2 as to exceptional treatment; §§ 59.71 and 59.80 as to treatment of such matter in transit; and § 42.41 as to specially authorized exceptional dispatches of registered mail in direct iron-lock pouches over star routes.

§ 59.54 Dispatch of matter on star routes—(a) Manner. Unless specially authorized otherwise, registered articles on a star route, except those passing between authorized brass-lock or rotary-lock exchange offices, shall be placed in one locked way pouch.

NOTE: See §§ 59.8, 59.9, 59.17, and 59.80.
See § 42.41 as to specially authorized dispatches of registered mail in direct iron-lock pouches on star routes.

(b) By route affording best security. Postmasters on star routes shall dispatch registered matter by the route which offers the best security, railway mail service routes always being preferred.

NOTE: See § 59.69.

(c) Delays. If unusual delay results from sending matter by one route in preference to another, a report of the facts shall be made to the Third Assistant Postmaster General.

§ 59.55 Arrangement of matter in catcher pouches. Postmasters at offices using a catcher pouch shall place registered articles therein for dispatch in the bottom of the pouch so that when the pouch is hung the registered mail will be in the portion of the pouch next to the top of the mail crane. Registered mail containing matter of a fragile nature is not to be dispatched in catcher pouches.

§ 59.56 Care of catcher pouches. The person charged with the duty of affixing pouches containing registered mail to mail cranes shall watch the pouch until it is caught by the passing railway post office. If there is a failure to catch the pouch, he shall deliver it to the post office, and the postmaster shall immediately

report the failure (either to catch or deliver the mail) to the district superintendent, Railway Mail Service, giving probable cause of failure.

§ 59.57 Pouching by railway postal clerks. (a) Unless specially authorized, registered mail shall not be pouched direct from one railway post-office train to another except in the manner provided in § 59.77.

(b) Registered matter shall not be pouched to distant offices so as to pass junction offices without examination and record, except where railway post office trains have direct connection with the trains of branch lines on which there is no railway post office service, in which case, when ordered by the proper officer of the Railway Mail Service, registered mail may be included in direct pouches exchanged between railway post office trains and such post offices as are located on the branch lines. When there is sufficient time between the arrival and departure of trains at junctions, the registered mails shall be transferred between the railway post office and branch lines through the junction post office. Unless specially authorized, registered mail shall not be included in pouches that lie over at railway junction points.

NOTE: See § 62.2.

STATION DISPATCHES

§ 59.58 Treatment and exchange of registered mail at and between branches and stations. The regulations governing the treatment and transmission of registered mail at and between post offices shall apply to the treatment and exchange of such mail at and between branches and stations as far as practicable, except as herein otherwise provided or specially authorized by the Third Assistant Postmaster General.

NOTE: See § 62.2.

§ 59.59 Main-office-to-station bill. When registered matter is dispatched from the main office to a station, and is descriptively recorded on the main-office-to-station bill, it need not be descriptively reentered on the delivery book or other delivery record at either the main office or station.

§ 59.60 At independent branch post offices and independent stations—(a) Laws and regulations. Independent branch post offices and independent stations shall receive and dispatch registered mail direct, and be guided in so doing, as well as in the delivery of such matter, by the postal laws and regulations governing postmasters.

NOTE: See § 24.3.

(b) **Addressing of jacket envelopes for delivery at.** Registered jacket envelopes inclosing matter directed for delivery at any branch post office or independent station shall be addressed to such office or station, followed by the name of the State in which it is located. The name of the post office to which such branch post office or independent station is attached need not appear, except in cases where an independent station which is not a branch post office is designated by a letter only, when postmasters shall add upon the registered jacket envelope the name of the post office to which the lettered station is attached.

(c) **Jackets and pouches for, to be treated as transit matter.** Registered jacket envelopes and rotary-lock pouches addressed to any independent branch post office or independent station, when received at the main office or at any branch office or station other than the one addressed, shall be treated as transit matter; but all such jackets addressed to any branch post office or any station which has not been designated as independent for the receipt and dispatch of registered mail shall, unless otherwise authorized by the Third Assistant Post-

master General, be opened at the main office and the contents dispatched to the branch post office or station addressed, accompanied with manifold bill or registry dispatch receipt card.

NAVY MAIL

§ 59.61 Make-up and dispatch of registered mail for naval vessels—(a) Instructions. Postal employees shall make up and dispatch registered mail for United States naval vessels in the same manner as for a domestic destination, except that the articles shall be transmitted to, or in the direction of, the proper United States exchange office. (See § 114.13.) As a general rule, such mail shall be sent to New York, N. Y., San Francisco, Calif., San Diego, Calif., San Pedro, Calif., or Seattle, Wash., according to the location of the vessel.

(b) Registry jacket envelopes. Registry jacket envelopes containing registered mail for United States naval vessels shall be addressed to the "Navy mail clerk, U. S. S. ———," and indorsed "Navy mail."

(c) Manifold bill. Postmasters making up closed registered mails for naval vessels shall enter the same on a manifold bill (Forms 3851, 3852, 3853, 3854) and inclose the bill with the registered mail.

§ 59.62 When hand-to-hand delivery cannot be effected. When hand-to-hand delivery cannot be effected, the exchange of registered mail between United States post offices of final dispatch (or railway postal clerks when specially authorized) and United States naval vessels shall be made in the sacks or pouches containing the ordinary mail, in the manner prescribed for the dispatch of registered mail in iron-lock pouches between postmasters, unless rotary-lock dispatches have been authorized.

§ 59.63 Book of instructions. Navy mail clerks, assistant Navy mail clerks, and other postal employees concerned shall follow strictly the directions set out in the book of Instructions for the Guidance of Navy Mail Clerks, issued by the Post Office Department, in connection with registered, insured, and collect-on-delivery services.

NOTE: See § 123.1 as to Navy mail service.

LOSSES AND DISCREPANCIES IN CONNECTION WITH DISPATCHES

§ 59.64 Failure to return registry dispatch receipt cards or coupons of registry bills. When a registry dispatch receipt card or the coupon of the manifold registry bill is not promptly returned when required (see § 59.45), the postal employee who sent it shall fill out and send a duplicate, noting date thereof on the registration book, railway postal clerk's registry receipt book, or the counterpart of the manifold bill. On failure, thereafter, to receive either the original or duplicate in due season, the procedure prescribed by § 59.65 shall be followed, unless the office to which dispatch was made was the office of final destination, in which event the matter shall be reported immediately to the inspector in charge in the manner contemplated in § 59.65.

§ 59.65 Report of nonreceipt or loss to be made to inspector in charge. When a registry dispatch receipt card or manifold registry bill coupon covering an iron-lock or brass-lock dispatch is returned to the dispatching office or railway post office indorsed to indicate that an article was not received, and it is found that the article is not on hand and was not billed and dispatched to an office or railway post office other than the one reporting the discrepancy, the postmaster, or district superintendent, Railway Mail Service, to whom such discrepancies

shall be reported by railway postal clerks, immediately shall obtain the name and address of the addressee from the office of origin and communicate same to the office of address with an inquiry as to whether the addressee received the article. When the card or coupon is received from the office of final destination, reporting nonreceipt of the article, the facts shall be reported immediately to the inspector in charge of the division in which the dispatch was made, without further correspondence. If the office of address finds that the article was not received by the addressee, that office shall make full report immediately to the inspector in charge of the division in which the dispatching office or railway post office is located, report being made by telegram if there is reason to believe that the missing article was of considerable value.

NOTE: See § 8.26 as to damage or loss of registered shipments of postage stamps and other stamped paper; § 59.40 as to rotary lock dispatches; and § 60.2.

§59.66 Procedure on return of registry dispatch receipt card. On the return of a registry dispatch receipt card properly postmarked and signed, the postmaster or railway postal clerk shall at once note the date of its return on the registration book (or other proper office record) or railway postal clerk's registry receipt book, and file it according to its date. If the return of such receipt be checked in the post office on the transit record, no further checking is required.

INQUIRIES BY SENDERS

§ 59.67 Inquiry regarding disposition of domestic registered article—(a) At sender's request. If requested by the sender, the postmaster shall send to the office of address an inquiry regarding the disposition of a domestic registered article, provided a reasonable time has elapsed after mailing and the sender has been advised that the article was not received or has been unable to ascertain that it was received.

NOTE: See Manual of Instructions for Postal Personnel as to when charge shall be made for inquiries.

(b) If article not received or inquiry not answered. If the inquiry is returned with the information that the registered article was not received, the provisions of § 44.2, paragraph (b) (2), shall be complied with. If reply is not received within a reasonable time, a detailed report shall be made to the proper inspector in charge.

(c) When records fail to show receipt of article. If the records of the post office of address fail to show the receipt of the article, the postmaster at that office, before returning the inquiry, shall endeavor to ascertain from the addressee whether the article was received by him, either as ordinary or as registered mail, or through any other source. If it is found that the article was received but not entered upon the registry records it shall be entered, a receipt obtained, and a registry return receipt furnished to the sender, if one was requested. Replies to inquiries shall be made promptly and full information given.

WITHDRAWAL OR RECALL OF MATTER

§ 59.68 Withdrawal or recall of registered matter—(a) Methods. A registered article may be withdrawn or recalled by the sender, or authorized representative, after identification, before its delivery, upon compliance with the following:

(1) Before dispatch: The sender shall write on his registry receipt "Withdrawn before dispatch," sign his name thereto, and surrender the receipt. The

postal employee shall write or stamp "Withdrawn before dispatch" on the counterpart of the receipt in the registration book or opposite the description on Form 3807, sign his name, and paste the surrendered receipt on the counterpart, or file it if Form 3807 is used; and shall write or stamp the same words and imprint the postmark on the face of the article.

(2) Application for refund of postage paid on registered mail withdrawn before dispatch should be made to the Third Assistant Postmaster General, Division of Registered Mails, in connection with domestic registered articles. In connection with foreign registered articles, see § 114.11.

NOTE: See § 35.9 as to refund of postage.

(3) **After dispatch:** The sender shall file with the mailing postmaster a written request for the return of the article, giving name and full address of sender and of addressee, the registry number, and date of mailing. The mailing postmaster shall then request the postmaster at the office of address, by mail or telegraph at the expense of the sender, to return the article, giving the particulars necessary to identify it. The postmaster at office of address shall return the article by registered mail without additional registry fee.

NOTE: See § 43.48 as to postage on other than first-class matter returned; § 60.5 as to postage on request for recall.

(b) **Records and receipts.** The same records shall be made and receipts taken for registered articles recalled after dispatch as for other registered matter returned to writer, except that the article and records shall be marked "Recalled."

NOTE: See § 60.14, paragraph (e), and § 60.20.

(c) **Filing of sender's request.** The request of the sender and postmaster for recall shall be filed with a note of action indorsed thereon.

NOTE: See §§ 42.22 and 42.23 as to withdrawal and recall of ordinary mail, and § 115.1 as to recall of foreign matter.

REGISTERED MATTER IN TRANSIT

§ 59.69 **Transit record—(a) When to be kept.** Each office receiving transit registered mail, or having stations or city, village, or rural carriers, shall record in a transit book, or authorized substitute, all transit registered mail, including missent matter, immediately upon its arrival, unless the matter is accompanied with a manifold bill, or other form, which can be utilized as record of the matter.

(b) **Mail of local origin.** Registered mail of local origin shall be recorded in the transit record unless it is dispatched with manifold bill or record of its dispatch is made on counterpart of the registration receipt or on other registration record.

NOTE: See §§ 59.6 and 62.2.

(c) **By railway postal clerks.** Railway postal clerks shall record in their registry receipt book or manifold registry bill book the required particulars of each registered article handled by them and shall keep a record of registered mail handled on registered balance sheet Form No. 5015.

NOTE: See § 59.6 as to record of registered articles inclosed in registered pouches or sacks; § 59.4, paragraph (b), as to the record of rotary-lock pouches and sacks.

§ 59.70 **Examination of registered matter when received—(a) Record if in bad condition or missent.** When a postal employee receives a registered letter or parcel, or a paper or sack jacket, he shall carefully examine it, and, if in bad condition, note on the envelope or wrapper and on the records a statement of the

facts over his signature and office stamp. (See § 59.86.) No "Record of transit" need be made on registered jacket envelopes except at the office of delivery and when the mail is received in bad condition or missent.

(b) **Loose tags to be reattached.** If tags used in connection with certain lead-seal dispatches of registered mail are torn off in transit, they shall be securely reattached to the mail from which they became separated.

§ 59.71 Treatment of registered matter addressed to office beyond where pouch opened. When a postal employee, upon opening an iron-lock or brass-lock pouch, finds inclosed registered matter addressed to an office, or for distribution by a railway post office, beyond his own, he shall sign and return the accompanying registry dispatch receipt card or coupon of the accompanying bill. He shall then fill out a new registry dispatch receipt card, returnable to his own post office, or a manifold bill if the quantity of mail justifies. The articles, with the new receipt card or bill, shall then be deposited in the pouch (see §§ 59.7 and 59.46) and sent forward by the same mail.

§ 59.72 Pouch passed by another office. When a postmaster receives and opens a pouch which has been passed as provided in § 99.24, he shall retain the registered matter for the office or offices passed and enter it in his transit record. If the pouch has been passed on account of a defective key, the postmaster shall retain the registered matter until he is advised that a new key has been received by the office passing the pouch, if he has reason to believe that the mail is of considerable value, and send a registry notice to the addressee, who may call for the registered matter at the office where it is held. If the registered mail is apparently not of considerable value, the postmaster shall return it in a sealed package, by the mail carrier, to the post office by which the pouch was passed. (See § 99.38.) If the pouch was passed on account of defective lock, the postmaster shall return the registered matter for the office passed in the first locked pouch sent to that office.

§ 59.73 Way pouch passed unopened because of defective lock or key. When a postmaster is compelled to pass a way pouch unopened to the next office on the route for the reasons given in §§ 99.24 and 99.38, he shall note the fact, the cause, and the date on his transit record and advise the postmaster to whom the pouch is forwarded.

§ 59.74 Transit mail to be delivered direct. Transit registered mail shall be delivered direct, and hand-to-hand receipts obtained therefor whenever practicable.

NOTE: See § 59.48.

§ 59.75 Make-up of mail for registry transfer stations. In making up registered mail for those offices where separate stations have been established for handling transit registered matter and for the opening of all registered pouches, sacks, and jackets containing transit registered mail, separate registered pouches, sacks, or jackets shall be used for the "city" and "distribution" matter when the quantity of registered mail justifies such action. The pouch labels shall be marked "City" or "Dis.," as may be appropriate.

NOTE: See Official Postal Guide for offices having this service.

§ 59.76 Procedure in transfers between registry and mailing clerks—(a) Receipts, records, and witnessing. Receipts shall be given at the time registered mail of any kind is transferred in either direction between registry clerks and mailing clerks. Mailing or other clerks opening the pouches shall receipt, post-

mark, and return all registry dispatch receipt cards and coupons of registry bills arriving with registered matter taken from iron- or brass-lock pouches, and note on the witnessing record the date of return of similar cards and paste returned coupons over their counterparts, or otherwise satisfactorily file, for registered matter originally dispatched by them in iron- or brass-lock pouches, after which such return cards and dispatch bills shall be filed.

(b) **Manifold bills.** Registered articles exchanged between registry clerks and mailing clerks at the larger offices shall be listed on manifold bills in triplicate when this is practicable and advantageous through saving the reentry of the registered articles or for some other reason. When manifold bills, which are furnished to post offices on request, are used in duplicate or triplicate, the registry or mailing clerks shall receipt through carbon paper, detach, and retain in the registry or mailing department one sheet for proper entries thereon.

NOTE: See § 59.5.

§ 59.77 **Junctions and terminal offices—(a) Direct delivery at.** At terminal offices registered matter shall be delivered direct and proper receipts obtained unless otherwise authorized. (See § 62.2.) When railway postal clerks make direct connection at junction or terminal points they shall deliver to the connecting clerks all registered matter for their lines. At junction points the delivery shall be hand to hand, except where there is only one clerk on each of the connecting railway post offices, and neither can leave his car; in such cases registered matter may be included in pouches exchanged between the railway post offices, if direct and immediate transfer is made; otherwise such matter shall be delivered direct to the postmaster or transfer clerk, or in authorized cases pouched into the junction post office.

NOTE: See §§ 59.49 and 107.10.

(b) **When direct delivery cannot be made.** When registered matter cannot be delivered direct to a postmaster or to a railway postal clerk on a connecting car and must be pouched, it shall be dispatched in the manner prescribed by § 59.7.

NOTE: See § 59.46 as to witnessing.

(c) **Time of placing in pouches.** Registered mail shall not be placed in a pouch, sack, or jacket until the equipment is ready to be locked or sealed.

(d) **Transfer of return or missent registered matter.** Railway postal clerks shall transfer return ("go-back") or missent registered matter at meeting points by hand-to-hand receipt and delivery, unless it can be turned back from some other point where hand-to-hand receipt and delivery can be effected through a transfer clerk. In cases where this treatment would cause material delay such registered matter may be pouched under the following conditions:

(1) On railway post-office lines where two or more clerks are on duty the registered matter may be pouched to any office that can advance delivery of it.

NOTE: See § 59.46 as to witnessing.

(2) On railway post-office lines having but one clerk on duty the registered matter shall be pouched only to such offices on the line as are specifically designated by the general superintendent, Railway Mail Service.

(e) **Care in conveying pouches.** In conveying matter between the terminal office, transfer office, or terminal railway post office, and the postal car, or between postal cars in stations when not adjacent, or between any of the points named, a locked pouch shall be used (so far as the size of the packages will permit), which shall be kept in the personal charge of a railway postal or transfer clerk, who shall accompany the vehicle on which it is conveyed.

NOTE: See §§ 107.10 and 108.33 as to mail being accompanied by postal or transfer clerk.

§ 59.78 Receipt for registered matter at terminal offices. Postmasters at terminal offices of routes on which there is railway mail service shall at all times be prepared to receive and receipt for registered pouches brought to their offices by railway postal clerks, unless otherwise directed by the Third Assistant Postmaster General.

NOTE: See § 62.2.

§ 59.79 Delivery to railroad employees or mail carriers forbidden. Railway postal clerks shall not deliver registered matter to employees of any railroad company, nor to mail carriers, unless specially authorized to do so.

NOTE: See § 59.48.

§ 59.80 Noting illegible postmark. The first recipient of a registered article bearing an illegible postmark shall write on the article the name of the office or railway post office from which it was received.

ARTICLES MISSENT, MISDIRECTED, DAMAGED, UNSEALED, OR WITHOUT COVER

§ 59.81 Missent articles—(a) Treatment of. When a registered article is missent, the postal employee receiving it shall indorse the piece, and the registry dispatch receipt card or the manifold registry bill and coupon accompanying it, "Missent," sign, postmark, and return the registry dispatch receipt card or manifold registry bill coupon, and enter the article on the post-office delivery book or railway postal clerk's registry receipt book as "Missent and forwarded," showing the date of redispatch.

(b) Receiving for and reporting. (1) When a postmaster receives a registered pouch, sack, jacket, three or more individual articles of ordinary value, or one or more of exceptional value, not billed to him and obviously dispatched to him through error, he shall receipt for the matter as prescribed in § 60.2, and make immediate report by telegram, promptly confirmed by letter, to the post office or to the district superintendent in charge of the railway post office which missent the matter. Such instances of missending involving less than three individual registered articles of ordinary value shall be reported by letter only. (See § 59.21.) He shall also report such irregularities by letter to the Third Assistant Postmaster General, Division of Registered Mails.

(2) When instances of irregularities described in paragraph (b) (1) involve a railway postal clerk he shall report them by telegram and letter, or by letter only, as instructed above to his district superintendent.

(c) Report when matter of exceptional value misses connection or is carried by destination. In all instances where an employee having custody of registered matter of apparently exceptional value, known as bank or money packages, misses a connection or inadvertently carries such a package by the office of destination, he shall make report by telegraph to the office of destination at his earliest opportunity. Where packages are included by the office of dispatch in a rotary-lock pouch labeled to a connecting line and the names of the offices of destination are not available, the pouch should be opened if the clerk has a rotary key and the procedure as outlined above followed. In the event a clerk does not have a rotary key, the telegraph notice will be addressed to the office making up the rotary-lock pouch. Like report shall be made by the first employee receiving such matter as a result of missending.

(d) At offices using specially authorized delivery systems. At post offices where specially authorized systems of delivering registered mail are in operation, "Missent" registered articles shall be treated in accordance with the special instructions received.

§ 59.82 Unaddressed or misdirected matter—(a) First class. When a postmaster receives registered first-class matter unaddressed, misdirected, or directed to a place not a post office, he shall record it in his delivery book, or other authorized form, as "Returned for proper direction," giving the date, and return it to the mailing office so marked. (See § 60.20.) If, however, the time prescribed for the retention of the article permits, he shall hold the article and ascertain from the sender, through the mailing postmaster, what disposition the sender desires made of it; but when a postmaster has positive knowledge of the correct domestic address he shall dispatch the registered article to that address, and make appropriate record of the action taken.

NOTE: See § 60.5.

(b) Other than first class. A misdirected or unaddressed article prepaid at other than the letter rate shall be similarly recorded, and the sender notified to send stamps to prepay return or forwarding postage, unless the article is one of the second or third class on which the sender has pledged payment of return postage, in which case it shall be returned as prescribed in paragraph (a). Upon receipt of the stamps they shall be affixed to the article, which shall then be indorsed appropriately and returned or properly disposed of otherwise.

(c) First-class matter to be sent to dead letter branch. If the name of the mailing office of any registered first-class matter cannot be ascertained by careful examination, the matter shall be sent by registered mail to the proper dead letter branch, accompanied with a letter of advice. When stamps are not furnished for the return or forwarding of registered matter of other than the first class which does not bear the postage pledge of the sender, it shall be disposed of as prescribed in (j) of § 43.48, being sent by registered mail.

(d) When received by railway postal clerks. Misdirected and unaddressed registered mail when received by railway postal clerks shall be delivered to the post office at the terminus of the railway postal clerk's run for treatment by the postmaster in accordance with this section.

§ 59.83 Misdirected packages of stamps or stamped paper. Postmasters on receiving a registered package of stamps, stamped envelopes, postal cards, or other stamped paper bearing an incorrect or imperfect address shall record it on the delivery book or other authorized form, hold it, and at once notify the Third Assistant Postmaster General, Division of Stamps, giving the registry number, date of postmark, post office of origin, and full address of the package, and await instructions. When the package is disposed of under instructions from the Third Assistant Postmaster General, such disposition shall be noted on the record.

§ 59.84 Packages of stamped paper damaged in transit—(a) Rewrapping and sealing. Registered packages of stamped paper which become damaged shall be securely rewrapped and sealed by the postmaster who discovers the damage. A split registered jacket envelope, plainly marked "Registered postage-stamp package," "Registered postal-card package," or "Registered stamped-envelope package," as may be proper, shall be pasted to the new wrapper, and be numbered, postmarked, and addressed precisely like the original label attached to the package, and the following inscription shall also be marked on it: "Placed under cover at _____."

(b) Record and report. The package shall then be recorded upon the transit book or other authorized record, whereon a note of the facts as to the damage and the reenvolving shall be made, and the article sent to its destination. A report of the facts shall be made in every case to the Third Assistant Postmaster General, Division of Stamps.

§ 59.85 **Misdirected or damaged stamped paper received by railway postal clerk.** Any railway postal clerk who receives a misdirected or damaged package of stamped paper shall deliver it to the postmaster at the terminus of his run for treatment by the postmaster in accordance with §§ 59.83 and 59.84.

§ 59.86 **Registered articles received unsealed or in bad order—(a) Treatment of.** Registered letters (including articles originally sealed) received unsealed or in bad order shall be marked to that effect by, and over the signature of, the first postal employee who notes that the article is in such condition. (See § 59.70.) If the article is open, or is damaged to such an extent that any of the original contents may have been lost or removed, and it appears that the article contains, or originally contained, money, bonds, jewelry, or similar matter, notation shall be made on the envelope or wrapper to indicate the value of such money, bonds, checks, or drafts, or the number and character of articles of jewelry or similar valuable matter, actually found in the letter by the postal employee first noting its unsealed or damaged condition, if the article is in such condition that the information is obtainable without further mutilation of the envelope; if none of the valuable contents which it may be apparent were originally in the article is found therein, note to this effect shall be made on the envelope.

NOTE: See §§ 45.5 and 45.15.

(b) **Reinclosure in penalty envelope.** The article shall then be reinclosed without delay in a special registry "bad order" penalty envelope (No. 87 or No. 103), or in an ordinary official penalty envelope, if No. 87 or No. 103 is not available. The new envelope shall be securely sealed and addressed, numbered, and postmarked like the original envelope (which shall not be removed), marked "Have this examined on delivery," and recorded in the proper record. Any indorsement or other indication on the original envelope restricting delivery, requesting return receipt, or showing that the article is for special delivery, shall also be noted on the new envelope.

(c) **If only slightly damaged.** If a registered article in bad order is so slightly damaged that it is improbable that any of its contents could have been lost or removed therefrom, it shall be marked "Received in bad order," by, and over the signature of, the first employee who notes the damage, and the article promptly repaired by means of official sealing stamps or reinclosed in a penalty envelope as described above if sealing stamps are not available. The postmark and full name of the postal employee repairing the article shall be placed on it in such a manner that an impression of the stamp and the writing of the name will appear partly upon the sealing stamp and partly upon the envelope of the article. When sealing stamps are affixed to a damaged registered letter in such a manner as to adhere to both sides of the envelope, the impression of the postmarking stamp and the signature of the postal employee repairing the article shall be placed on both sides of the envelope so as to appear partly on the sealing stamps and partly on the envelope.

(d) **Particulars to be noted in record.** In recording an unsealed or damaged registered article, the postal employee who reincloses or repairs it shall make note of its receipt in bad condition and of its inclosure or repair, stating particulars of presence or absence of valuable contents if known to him.

(e) **Opening by addressee in presence of delivering employee.** The post office of delivery shall require the addressee, or his authorized representative, to open a bad-order registered article, whether repaired with sealing stamps or reinclosed, in the presence of the delivering employee, the envelope being cut at

the end so as to preserve the sealing intact. If any of the contents is missing, the envelope (letter, and penalty if any) or wrapper shall be obtained from the addressee, with his indorsement as to shortage of contents, and sent to the proper inspector in charge with report of the facts.

(f) When detailed examination of contents not necessary. Examination of the contents of a damaged registered article at the office of delivery in the presence of the delivering postal employee shall not include the counting of large sums in coin or currency in registered articles addressed to banks and other large financial institutions in cases where the damage is so slight that apparently none of the inclosures could have been taken or lost from the article.

(g) Large articles to be rewrapped. When a registered article too large for inclosure in an envelope is received in bad order at a post office, it shall be rewrapped and a split bad-order or other penalty envelope pasted thereon, and the article treated in other respects in the manner outlined above for damaged or unsealed registered letters. Such an article received in a railway post office may be inclosed, if practicable, in a registered jacket envelope bearing the indorsement required for a penalty envelope; otherwise it shall be turned in at the terminus of the railway postal clerk's run to be rewrapped at the post office in accordance with this section.

(h) Examination and reinclosure when article has been opened and restored to mails. When a registered letter or parcel originally sealed (including those opened by mistake) is unsealed or open when restored to the registered mails for any reason, so that any of the contents is accessible, it shall be indorsed by the one who opened the letter or by the person returning the article to the postal service, over his signature, to show by whom the letter was opened, and the postal employee who receives the letter back shall examine the contents in the presence of the person returning the article, for the purpose of ascertaining and noting on the envelope over his signature the amount of any money, bonds, or similar matter, or the character and number of articles of jewelry or similar matter, found in the letter upon its restoration to the postal service, and of making note if any of the original contents of this character is apparently missing. The article shall thereafter be promptly reinclosed in a penalty or bad-order envelope, No. 87 or No. 103, and if this is done by an employee other than the one who received the article back into the postal service he also shall certify on the opened letter as to its valuable contents at the time the article is actually reinclosed by him in the penalty or special envelope and resealed. The new envelope shall bear all the information and markings of the original envelope and be indorsed "Have this examined on delivery." Brief note of the facts shall be made on the proper record.

(i) Postal employees not to read or inspect correspondence in damaged or unsealed matter. Postal employees shall observe the sanctity of the seal and not read or inspect correspondence contained in a damaged or unsealed first-class registered article further than is actually necessary to verify any valuable contents therein.

§ 59.87 Matter found loose in pouch, sack, or jacket apparently belonging to specific piece. When money or other small articles are found loose in a pouch, sack, or jacket in which only one damaged registered article is contained, it may be assumed, in the absence of evidence to the contrary, that the money or other article belongs to the damaged registered piece. Both the damaged registered piece and the money or other article shall be placed in a "bad-order" or ordinary penalty envelope. When the registered matter is delivered it shall

be opened in the presence of the delivering postal employee for the purpose of ascertaining whether the money or other article belongs to the damaged piece. If it is found that the money does not belong to the piece in which it has been placed, it shall be disposed of in the manner directed in § 45.5.

§ 59.88 Registered letters received unsealed. If a registered letter arrives at a post office or railway post office unsealed, it shall be indorsed "Received unsealed" over the signature of the receiving postal employee, and officially sealed and treated as directed in §§ 59.86 and 59.87.

§ 59.89 Matter found without cover in registered jacket, sack, or pouch—(a) Treatment of. If a registered jacket envelope or rotary-lock sack or pouch contains loose money or other matter not inclosed in an envelope, the receiving postal employee shall note all the particulars on the bill and coupon accompanying the mail, have the statement signed by two witnesses, if possible, and postmark and return the coupon to the dispatching office.

(b) If inclosure is postal or money-order remittance. If received at a post office and the inclosure be a postal or money-order remittance, the postmaster shall receipt for it and make proper disposition thereof.

(c) When name of person for whom intended is indicated without doubt. When there is anything connected with the loose matter, whether received in a post office or railway post office, to indicate without doubt the name and address of the person for whom it is intended, the matter shall be carefully inclosed in a sealed penalty envelope, addressed, and delivered at the post office as prescribed in § 59.86, and a report of the case made to the Third Assistant Postmaster General, Division of Registered Mails, except in the case of foreign mail, when report shall be made to the Second Assistant Postmaster General, International Postal Service.

(d) When name of person for whom intended is in doubt. If the railway postal clerk is in doubt as to the name and address of the person for whom the matter is intended, he shall deliver it to the postmaster at the terminus of his run. If the postmaster is in doubt as to the ownership of the matter he shall report the facts and await instructions from the Third Assistant Postmaster General, Division of Registered Mails, in the case of domestic mails, and from the Second Assistant Postmaster General, International Postal Service, in the case of foreign mails.

NOTE: See §§ 59.40 to 59.42 and 59.45 as to statement of discrepancies in connection with registered mail received in jacket envelopes and rotary-lock sacks and pouches.

PART 60—TREATMENT OF REGISTERED MATTER AT POST OFFICES OF DELIVERY

Sec.	Sec.
	60.6 At offices using specially authorized systems.
	60.7 Short-paid registered matter.
	60.8 Registry notice to addressee.
	60.9 Delivery record and return receipt.
	60.10 Delivery of registered mail.
	60.11 Delivery of registered mail for deceased addressee.
	60.12 Delivery to specially described persons.
60.1 Registered matter received for delivery.	
60.2 Discrepancies.	
60.3 Station registrations for local delivery.	
60.4 Fraud orders.	
60.5 Registered mail known to be undeliverable.	

Sec. 60.13 Liability of Department ceases on delivery. 60.14 Forwarding registered matter. 60.15 Registered articles found in ordinary mail. REGISTRATION AND UNDELIVERED ARTICLES 60.16 Reregistration after delivery.	Sec. 60.17 Undelivered and refused registered matter. 60.18 Undelivered articles at stations or branches. 60.19 Articles sent to dead letter branch. 60.20 Matter returned to office of mailing.
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OPENING, EXAMINATION, RECORDING, DELIVERY, FORWARDING, AND RETURN
OF REGISTERED MAIL

§ 60.1 Registered matter received for delivery—(a) Witnessing and checking. Every postal employee who opens an iron- or brass-lock pouch or a sack containing, or reasonably believed to contain, registered mail (see § 59.40 as to rotary-lock pouches), or a registry jacket shall at the time the registered mail is removed from the equipment have a witness to its removal, if practicable. The employee and witness immediately after removal of the registered mail shall, unless otherwise authorized by the Third Assistant Postmaster General, check each piece against the corresponding entry on the manifold registry bill or registry dispatch receipt card.

NOTE: See § 59.46 as to witnessing.

(b) Preferred attention to be given. Registered mail shall be checked and receipted for before distribution is attempted of any ordinary mail in the pouch or sack.

(c) Receipting for. The employee opening the iron- or brass-lock pouch or sack shall sign the accompanying registry dispatch receipt card and write, in words, in the space provided therefor, the total number of articles described in the receipt and received by him, postmark the receipt on the address side, with the date he received the registered matter it describes, and return it by next mail, without cover of an envelope or postage. If a manifold registry bill accompanies the registered mail, the bill shall be properly completed and the coupon signed, postmarked, and returned under cover of an official penalty envelope. The total number of articles received shall be noted on the bill and coupon in figures instead of words, but the coupons shall not be returned for correction simply because the total is entered in words.

NOTE: See § 59.6.

(d) Correction of errors on receipt. Before signing the receipt, the postal employee shall correct any errors which it may contain, and note upon it any irregularities observed in connection with the articles described therein.

NOTE: See §§ 59.6, 59.40, and 60.2.

(e) Examination of ordinary mail. Ordinary mail shall be carefully examined to ascertain whether any unrecorded registered mail has been included therewith.

NOTE: See §§ 58.7, 60.15, 60.16, and 114.10.

(f) Opening of jacket and checking of contents. Employees in opening a registered jacket envelope shall cut the envelope on the end so as not to detach any part of it. The articles within the jacket shall be checked against the corresponding entries on the bill, which shall be signed, postmarked, and filed.

NOTE: See §§ 59.22, 59.40, 59.45, and 59.46.

(g) **Examination as to condition; recording.** Registered letters and parcels shall be examined as to their condition, backstamped, and recorded immediately in the delivery book or other proper record.

NOTE: See § 43.4 as to backstamping of registered mail and § 59.76 as to receipts for registered mail transferred in either direction between mailing clerks and registry clerks.

(h) **Record and receipt for official matter.** Official registered matter addressed to a postmaster shall be recorded and receipted for the same as other registered mail.

§ 60.2 **Discrepancies—(a) Dispatch receipt or bill not accompanied with all articles listed.** When a registry dispatch receipt card or manifold registry bill covering an iron- or brass-lock dispatch is not accompanied with all the registered articles described thereon, there shall be marked opposite the entry of any missing article "Not received," and the missing article or articles described on the coupon of the bill, which shall be similarly indorsed. The card or coupon shall be returned immediately to the dispatching post office or railway post office. (See § 59.45.) At the same time nonreceipt of the registered matter shall be reported by letter to the dispatching office or railway post office, such reports to be made through district superintendents, Railway Mail Service, where railway postal clerks are involved. The pouch label shall accompany the report and be indorsed by the opening clerk and witness. The label shall be preserved for use in connection with investigation of the shortage.

NOTE: See §§ 59.46 and 59.65; also § 59.40 if rotary-lock dispatch is involved.

(b) **Registered article not accompanied with dispatch receipt card or bill.** When a registered article is not accompanied with a registry dispatch receipt card or manifold bill, one shall be filled out, signed, postmarked, and sent promptly to the postal employee by whom the article was dispatched. If the dispatch card or bill accompanying an article is not properly filled out (see §§ 59.5 and 59.6), it shall be completed, or a new one made out, signed, postmarked, and the card or coupon returned. Written report of these irregularities shall be made by railway postal clerks to their district superintendents and by postmasters to the Third Assistant Postmaster General.

(c) **Matter irregularly received.** If a registered article is irregularly received, unaccompanied with a registry dispatch receipt card or manifold registry bill and under such circumstances as to indicate that it may have been erroneously dispatched, a registry dispatch receipt card or manifold registry bill shall be supplied by the first postal employee receiving the matter through irregular channels and sent to the postal employee by whom the irregular dispatch was made, if known, and report made as indicated in paragraph (b) and § 59.81. If it is not known by whom the article was irregularly dispatched, report shall be made to the general superintendent of the division of Railway Mail Service in which the post office or railway post office is located in the manner required by § 59.81.

§ 60.3 **Station registrations for local delivery.** Registered matter dispatched from one station to another of the same office for delivery without passing through the main office shall be recorded at the delivery station on the delivery record, and if delivery is made by carrier his receipt shall be taken on that record. The same procedure shall be followed where mail is registered at a delivery station for delivery therefrom.

NOTE: See § 59.60 as to direct receipt of matter at independent stations; § 58.8 as to deliveries at stations.

§ 60.4 Fraud orders. When a "fraud order" has been issued by the Postmaster General, the postmaster to whom it is specifically directed and no other shall return to the senders thereof all registered mail addressed to the person or concern named in the order. Such mail shall be marked in the manner prescribed in § 36.8, and returned as directed by § 60.17 (b).

§ 60.5 Registered mail known to be undeliverable—(a) Treatment of. When a domestic registered article is known to be undeliverable as addressed, the postmaster at the office of address shall, if the time limit for the return of the article is sufficient for the purpose of obtaining a reply, notify the postmaster at the sender's address, and shall comply with any proper directions received through him as to the disposition of the article.

(b) Postage required for forwarding or return requests. Upon receipt of the notice referred to in the preceding paragraph, the postmaster at the office of the sender's address shall notify the sender, and collect from him 3 cents to prepay the postage on any request made by him for the forwarding, recall, correction of address, or other disposition he wishes made of the registered article to which the notice relates. A postage stamp representing such amount shall be affixed to the request and canceled, and the request sent under penalty envelope by the postmaster to the office of address. If the request be unaccompanied with such postage, it shall nevertheless be complied with but the circumstances shall be reported to the Third Assistant Postmaster General.

(c) Matter of local origin. When a domestic registered article of local origin is known to be undeliverable as addressed, the postmaster shall communicate with the sender, if the period mentioned in the return request of the sender will permit, for the purpose of ascertaining what disposition the sender desires made of the registered matter.

NOTE: See § 60.17 (c) as to refused articles.

(d) Form to be used. Form 3858 should be used in complying with the provisions of this section.

§ 60.6 At offices using specially authorized systems. (a) At presidential offices special systems of handling and delivering registered mail may be authorized by the Third Assistant Postmaster General.

(b) At post offices where special systems of handling and delivering registered mail have been installed, the instructions governing the conduct of those systems shall be observed in the treatment of registered mail.

§ 60.7 Short-paid registered matter—(a) Treatment of. When domestic registered mail is delivered to the addressee or to the sender, and the postage and registry fee have not been fully prepaid, the postmaster shall collect the deficiency upon delivery. The stamps affixed to the article shall be applied to the postage required and the remainder, if any, to the registry fee. If the amount of registry fee is not known, the article shall be considered as having been registered for the minimum registry fee of 25 cents.

NOTE: See §§ 43.7, 43.11, and 43.12 as to rating and collecting postage due.

(b) When addressee refuses to pay deficiency. When the addressee refuses to pay the deficiency, a first-class article shall be treated as directed in § 60.17, paragraph (c), and a second- or third-class article which does not bear the sender's pledge to pay return postage shall be treated as prescribed by § 60.17, paragraph (d); in the latter case, Form 3540 shall be used in communicating with the sender. Second- or third-class registered matter bearing the pledge of the sender to pay return postage shall be returned to the sender rated with the postage

chargeable for its return, such postage to be collected by means of postage-due stamps upon delivery.

NOTE: See § 43.50.

(c) **Deficiency on matter addressed to Government officials.** If a postmaster improperly accepts registered matter addressed to Government officials without the prepayment of the registry fee, the deficiency shall be collected from the dispatching postmaster.

NOTE: See §§ 17.32, 43.8, 58.3 to 58.5, and 58.12.

(d) **Reports.** Reports of the receipt of short-paid domestic registered mail shall be made to the Third Assistant Postmaster General, Division of Registered Mails, and of short-paid international registered mail to the Second Assistant Postmaster General, International Postal Service, on Form 3826.

§ 60.8 **Registry notice to addressee—(a) Issuance of.** Postmasters shall promptly notify the addressee, on Form 3849, of the arrival of registered mail not deliverable by carriers. The notice shall be postmarked and delivered through the regular channels of the addressee's ordinary mail. If the article be not delivered within three days, a second notice, so marked, shall be served in the same manner, and the article indorsed "Second notice." The dates on which such notices are issued shall be noted on the article.

NOTE: See § 61.24 relative to serving of registry notices by carriers.

(b) **When sent to hotels or the like.** When it is necessary to send a registry notice to a hotel or the like, where mail is ordinarily subject to scrutiny by those not entitled to received the registered matter, it shall be transmitted in a sealed penalty envelope, regardless of the manner of delivery.

(c) **Delivery or forwarding orders to be filed.** Registry notices bearing delivery or forwarding orders shall be retained on file in the post office.

§ 60.9 **Delivery record and return receipt—(a) Signature and date—(1) Symbol "R"; signature and date.** Unless otherwise authorized by the Third Assistant Postmaster General, when a registered article is received for delivery accompanied by a return receipt or marked to indicate that such a receipt was requested by the sender, the letter "R" shall be placed opposite the entry of the article on the proper delivery record. Both the delivery record of a registered article and the return receipt if requested shall be signed by the person accepting delivery, and they shall show the actual date of delivery. The person receipting for the article shall be requested to write or stamp such date on the registry return receipt card. If this request is not complied with, the postal employee shall write or stamp such date on the card.

(2) **Stamped signature.** When the quantity of registered mail justifies, a stamped signature showing the names of both the addressee and his agent may be authorized by the Third Assistant Postmaster General, Division of Registered Mails, to be used in connection with domestic registered articles, and return receipts therefor, and by the Second Assistant Postmaster General, International Postal Service, to be used in connection with foreign registered articles, provided the addressee assumes responsibility for any improper use of the stamp.

(3) **Signature by agent.** When registered mail is signed for by an authorized agent of the addressee the name of both the addressee and agent shall appear on the card.

(4) **When receipt to show address of delivery.** A carrier making delivery of a registered article for which the sender has requested a return receipt to show the address where delivery is effected shall place a notation on the return receipt

below the signature of the addressee or his authorized representative showing the complete address at which delivery is effected.

(5) **Indorsement of receipt.** In making delivery at a post office or a post-office station of a registered article for which the sender has requested a return receipt to show the address where delivery is effected, the delivering employee shall indorse the return receipt form "Delivered at post office" or "Delivered at _____ Station," naming the station.

(b) **Return receipt to be mailed to sender.** The return receipt, after being properly completed and postmarked with actual date of delivery, shall be promptly mailed to the sender of the article.

(c) **When return receipt requested but does not accompany article, or vice versa.** If no registry return receipt accompanies a registered article marked "Return receipt requested," or "Return receipt requested showing address where delivered," or with words of similar import, the delivering postmaster or other postal employee shall prepare a return receipt and treat it as though it had accompanied the article. If a domestic registered article does not bear any request for a return receipt but is accompanied with a properly addressed return receipt card, a receipt shall be obtained thereon, and the card mailed to the sender. In such cases the address at which delivery is effected shall not be added to the card. If the charge for the return receipt was not prepaid by the sender, delivery shall not be delayed, but the return receipt shall be obtained and sent under cover to the postmaster at the office named in the address of the sender and the charge collected upon delivery of the receipt to him.

NOTE: See Official Postal Guide as to delivery of dutiable matter; §§ 114.17 and 114.23 as to foreign return receipts.

§ 60.10 Delivery of registered mail—(a) When not restricted by sender or addressee. Registered mail, the delivery of which has not been restricted by the sender or addressee, may be delivered—

(1) To the addressee.

(2) To a person authorized by the addressee in writing to receive it.

(3) To such person other than the addressee as the sender, after mailing, directs in a written order verified by the mailing postmaster. Deliveries of this character shall not be made on telegraphic orders, but articles described in such orders may be withheld from delivery until the receipt of a duly certified written order from the sender. The names of the addressees of articles so delivered shall not be changed.

NOTE: See § 60.5.

(4) **To hotels, clubs, fraternity houses, or similar institutions.** To any responsible person (see subpars. (5) and (6)) to whom the addressee's ordinary mail is customarily delivered, including the authorized representative of a club, fraternity house, or similar institution of good standing. In the absence of a written order from the sender or addressee, mail addressed to a guest at a hotel, occupant of an apartment house, or the like shall not be delivered to the proprietor, manager, or clerk, unless addressed in his care or in care of the hotel or apartment house; except that if the duly authorized agent of a hotel or apartment house has signed and filed with the postmaster the prescribed agreement to assume responsibility for the proper care and disposition of registered matter for hotel guests or occupants of an apartment house and agrees to keep proper record of the same, registered matter, when delivery has not been restricted, addressed to hotel guests or occupants of an apartment house may, without a written order from the sender or the addressee, be delivered to the authorized

representative of the hotel or apartment house even though not addressed in care of the hotel or apartment house. The hotel or apartment house shall designate in writing the persons to whom the registered matter is to be delivered. (See par. (o) of this section.)

(5) **To Y. M. C. A.'s and the like.** Registered mail addressed for delivery to persons at Y. M. C. A.'s, Y. W. C. A.'s, Salvation Army Shelters, Missions, and the like, is properly deliverable, without written orders from the senders or addressees, to such persons as are authorized to receive mail for the places addressed or, in the absence of such authorization, to any responsible persons who customarily receive the ordinary mail of such institutions. If any such institutions operate hotels, registered mail addressed for delivery thereat shall be treated strictly in accordance with the provisions of paragraph (a) (4) of this section.

(6) **Definition of "responsible persons."** In the absence of knowledge to the contrary, the following should be regarded as responsible persons within the meaning of paragraph (a) (4) of this section: Adult members of the addressee's family; his employees in a clerical or supervisory capacity; the proprietor or manager of a private lodging house in which he resides. Careful inquiry shall be made to determine whether the address given comes within the definition of a private lodging house. (See par. (o) of this section.)

NOTE: A private lodging house within the meaning of these regulations ordinarily is considered a private home within which the addressee resides and where the lodgers are in a general way selected, as distinguished from a public lodging house which is open to any and all who may apply for accommodations, frequently transients, and at which it seems reasonable to presume that the registered mail of the addressee would not receive the same care and attention as would be accorded it by those in charge of a private home in which the addressee resides.

(7) **To persons not authorized to receive registered mail for others.** No mail addressed to others shall be delivered to the following persons unless they are authorized in writing by the addressees to receive it: Minors; janitors; laborers; messengers; elevator operators; house servants. §§ 43.20 to 43.41, concerning the delivery of ordinary mail, shall govern the delivery of registered matter in all cases where applicable, except as provided in this chapter.

NOTE: See § 43.38 as to registered matter from a dead letter branch.

(8) **As if for person in whose care addressed.** As if addressed to the person, firm, corporation, association, or institution in whose care it is addressed.

(b) **Identification when applicant unknown—(1) Cautionary measures.** Identification shall always be required if the applicant for registered mail is unknown. He shall not be allowed even to examine it until his identity as a person entitled to receive it is established, and when identified as such, shall not be permitted to open the envelope or wrapper until the mail has been delivered and the necessary receipts obtained. In case of doubt as to the sufficiency of the evidence of identity offered, instructions shall be obtained from the Third Assistant Postmaster General, Division of Registered Mails, in connection with domestic registered mail, and from the Second Assistant Postmaster General, International Postal Service, in connection with foreign registered mail.

(2) **Directory service.** Before delivering registered mail based on information obtained as the result of directory service, care shall be exercised to see that the recipients of the registered articles are the persons for whom they were intended by the senders.

(c) **Verification of address.** Unless the postmaster or carrier knows that the addressee is located at the address borne by a registered article, the correct address shall be ascertained, if practicable, to permit proper delivery or forwarding to a new address.

(d) **Delivery restricted by sender—(1) Method.** The sender of registered mail may restrict its delivery by indorsement thereon and the payment of an additional fee of 20 cents.

NOTE: See § 58.6.

(2) **Delivery to addressee or order.** Mail indorsed "Deliver to addressee or order," or with words of similar import, shall not be delivered except to the addressee or on his written order.

(3) **Delivery to addressee only.** Mail indorsed "Deliver to addressee only," or with words of similar import, shall not be delivered to any person except the addressee, not even on his written order; if personal delivery cannot be made, the mail shall be treated as undeliverable. Mail so indorsed, addressed to a firm, corporation, institution, or the like, shall be delivered to the person duly authorized by the addressee in writing to receive registered mail so addressed. The person signing for such registered matter shall add the words "Authorized agent" below the signature, or, if delivery is made to an official or member of the firm, his title shall be indicated after or below the signature. The word "Personal" is not to be construed as an indorsement so restricting delivery. Directions to deliver only to the addressee cannot be observed when registered mail is addressed to the President, Vice President, or ex-Presidents of the United States, heads of departments or bureaus of the Government, Justices of the Supreme Court of the United States, Senators or Representatives in Congress, governors of States or Territories, or to the diplomatic representatives of governments. Mail so addressed when marked "Deliver to addressee only," or with words of similar import, will be delivered to the addressee or on his written order, and senders of such mail so indorsed should be advised accordingly.

NOTE: See §§ 43.20 and 43.35 as to disputes.

(e) **Delivery restricted by addressee.** The addressee of registered mail may restrict its delivery by filing at the post office of address directions in writing, stating to whom delivery may be made, and such directions shall be strictly observed. Unless otherwise authorized by the Third Assistant Postmaster General, when delivery of a registered article is restricted by the addressee, notation to that effect must be placed on the records of the office of delivery.

(f) **Verification of signature on orders; standing orders; obsolete orders.** Unknown signatures on written orders for the delivery of registered mail shall be verified before acceptance. Standing orders shall be complied with until countermanded in writing or positively known to be inoperative. Obsolete orders shall be retained four years, after which they may be disposed of as provided in § 6.22.

(g) **Addressee dead or insane.** If the addressee is dead or insane, delivery may be made to his legal representative.

NOTE: See §§ 60.11 and 60.12.

(h) **To minors.** Registered mail addressed to a minor living with or under the control of his parents, or dependent on them for support, or under control of a guardian, is subject to the parents' or guardian's control unless it be indorsed for personal delivery, when paragraph (d) of this section applies. In such cases, if delivery be forbidden by parents or guardian, the mail shall be so indorsed, and treated as undeliverable.

NOTE: See § 43.29 as to ordinary mail for minors.

(i) **To students.** Registered mail addressed to students who are not minors at colleges and similar institutions, the delivery of which has not been restricted

by the sender or addressee, may be delivered to the authorized representative of the institution. If a student is a minor and has been placed under the charge of the principal by his parent or guardian, and the rules of the institution provide that the principal shall have control of mail addressed to such students as are minors, registered mail, the delivery of which has not been restricted by the sender, shall be delivered in accordance with the order of the principal. If the principal has not authority from the parent or guardian to control mail of minor students placed under his care, such mail shall not be delivered to the principal or other representative of the institution against the wishes of the student or his parent or guardian but may be delivered to the addressee in the absence of any objection from the parent or guardian. (See par. (h) of this section.) In case of doubt as to proper delivery the matter shall be submitted to the Third Assistant Postmaster General, Division of Registered Mails, with a full statement of facts.

NOTE: See § 43.29.

(j) **Addressed by title to former public officer or former officer or employee of firm or organization.** Registered mail, not obviously of a personal nature, addressed to a former public officer or to a former officer or employee of a firm, corporation, association, or institution, by his name and former title, shall be delivered as if addressed to the person holding the title or performing the duties of the office. If, because of unusual circumstances, a postmaster is in doubt as to the correctness of such delivery, he shall retain the registered article and promptly ascertain the intention of the sender, in writing, through the mailing postmaster, and dispose of the mail accordingly.

(k) **Pension letters.** Registered letters from the Veterans' Administration, Washington, D. C., addressed to a pensioner, a claimant for pension, or the payee of a pension, shall be delivered in accordance with the requirements of § 43.27.

(l) **Inadequately addressed mail accepted for registration by error.** Registered mail received for delivery which has been erroneously accepted for registration (§ 58.2, paragraph (c)), when addressed simply to a box (post-office or rural) number, street number, to initials or fictitious names, shall be considered undeliverable and treated in accordance with § 60.5.

NOTE: See § 58.12 (1) as to envelopes and labels covering official matter.

(m) **No exceptions to delivery rules.** No exception shall be made to the rules herein prescribed governing the delivery of registered mail because of relationship of any nature between the addressee and any person claiming the mail.

(n) **Matter in transit to special supply office.** Registered and insured mail (and collect-on-delivery mail when the distributing office transacts money-order business) in transit to a post office receiving special supply may, in cases of emergency, be delivered from the distributing office, upon the addressee's personal or written application, with satisfactory identification, but no registered, insured, or collect-on-delivery mail which is marked for delivery to the addressee only shall be delivered to other than the addressee. Records of such delivery of registered, insured, or collect-on-delivery mail shall be retained by the distributing office. Particulars of the article delivered in transit by the distributing office shall be transmitted to the postmaster at the office of address who shall enter the article upon his records and make a note on the records to the effect that delivery was effected in transit from the distributing office.

NOTE: See § 43.19 as to ordinary mail.

(o) **Discretion to be exercised in making delivery.** Postmasters shall exercise discretion in the delivery of registered mail. If there is reason to believe that the person or institution to whom delivery of registered mail may be authorized is not such a responsible person or institution as would care for and properly dispose of it, delivery should not be made except to the addressee or person in whose care it is addressed, or to a representative of the addressee or person in whose care it is addressed authorized in writing to receive it, or in compliance with a written order from the sender verified by the postmaster at the sender's address.

NOTE: See § 43.20 as to disputes between claimants.

§ 60.11 **Delivery of registered mail for deceased addressee.** If delivery has not been restricted by the sender, registered mail for a deceased addressee may be delivered to his legal representative. If none, it shall be returned to the sender indorsed "Deceased" unless he, through the mailing postmaster, directs delivery to another person. If there is no legal representative and the article is claimed by a relative of the deceased addressee, such relative may be furnished with the name and address of sender.

NOTE: See § 43.29 as to domestic ordinary mail, and § 114.26 as to foreign mail.

§ 60.12 **Delivery to specially described persons.** Registered mail, the delivery of which has not been restricted by the sender or the addressee—

(a) Addressed to a prisoner, may be delivered to the officer having charge or custody of the prisoner to whom the addressee's ordinary mail is customarily delivered, or to the person acting for such officer and under his authority.

(b) Addressed to an inmate or employee of a hospital, sanitarium, or asylum, or similar institution, may be delivered to the person who customarily receives the ordinary mail of the employees or inmates of such institutions; but if a committee or a guardian has been regularly appointed for such inmate, his registered mail shall be delivered to, or in compliance with the written order of, the committee or guardian.

(c) Addressed to members of theatrical companies at a theater, may be delivered to any responsible person who customarily receives the ordinary mail of the theatrical company or its members or to any responsible person to whom ordinary mail for the theater is customarily delivered.

§ 60.13 **Liability of Department ceases on delivery.** The liability of the Department for registered mail shall cease on its delivery in accordance with the Postal Laws and Regulations.

NOTE: See § 60.10.

§ 60.14 **Forwarding registered matter—(a) Conditions.** Except as provided in paragraph (d) below, all registered matter, except that which has once been properly delivered, may be forwarded from one post office to another, without additional charge for registry fee, on payment of the charges, if any, for transmitting the forwarding request—

(1) Upon the written order of any person to whom the matter is deliverable at the office of address.

(2) If delivery is restricted, upon the written order of any person to whom it would be deliverable in the absence of the restriction.

(3) Upon the written order of the sender or addressee verified by the postmaster who sends the request.

(4) Upon the telegraphic request from a postmaster based on the verified written order of the sender or addressee.

(5) In cases where the postmaster is satisfied that no fraud is intended, upon a written or telegraphic order received direct from the sender or addressee.

(b) **When forwarding or return postage not received.** If the postage required for forwarding or returning other than first-class mail which does not bear the sender's pledge to pay forwarding or return postage is not received within the period prescribed by §§ 43.13 and 43.48, the article shall be disposed of as an undeliverable registered article.

NOTE: See §§ 60.17 and 60.20.

(c) **Forwarding orders—(1) Includes registered mail.** Written orders to forward mail shall be construed to apply to both ordinary and registered mail, unless the contrary is specifically stated.

(2) **To be signed and filed.** Forwarding orders shall invariably be signed and retained on file.

NOTE: See § 43.13.

(d) **Not to be forwarded to foreign countries.** Postmasters shall not forward to a foreign country, in compliance with requests from the senders or the addressees, domestic registered articles mailed in the United States and originally addressed for delivery at post offices in the United States. If such articles cannot be delivered at the domestic post offices of destination, they shall be marked with the reasons for their nondelivery and treated as undelivered registered matter. If the articles are of the first class and do not bear requests requiring their retention for specified periods, they shall be returned immediately.

NOTE: See instructions in Manual of Instructions for Postal Personnel as to forwarding of registered mail to and from the Canal Zone.

(e) **Procedure when forwarding or returning.** In forwarding or returning registered mail, the postmaster shall not change the name of the addressee or sender, but shall change the address only, cross off the name of his post office and State, plainly mark the article "Forwarded" or "Returned to writer" ("R. W."), as may be proper, and dispatch the article under its original registration number. If forwarded, the original return receipt, if any, shall accompany the article. If returned to writer, the original return receipt, if any, shall be destroyed. The delivery book or other authorized record shall show when and to what office and State a given article was forwarded, or when and to what office and State or country the article was returned, and the number under which it was dispatched.

NOTE: See § 60.20 as to treatment of matter returned to office of mailing.

(f) **Air mail.** Registered air mail weighing up to and including 8 ounces subject to the 6-cent an ounce rate shall be forwarded by air if delivery will be expedited, and returned by surface, without additional postage. Registered matter sent via Air Parcel Post, which is accepted with the understanding that forwarding and return postage is guaranteed, is subject to forwarding and return postage. If it bears pledge to pay such postage without instructions as to whether by air or surface, it shall be sent by air, properly rated up. If sender requests forwarding or return by surface, it shall be rated and transmitted accordingly.

§ 60.15 **Registered articles found in ordinary mail—(a) Treatment of.** A registered article, whether of domestic or foreign origin, and regardless of its condition, found in the ordinary mail not marked "Not in the registered mail" shall be removed from the ordinary mail wherever found, backstamped, indorsed as to its condition, and repaired or reinclosed when in other than good condi-

tion (see § 59.86), and given the safeguards provided for registered mail. Report of the finding shall be made to the Third Assistant Postmaster General, Division of Registered Mails, except in cases of international mail. The latter shall be reported to the Second Assistant Postmaster General, International Postal Service.

(b) **Recording and disposition.** The article shall be marked "Removed from the ordinary mail and registered," and recorded to show original number, office, and State of origin, names and addresses of sender and addressee, the amount of postage and fee borne by it, the amount of any deficiency collectible upon delivery, condition, if not good, and when and by whom found in the ordinary mail. The article shall then be disposed of as registered mail. If removed from the ordinary mail at the office of address after proper delivery, inquiry shall be made of the person whose receipt is held to ascertain reason for the article being in the ordinary mail, the article redelivered or otherwise properly disposed of, and the receipt originally obtained marked to show action taken.

(c) **Office of delivery to record removal of articles from ordinary mail and registered, reregistrations after delivery, and amounts collected.** Offices to which articles removed from the ordinary mail and registered and articles reregistered after proper delivery are forwarded or returned marked to indicate that additional registry fee and postage, if any, is required, shall keep such record as will show that the articles were removed from the ordinary mail and registered or remailed after delivery, how they were disposed of, and the amount of any additional fee, surcharge, or postage actually collected on any particular article.

NOTE: See § 60.7.

(d) **"Registered" indorsement to be added by employee first noting omission.** Registered matter which has not been marked "Registered" by the mailing postmaster shall be so indorsed by the first postal employee noting the irregularity.

NOTE: See § 58.7 as to matter intended for registration found in the ordinary mail.

REREGISTRATION AND UNDELIVERED ARTICLES

§ 60.16 **Reregistration after delivery—(a) New fee required.** If a registered article once properly delivered is reregistered it shall be indorsed "Reregistered after delivery" and a new registry fee and any surcharge properly collectible shall be charged, and additional postage if this would be required were it ordinary mail. The registry fee and any surcharge properly collectible and any necessary additional postage and surcharge if not supplied by the addressee or agent shall be collected from the sender upon return unless prepayment of postage is required.

(b) **When fee need not be prepaid.** (1) Any registry fee required when forwarding or returning a registered article found in the ordinary mail or presented for reregistration by other than the addressee after proper delivery need not be prepaid. If the registry fee is not prepaid, the article shall be marked "Collect — cents on delivery," or where scales are not available, "Collect deficiency on delivery." The article shall be dispatched to its destination as registered mail provided any required postage is prepaid or if postage would not be required were the article ordinary mail.

(2) However, where the required registry fee has not been prepaid and the article is to be returned to the sender (and the period specified in the return request or, in its absence, the period prescribed by § 60.17 for the retention of the

article, will permit of notice to the sender and receipt of reply within the prescribed period) the postmaster shall advise the sender that the article is held, stating the amount of the additional registry fee and postage (if any) required for returning it. If there is insufficient time to communicate with the sender, and prepayment of postage is not required or is required and has been prepaid, the article should be dispatched to destination indorsed to show that the deficiency in registry fee and any other charges applicable are to be collected upon delivery. If the article requires *prepayment* of additional postage before forwarding or return and the additional postage is not prepaid the article shall be marked "Remailed after delivery—Not registered," and disposed of as ordinary mail. (See §§ 43.13 and 43.48.) Such action shall be taken in these cases as will result in the collection of any additional surcharges required for registered articles remailed after proper delivery.

(c) **Requirements before acceptance for reregistration.** A sealed article presented for reregistration bearing evidence of having been opened, resealed, tampered with, or which is otherwise in bad order shall be refused until reenveloped by the patron. In such case additional postage, registry fee, and any surcharge properly collectible shall be collected before dispatch. If the patron refuses to comply with these requirements and the article is subsequently found in the ordinary mail, it shall be withdrawn therefrom, appropriately indorsed, and given the safeguards required for registered mail, as provided in this section.

(d) **Receipt for reregistration.** A descriptive registration receipt shall be issued to the person presenting for reregistration a registered article once properly delivered, which shall show by whom the article was presented, postmark of issuing office, original number, name of original mailing office, names and addresses of original sender and addressee, and be marked "Reregistered after delivery," followed by notation showing the amount of any additional postage, fees, and surcharge collected, or collectible upon delivery. When such an article is returned to a letter carrier and subsequently delivered by him to the post office or a station, receipt shall be issued to the carrier on Form 3868, such receipt and office record to show that the article was returned after proper delivery.

(e) **Connection of delivery record with reregistration record.** Such notations shall be made as will connect the delivery record of an article reregistered after proper delivery with the record of the article made upon reregistration.

(f) **Disposition of reregistered article when refused.** If neither the addressee nor the sender will accept an article removed from the ordinary mail and reregistered and pay the additional fee, surcharge, and postage, if any, required, the article shall be disposed of as undeliverable.

(g) **When sender does not desire reregistration after proper delivery.** If the sender of any registered article does not desire it registered, if forwarded or returned after proper delivery, he may indorse the article, when mailed, "Do not reregister after proper delivery." When such an article is remailed after proper delivery it should be indorsed "Remailed after delivery—Not registered," unless the person presenting it, or the addressee or his authorized representative, requests reregistration and prepays the fee and any postage required.

(h) **Indorsement when forwarding or returning in ordinary mail.** If for proper reason any article once registered is forwarded or returned in the ordinary mail, it shall be marked "Remailed after delivery—Not registered." When such articles are received from depot letter boxes or are deposited in railway post office cars, railway postal clerks will make the required indorsement thereon.

§ 60.17 Undelivered and refused registered matter—(a) Period of retention; disposition. Domestic registered letters and parcels which remain undelivered at either the office of their original address or the office or station to which they have been properly forwarded for—

- (1) Five days if intended for delivery by village or rural carrier;
- (2) Ten days if intended for box or general delivery at an office having city-carrier service or for delivery by city carrier;
- (3) Fifteen days at offices not having city-carrier service, unless intended for delivery by village or rural carrier;
- (4) Such other period as may be named in the sender's return request, if any, not less than 3 nor more than 60 days, shall be indorsed on the face with the reason for nondelivery and disposed of as herein provided.

(b) When to be returned without charge. Undelivered registered articles of the first class and those inclosed in penalty envelopes, or under penalty labels or franks, those of any class the delivery of which is forbidden by the Postmaster General (see § 36.8), shall be returned to the office given in the sender's address by registered mail without charge for returning.

(c) Immediate return of certain matter. Refused articles prepaid at the letter rate and all those whose delivery is forbidden by the Postmaster General (see §§ 36.8, 60.7, and 97.38), shall be returned immediately.

(d) Sender requested to furnish return postage. At the expiration of the period mentioned in the sender's return request, or, if the period is not mentioned in the return request, at the expiration of the periods mentioned in paragraph (a) above, a notice shall be mailed promptly to the sender of undelivered or refused registered articles originally prepaid at other than the first-class rate (unless the sender has pledged payment of return postage, in which case the matter may be returned without prepayment of postage), requesting him to send the required amount in stamps to pay the return postage (see § 43.48), but not registry fee or surcharge on such articles. When the stamps are received, they shall be affixed to the article and canceled, and the article promptly returned. If the stamps be not furnished, the articles shall be treated as prescribed in § 43.48. Undelivered or refused registered matter of other than the first class originating on board United States naval vessels or at naval shore stations outside the continental United States, shall be returned, through the proper post office at division headquarters of the Railway Mail Service, without notice to the sender, unless provision has been made for the payment of the return postage by either the sender or the addressee, in which case the matter shall be returned direct.

Note: See § 60.14, paragraphs (e) and (f), as to dispatching matter for return to sender.

(e) Specially held for delivery. When a postmaster has good reason to believe that undelivered registered mail of domestic origin, bearing no time limit, can be delivered properly if it is held longer than the periods specified in the first paragraph of this section, he may indorse it "Specially held for delivery" and retain it not longer than 60 days, provided a written order to that effect is obtained from the sender verified by the postmaster at the sender's address.

§ 60.18 Undelivered articles at stations or branches—(a) Retention of. Undelivered registered articles at stations or branch post offices shall be held for the period prescribed in § 60.17, unless there is good reason to believe that an article is not deliverable within the territory of such station or branch, in which event it shall be returned immediately to the main office.

(b) **Forwarding.** Registered mail for which there is a proper forwarding order at other than an independent station or branch may be forwarded to destination through the main office in the manner prescribed by § 60.14, instead of being sent to the main office for purposes of forwarding.

§ 60.19 **Articles sent to dead letter branch.** (a) When registered articles are disposed of under the provisions of §§ 43.48, and 45.2 to 45.10, they shall be post-marked with the date of sending, indorsed with reason therefor, be accompanied with duplicate lists showing the sending post office and the number and address of each letter and parcel; and the lists, with the articles described thereon, shall be placed in an official penalty envelope indorsed "Inclosing registered matter," and addressed as prescribed in § 45.7 (c). The packet shall then be registered and dispatched as one free registered article.

(b) The contents of a sealed packet of matter sent to a dead letter branch, or to a post office at division headquarters of the Railway Mail Service shall not be entered on the registry dispatch receipt card or manifold registry bill, but only the packet itself as made up.

§ 60.20 **Matter returned to office of mailing—(a) Treatment of.** When an undelivered article reaches the office to which it is sent for restoration to sender, it shall be recorded as billed, and be receipted for by the sender as such on the delivery record, but the letters "R. W." shall appear in every record of such article. When practicable, note shall be made on the original record of the article, showing its return and date, with a reference to its new entry on the delivery record.

(b) **Status of matter returned for restoration to sender.** After a registered article has been returned for restoration to the sender, the addressee shall have no further control over it. After a registered article has been returned to the sender, it shall not be received again in the registered mail unless specially authorized, without prepayment anew of postage, registry fee, and any required surcharge and its reinclosure in a new envelope.

NOTE: See § 58.2.

(c) **When returned article cannot be delivered to sender.** When a returned registered article cannot be delivered to the sender within the time specified in § 60.17 (a), it shall be treated as prescribed in §§ 45.1 to 45.7.

PART 61—HANDLING OF REGISTERED MATTER BY CITY, VILLAGE, AND RURAL CARRIERS

Sec.	Sec.
GENERAL PROVISIONS	
61.1 Acceptance of mail for registration by city, village, and rural carriers and clerks in charge of rural stations.	61.8 Mail registered en route to be delivered en route.
61.2 Responsibility of carrier.	61.9 Numbering of mail registered by carriers.
61.3 Change of address by carrier.	61.10 Authorization of registration by rural carriers.
REGISTRATION BY CARRIERS	
61.4 Registry forms for carriers.	61.11 Matter for registration found in rural mail box.
61.5 Registry forms for rural stations.	61.12 Carriers not to address mail or inclose contents, excepting money orders.
61.6 Lost registration book or missing receipt.	61.13 Matter accepted by carrier for registration and found unmailable.
61.7 Acceptance of mail for registration by city and village carriers.	

Sec.	TREATMENT AT POST OFFICES OF MATTER REGISTERED BY CARRIERS	Sec.	DELIVERY OF REGISTERED MAIL BY CARRIERS
61.14	Checking and recording of carrier registrations at post office or station.	61.21	Delivery of registered mail at city and village delivery offices.
61.15	Examination by postmasters of matter registered by carriers.	61.22	Delivery of box holder's mail.
61.16	Return of excess cash received by carrier with mail matter.	61.23	Carriers to receipt for registered matter for delivery.
61.17	Office copies of carrier registration records.	61.24	Attempts by carrier to deliver.
61.18	Dispatch of registered matter at rural stations.	61.25	When articles are not deliverable by carrier that day.
61.19	Articles for other offices or stations on route to be carried outside pouch.	61.26	Registered special-delivery letters.
61.20	Treatment of article deliverable by rural carrier of another office.	61.27	Delivery by rural carriers.
		61.28	Delivery of intermediate office matter by rural carriers.
		61.29	Exchange of mail by rural carriers.
		61.30	Delivery by rural carriers in transit.
		61.31	Delivery from rural stations.

GENERAL PROVISIONS

§ 61.1 **Acceptance of mail for registration by city, village, and rural carriers and clerks in charge of rural stations.** (a) City, village, and rural carriers and clerks in charge of rural stations shall be governed in the acceptance of mail for registration, and the handling and delivery of registered matter, by the regulations governing postmasters and other postal employees, except as otherwise provided in this Part.

(b) The regulations in this Part apply to city, village, and rural carriers, unless otherwise stated.

§ 61.2 **Responsibility of carrier.** No unauthorized person shall be permitted to have access to registry records or registered mail while in possession of a carrier. Carriers will be held responsible in case of the loss or deprecation of a registered letter or parcel while in their custody.

NOTE: See §§ 41.3 and 62.3 as to protection of registered mail, and § 62.4 as to responsibility.

§ 61.3 **Change of address by carrier.** Carriers shall not change the address of any registered article without proper order, nor shall city or village carriers transfer registered mail from one district to another except through the registry clerk at the post office or station. When the address is changed by carrier he shall write his initials and number over or near the new address and indicate that the order was verbal, if such is the case.

REGISTRATION BY CARRIERS

§ 61.4 **Registry forms for carriers.** (a) Each carrier shall be furnished one carrier's registration book (Form 3897, if office record Form 3807 is kept at the post office on which to record the post office or city carrier registrations; Form 3896, if Form 3807 is not kept at the post office for office or city registrations), an adequate supply of registry delivery notices (Form 3849), and such other forms as may be prescribed from time to time. Carriers, when out on their routes, shall have with them the required registry forms, and immediately upon accepting a letter or parcel for registration shall issue the prescribed receipt and deliver it to the sender.

(b) Carriers on routes on which experience has shown that mail is seldom, if ever, presented for registration may be relieved, in the discretion of the postmaster, from carrying the registration book.

§ 61.5 **Registry forms for rural stations.** The clerk in charge of each rural station shall be supplied with a window registration book (Form 3805), a registry delivery book (Form 3850), registry return receipts (Form 3811), and registry delivery notices (Form 3849).

§ 61.6 **Lost registration book or missing receipt.** If a carrier loses his registration book or is unable satisfactorily to account for a missing receipt, the facts shall be reported immediately to the post-office inspector in charge of the division in which the post office is located.

§ 61.7 **Acceptance of mail for registration by city and village carriers.** City and village carriers shall accept for registration letter mail and small packages (see § 50.14) which are not cumbersome on account of size, weight, or shape, provided such registration of mail does not interfere with other duties of the carriers. Acceptance of mail for registration by city and village carriers is limited to residential districts.

NOTE: See § 61.4 as to supplies, § 58.2 as to preparation of matter for registration, and § 58.10 as to receipts.

§ 61.8 **Mail registered en route to be delivered en route.** When a rural carrier accepts for registration a piece of mail addressed to a patron residing on a portion of the route over which the carrier is to pass before returning to the post office or station with which he is connected, he shall endeavor to effect its delivery before reaching such office or station, making the usual entries in the registration and delivery records and obtaining proper receipt for the article, which receipt shall be filed at the post office or station. The carrier's record shall be marked to show how the piece was disposed of, and signed by the postmaster or superintendent of the station.

NOTE: See § 42.11 as to canceling stamps.

§ 61.9 **Numbering of mail registered by carriers—(a) A series for each carrier.** All mail registered by carriers and the registration receipts issued therefor shall be numbered by them in consecutive series, consisting of 100 numbers for each carrier, beginning on July 1 of each year and continuing throughout the fiscal year.

(b) **For city and village carriers.** The numbers of articles registered by each city and village carrier shall correspond in "hundreds" with the series assigned to the carrier according to his number. The first registration number in each carrier's series shall be represented by each carrier's number followed by two ciphers. For example:

Carrier No. 1	-----	100 to 199, inclusive.
Carrier No. 5	-----	500 to 599, inclusive.
Carrier No. 10	-----	1000 to 1099, inclusive.

(c) **For carriers at large offices.** At large offices where it is impracticable to assign a separate cycle series of numbers to each city carrier, one distribution series may be utilized at the main office or at stations for all city carrier registrations, but the receipts in the city carriers' registration books shall be numbered consecutively, commencing with No. 1, and continuing throughout the book. The articles registered by carriers shall bear registration numbers corresponding with the numbers shown by the receipts issued to the senders. These numbers shall be

crossed off lightly when the articles are given numbers in the station or main office distribution series assigned for city carrier registrations. The carrier's registration book and the proper office records shall show both the registration numbers under which the articles were accepted by the carriers and the numbers in the series under which the articles were dispatched.

(d) **For rural routes.** A cycle series of 100 registration numbers shall be assigned to each rural route and used in numbering mail accepted for registration and the receipts issued therefor, which series shall commence with a number formed by affixing two ciphers ("00") to the route number and end with a number formed by affixing "99" to the number of the route, the series to commence anew as soon as 100 numbers have been used and on July 1 of each year. For example:

The first article registered on rural route No. 1 on July 1 would be given No. 100 and the numbers continued through 199, when the series will again commence with "100." Likewise the first article registered on route No. 5 would commence with "500," continue through 599, and then commence anew with "500."

(e) **Used also as dispatching number.** This cycle series number shall be used as the dispatching number for city and rural carrier registration by the post office or station to which the carrier or route is attached.

(f) **Repetition of series when numbers exhausted.** When a carrier has exhausted his series of numbers the same series shall be started anew without regard to date and continue in this manner until June 30 of each year. The number of the carrier who registered an article or the rural route on which it was registered may be ascertained by striking off the last two figures of the registration number borne by the article, the remaining figure or figures indicating the number of the carrier or of the route.

(g) **Numbering of registration books and receipts by carriers.** Each carrier shall number consecutively the registration books used by him during any fiscal year, beginning with No. 1. The first receipt in a new book shall be given the proper registration number in the series above prescribed following that of the last receipt in the book previously filled unless the series is commenced anew because exhausted or of commencement of new fiscal year.

§ 61.10 **Authorization of registration by rural carriers.** Rural carriers shall register any matter proper for registration (see §§ 58.2, 58.3, 58.10, 60.15, 60.16, 61.11, 61.14, 61.16, 114.10, and Manual of Instructions for Postal Personnel) which may be offered to them while on duty, handle registered mail in transit over their routes, and deliver such mail to patrons on their routes, issuing and taking the necessary receipts on forms prescribed for the purpose.

NOTE: See § 52.38 as to exceptions.

§ 61.11 **Matter for registration found in rural mail box.** When a rural carrier finds in a rural mail box an acceptable letter or parcel marked for registration bearing name and address of sender, with sufficient stamps affixed to pay postage, registry fee, and any required surcharge, or money to pay for the same, he shall at once register the article, and, if the sender is a patron of the route, leave the registration receipt in the box. If the sender is not a patron of the route, the registration receipt shall be mailed in a penalty envelope to his address. The same procedure shall be followed if the article is marked to indicate that the sender desired it to be registered even though it does not bear the name of the sender or sufficient postage is not affixed.

NOTE: See §§ 58.7 and 58.11 as to when an article may be considered as registered.

§ 61.12 **Carriers not to address mail or inclose contents, excepting money orders.** Carriers shall not address matter tendered for registration, place con-

fents in envelopes or seal them, but may act as agents of patrons, without remuneration, to inclose money orders, procured for the remitters, in addressed envelopes furnished by senders for the purpose, and seal or present the same for registration at the office or station to which they are attached.

NOTE: See § 58.2 as to assistance by postal employees in preparation of matter for registration.

§ 61.13 Matter accepted by carrier for registration and found unmailable—
(a) When corrected while in carrier's custody. When a piece of matter accepted for registration by a carrier is found to be unmailable, but the irregularity can be properly corrected by the sender without taking the article from the carrier's custody, the sender shall be permitted to make such correction. It shall then be taken to the post office or station for dispatch without requiring the payment of additional postage, registry fee, or surcharge. Correction so made shall be noted on the sender's original receipt and on the office or station records.

(b) When returned to sender. If an unmailable piece of matter cannot be rendered mailable by the sender while in the custody of the postal service, it shall be returned to him with a statement of the reasons for its rejection, and the sender's registration receipt indorsed across the face "Returned to sender," with the reason therefor. When mail is returned to the sender in this manner the carrier shall receipt to the post office for it by signing his name and number under the indorsement "Returned to sender," the sender's receipt taken by the carrier on the proper form, and the sender requested to surrender the original registration receipt, which shall be similarly indorsed and signed by the carrier and pasted on the edge of the stub in the carrier's registration book.

TREATMENT AT POST OFFICES OF MATTER REGISTERED BY CARRIERS

§ 61.14 Checking and recording of carrier registrations at post office or station. (a) Immediately upon returning to the post office or station after serving his route, each carrier shall deliver to the postmaster or authorized representative all matter accepted for registration, who shall check the matter and any postage, fees, or surcharges collected by the carrier against the record in the book and give the carrier proper receipt therefor at the time.

(b) After mail registered by the carrier has been found acceptable, the postmaster or representative shall complete the office record of the matter.

§ 61.15 Examination by postmasters of matter registered by carriers. Postmasters or their authorized employees shall examine all letters and parcels registered by carriers to see that the requirements of the Postal Laws and Regulations have been complied with.

NOTE: See §§ 34.13, 42.17, and 58.2.

§ 61.16 Return of excess cash received by carrier with mail matter. Any cash in excess of the amount required to pay postage, registry fee and any required surcharge shall be handed to the sender on the carrier's next trip or inclosed in an envelope and deposited in the sender's mail box. The amount required shall be noted on the office record by the receiving postmaster or authorized employee directly beneath the amount received, as written by the carrier, the subtraction being made so as to show the amount received and the amount returned to the sender.

NOTE: See § 52.38.

§ 61.17 **Office copies of carrier registration records.** (a) The carbon copy of the sheets taken from the manifold carrier's registration books (Form 3896) shall be filed in the post office according to dates, the most recent on top, and shall be the permanent office record of articles registered by carriers attached to a post office or station. The window registration book shall not be used for recording such matter. Form 3807 shall be used as the office record of registrations by rural carriers when "quick-receipt" Form 3897 is issued.

(b) The office record of registered articles handled by carriers shall be compared and checked frequently to see that each article is properly accounted for.

§ 61.18 **Dispatch of registered matter at rural stations.** Registered articles shall be prepared for dispatch to other offices at rural stations the same as they are made up for dispatch at post offices. Receipts for registered articles dispatched from rural stations shall be taken from the rural carrier direct, and receipts shall be taken by the rural carrier from the postmaster, railway postal clerk, or other postal employee to whom the registered articles are delivered.

§ 61.19 **Articles for other offices or stations on route to be carried outside pouch.** Unless otherwise specially authorized by the Third Assistant Postmaster General, registered articles dispatched over a rural route to other offices or stations shall not be inclosed in iron-lock pouches but shall be handed to the carrier outside of the pouch, hand-to-hand receipt being obtained.

NOTE: See § 62.2.

§ 61.20 **Treatment of article deliverable by rural carrier of another office.** When a postmaster receives a registered article addressed to his office which is properly deliverable by a rural carrier attached to another office which is served by an exchange between carriers, he shall change the address on the article, as to destination only, to that of the office from which it is deliverable, and treat it in accordance with the provisions of § 61.30.

DELIVERY OF REGISTERED MAIL BY CARRIERS

§ 61.21 **Delivery of registered mail at city and village delivery offices—(a) By carriers.** Postmasters at city and village delivery offices, unless requested to the contrary by addressees, shall deliver by city or village carriers all registered mail, addressed to street and number and to persons whose addresses appear in the city or office directory.

(b) **When delivery involves unusual risk.** (1) When there is reason to believe that a registered letter or parcel contains a large sum of money, valuable securities, or other valuable matter which cannot be delivered by city, village, or rural carrier or by special-delivery messenger without unusual risk, the addressee shall be requested to call for it at the post office, and the special-delivery stamps or special-delivery indorsement thereon, if any, may be disregarded.

(2) When a postmaster receives a number of registered articles for delivery by the same carrier on any one trip, he shall hold the registered matter for desk delivery, if in his opinion the aggregate value of the articles is such that delivery cannot be made by carrier without unusual risk.

§ 61.22 **Delivery of box holder's mail.** When the addressee is a box holder, all of his registered mail shall be held for desk delivery unless he requests that it be delivered by carrier.

§ 61.23 **Carriers to receipt for registered matter for delivery.** Carriers shall receipt on the post-office or station delivery record for all registered mail handed

them at such office or station for delivery, and also enter, or have entered, complete descriptions thereof, as well as of transit registered articles, in their own registry records (Forms 3830, 3849, or 3851, 3852, 3853, 3854).

§ 61.24 **Attempts by carrier to deliver—(a) Repeated if necessary.** Carriers shall endeavor to deliver registered mail on the first trip after it is prepared for delivery, unless the addressee has given orders to the contrary, and shall make as many efforts each day to deliver such mail as their trips will permit, unless it clearly appears after any trip that delivery by them is impossible.

(b) **Record and notices of unsuccessful attempts.** After each unsuccessful trial the carrier shall write in pencil, on the left end or back of the letter or parcel, the reason for nondelivery, and sign it with his initials and number and leave a notice (Form 3849) at the addressee's residence, place of business, or mail box. Article shall show date notice was issued.

§ 61.25 **When articles are not deliverable by carrier that day—(a) Must be returned to office.** When on any day it is found impossible to deliver a registered article on that date, it shall be returned to the postmaster, superintendent, or authorized clerk. This shall be done also after the last trip each day, and after any trip which is followed by the carrier's lay-off.

(b) **Check of carrier's returns and receipting for.** The receipts for registered mail delivered, and the undelivered registered articles returned to the post office by city, village, or rural carriers, shall be promptly checked with the post-office delivery record and prompt and proper action taken if any discrepancies are found. Form 3867 (sheet record of registered matter received for delivery), or the incoming manifold bills if more convenient, shall be used at post offices having the "number only" system of delivering registered mail as the checking record. At other offices Form 3867, delivery book, Form 3850, or the incoming manifold bills if more convenient, may be used on which to check the carriers' returns. A receipt on the form provided for the purpose must be given city, village, and rural carriers for any undelivered registered articles, and any receipts for registered articles delivered, turned in by them, such receipts to be given at the time the registered matter and signed receipts are received from the carriers.

(c) **Treatment of articles returned by carrier; receipts when again taken out.** Undelivered registered articles returned by carriers shall, at each return, be carefully examined and reentered on the authorized record; and every time thereafter they are taken out for delivery by the carrier he shall receipt for them.

§ 61.26 **Registered special-delivery letters—(a) Care in handling.** Registered letters for special delivery shall be intrusted only to adult employees of a post office, or, if this be not practicable, only to sworn messengers of undoubted discretion and good judgment. Postmasters may make delivery of such letters in person.

(b) **Receipts.** In delivering special-delivery registered mail the receipts required for special-delivery mail need not be obtained in addition to the receipts for registered mail.

NOTE: See §§ 53.16 and 60.10 (a), as to delivery of registered matter, and § 61.21 as to registered mail of unusual value.

§ 61.27 **Delivery by rural carriers—(a) Limitations.** Registered mail addressed to a patron of a rural route shall be delivered at the residence of the patron if it be not more than one-half mile from the line of travel and there is a passable road leading to it, but a carrier shall not be required to make more

than one visit to a residence to effect the delivery of any one piece of registered mail.

NOTE: See § 61.21.

(b) **Notice in box.** If the addressee does not meet the carrier on the first trip, or by reason of location is not entitled to delivery at his residence, or delivery at the residence is not effected as prescribed by the preceding paragraph, the carrier shall place in the box of the patron a notice (Form 3849) that the patron may obtain the registered article by calling at the post office or meeting the carrier at the box on the next trip.

(c) **Advice of patron to meet carrier at box.** A rural carrier may advise a patron of his route whose residence or place of business is located more than one-half mile from the route, by telephone or otherwise, that he holds registered mail addressed to him, and that he will be at the patron's mail box at a specified time to effect delivery. Such arrangement shall not be made, except on initiative of the patron, when the latter is located one-half mile or less from the route.

§ 61.28 **Delivery of intermediate office matter by rural carriers.** (a) Rural carriers who call at intermediate offices on their routes to receive mail for delivery to their patrons shall receipt therefor, and turn in to such offices the delivery receipts and any undelivered registered articles in the manner prescribed by §§ 61.23 to 61.27, inclusive.

(b) Any registered matter and signed office or return receipts for registered articles remaining in possession of the carrier when service on his route is completed shall be turned in at the office or station from which the route emanates. If, however, prior to his arrival at the head office the rural carrier calls at an intermediate office from which he has received registered mail for delivery, he shall turn in to that office any undelivered registered mail received therefrom, and the office and return receipts for any such mail which he has delivered. Any signed office receipts for registered mail which was received by the rural carrier from an intermediate office and delivered, and which was temporarily left at the head office shall be obtained by the carrier and delivered into the intermediate office on his next trip, but the return receipts for such articles may be mailed out by the head office.

§ 61.29 **Exchange of mail by rural carriers.** If a rural carrier, under due authorization, delivers registered mail to another carrier, he shall obtain receipt therefor on an appropriate record. The carrier receiving the mail shall in turn enter it in his record and secure receipt from the person to whom he makes delivery.

§ 61.30 **Delivery by rural carriers in transit.** When a rural carrier attached to an office which is served in transit by an exchange of mail between him and a carrier attached to another office receives from the latter carrier a registered article for delivery on his route, he shall, if possible, effect delivery before reaching his office, and shall report the fact to the postmaster or authorized employee at such office, exhibiting his record of the article (which shall embody the usual delivery record and particulars), from which such postmaster or employee shall enter a description of the article on the delivery records of the post office or station.

§ 61.31 **Delivery from rural stations.** Registered mail addressed to a rural station for delivery shall be held there, to be called for, the usual office registry notice (Form 3849) being issued, unless the addressee is a patron of a rural route starting from such station or a route contiguous thereto, in which case the mail shall be sent out by the carrier, unless patron otherwise directs.

PART 62—MISCELLANEOUS PROVISIONS RELATING TO REGISTERED MAIL

<p>Sec.</p> <p>62.1 Correspondence about registry system.</p> <p>62.2 Exceptional treatment of registered mail.</p> <p>62.3 Care of registered matter.</p> <p>62.4 Responsibility for registered matter.</p> <p>62.5 Registered matter not to be surrendered upon service of legal process.</p>	<p>GENERAL</p>	<p>Sec.</p> <p>62.6 Receipts to be written, not stamped.</p> <p>62.7 Checking by separate articles.</p> <p>RECORDS, FORMS, AND REPORTS</p> <p>62.8 Registry records in post offices.</p> <p>62.9 Special registry books and forms.</p> <p>62.10 Requisitions and stocks of forms.</p> <p>62.11 Registry forms for R. M. S.</p> <p>62.12 Preservation of registry records.</p> <p>62.13 Statistical records and reports.</p>
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GENERAL

§ 62.1 **Correspondence about registry system.** All correspondence or other business relating wholly to matters concerning the domestic registry system shall be conducted through the office of the Third Assistant Postmaster General, Division of Registered Mails, and those relating wholly to the international registry system shall be conducted through the office of the Second Assistant Postmaster General, International Postal Service. All papers coming into the possession of any other branch of the Postal Service or other office of the department in connection with such business shall be referred, either entire or by copies or appropriate extracts, to the office directly in charge of the registry service, domestic or international, as the case may be; but all cases involving the loss, depredation, or wrong delivery indicating probable loss of a domestic registered article, and all inquiries for missing domestic registered matter shall be referred or reported in the first instance to the inspector in charge, while those concerning foreign registered matter shall be handled in accordance with the provisions of § 44.1.

NOTE: See § 125.10.

§ 62.2 **Exceptional treatment of registered mail.** When at particular points or in particular instances the general method prescribed by the regulations relative to registered mail is not practicable or advantageous, the Third Assistant Postmaster General, Division of Registered Mails, in the case of domestic mail, and the Second Assistant Postmaster General, International Postal Service, in the case of international mail, may authorize exceptional dispatches or exceptional treatment of such mail.

§ 62.3 **Care of registered matter—(a) Separate handling.** All registered matter shall be kept separate from ordinary matter, and properly protected from accident or theft. Registered mail shall be handled, as far as practicable, only by experienced employees of known integrity.

(b) **Report of inadequate safeguards.** Prompt report shall be made to the Third Assistant Postmaster General, by postmasters direct and by other postal officials or postal employees through proper channels, of any instance noted wherein there may be a doubt as to whether registered mail, particularly that known or presumed to be of more than nominal value, is given adequate safeguards either in transit or in post offices.

NOTE: See § 61.2 as to responsibility for negligence; § 41.13 as to unauthorized persons.

§ 62.4 **Responsibility for registered matter.** Postmasters and other postal employees will be held personally responsible by the Post Office Department for

the wrong delivery, depredation upon, or loss of any registered letter or parcel if such wrong delivery, depredation, or loss be due to negligence or disregard of the regulations.

NOTE: See §§ 44.4, 58.2, 59.7, 59.46, 59.48, 60.10, and 62.3.

§ 62.5 Registered matter not to be surrendered upon service of legal process—

(a) **Answer to service of process.** Postmasters and other postal employees shall not surrender registered matter upon the service of process of attachment, garnishment, or other legal process. A postmaster or other employee served with such process shall make answer to the court from which it issues, setting forth his official character and the fact that the matter in dispute came into his hands by virtue of his official authority. If, after such answer, the court directs the delivery, the postmaster shall request the suspension of the order until he can communicate with the Third Assistant Postmaster General, Division of Registered Mails, in the case of domestic registered mail, and with the Second Assistant Postmaster General, International Postal Service, in the case of foreign mail, by telegraph if necessary, and obtain further instructions.

(b) **Retaining custody of records brought into court.** A postal employee summoned to take registry records into court shall not permit them to be taken from his custody, and during the absence of such records as are in current use at the post office blank record forms of the same kind shall be used.

§ 62.6 Receipts to be written, not stamped. Unless otherwise authorized by the Third Assistant Postmaster General, receipts for registered mail shall be written, not stamped. (See § 60.9 for exception.) When conditions require it, the initials of the receiving postal employees may be omitted, except when two employees in the post office or railway post office have the same surname.

NOTE: See § 59.6.

§ 62.7 Checking by separate articles. Registered articles shall not be checked by totals unless specially authorized by the Third Assistant Postmaster General.

NOTE: See § 59.46 as to witnessing.

RECORDS, FORMS, AND REPORTS

§ 62.8 Registry records in post offices. (a) Postmasters shall keep proper record of all matter registered and received for delivery, respectively. (See §§ 58.10, 59.76, and 60.1.) Proper dispatching and transit records also shall be maintained of all registered letters, parcels, and jackets, and rotary-lock sacks and pouches addressed to other post offices.

NOTE: See §§ 59.4 (b), 59.5, 59.41 (a), 59.69, and 114.13.

(b) Postmasters at presidential offices may be furnished specially arranged registration, delivery, and transit record forms, as well as other special forms, with instructions for exceptional treatment of registered mail at their offices.

§ 62.9 Special registry books and forms. (a) Registry books and forms of a special character not needed at all offices may be furnished upon the authority of the Third Assistant Postmaster General only, and by "special allowance," when the volume of registry business transacted warrants it, or when for other reasons the registry business would be benefited thereby.

(b) After due authorization books and forms with office headings may be ordered from the Fourth Assistant Postmaster General, Division of Equipment and Supplies.

§ 62.10 **Requisitions and stocks of forms.** Postmasters shall make timely requisition for, and keep constantly on hand at their main offices, at stations, and in possession of city, village, and rural carriers (if any), such authorized registry blanks and forms as are necessary for the proper conduct of the registered-mail service at their offices.

§ 62.11 **Registry forms for R. M. S.** Railway postal clerks shall be furnished, through their respective general superintendents, with such registry forms as they are authorized to use.

§ 62.12 **Preservation of registry records—(a) In post offices.** The registry records of a post office shall be preserved among the files of the post office for the proper period (see § 6.21) and turned over by a retiring postmaster to his successor.

(b) **Of discontinued post offices.** (1) All books, blanks, and other papers relating to registry business received by a postmaster from any discontinued office shall be kept by him as a part of the records of his office.

(2) When a post office is discontinued and made a station of another post office, all books, blanks, and other papers relating to the registry business of the discontinued office shall be turned over to the designated postmaster, who shall continue their use at that station, making a notation in the books to show where the record of the discontinued postoffice stops and that of the station begins.

(c) **In R. M. S.** Records of registered matter handled by railway postal clerks shall be retained by them for a period of two years, unless sooner disposed of in accordance with the provisions of § 106.6, and thereafter turned in to the respective general superintendents. Railway postal clerks' certificates of final service shall not be issued to the paying postmaster until these records are turned in. (See § 17.25.) Registry records of a terminal railway post office shall be preserved among the files of such office and in the custody of the clerks in charge. All such registry records shall be inspected from time to time by district superintendents or examiners of the Railway Mail Service.

§ 62.13 **Statistical records and reports.** (a) Postmasters at offices of the first, second, and third classes shall maintain such statistical record of registered matter as may be required by the Department and report the items called for on the forms provided for the purpose promptly on the 1st day of July of each year. The record of such statistics at the larger offices shall be kept on Form 3873 at the main office and on Form 3874 at stations or branches. Postmasters also shall be prepared to furnish without delay such additional reports as may from time to time be requested by the Department.

NOTE: Information as to the statistics to be reported annually will be found in the Manual of Instructions for Postal Personnel.

(b) All station statistical reports of registry business shall be sent to the main office on Form 3874 at the close of each month, or oftener if required by the postmaster.

PART 63—INDEMNITY FOR LOSSES

<p>Sec. 63.1 Indemnity for domestic registered matter. 63.2 False claims for indemnity. 63.3 When indemnity will be paid. 63.4 Indemnity on matter partly covered by commercial insurance.</p>	<p>Sec. 63.5 Claims for indemnity. 63.6 When no indemnity will be paid. 63.7 Indemnity when claimant is incompetent or deceased. 63.8 Surrender of lost article recovered and refund of indemnity.</p>
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<p>Sec. DOMESTIC REGISTERED COLLECT-ON-DELIVERY MAIL</p> <p>63.9 Domestic registered collect-on-delivery.</p> <p>63.10 Fees and amounts of indemnity.</p> <p>63.11 Rules and regulations for payment of indemnity.</p> <p>63.12 Shipment to be based on bona fide order.</p> <p>63.13 Numbering.</p> <p>63.14 No return receipts.</p> <p>63.15 Claims.</p> <p>63.16 Loss, rifling, damage, or failure to remit C. O. D. charges.</p>	<p>Sec.</p> <p>63.17 Issuance of instructions, RECEIPTS OR CERTIFICATES OF MAILING FOR ORDINARY, REGISTERED, INSURED, AND COLLECT-ON-DELIVERY MAIL</p> <p>63.18 Authority to charge fee for receipt or certificate of mailing.</p> <p>63.19 Charge for receipt for ordinary mail.</p> <p>63.20 Charge for additional receipts.</p> <p>63.21 Stamps in payment.</p> <p>63.22 Statistics.</p>
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§ 63.1 **Indemnity for domestic registered matter—(a) Authority for.** For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed \$1,000 for any one registered piece, or the actual value thereof when that is less than \$1,000, and for which no other compensation or reimbursement to the loser has been made: *Provided*, That the Postmaster General may in his discretion provide for the payment of indemnity for the actual value of registered mail or insured mail treated as registered mail in excess of \$1,000, but not in excess of \$10,000, when such mail is not insured with any commercial insurance company or other insuring agency and may fix the fees chargeable for the risks assumed ratably at the rates fixed up to \$1,000: *Provided further*, That the Postmaster General in his discretion may cause to be underwritten or reinsured in whole or in part with any commercial insurance companies any liability or risk assumed by the Post Office Department in connection with the mailing of any particular registered article or articles. (R. S. 3926, as amended; 39 U. S. C. 381.)

NOTE: See § 58.1. The present limit of indemnity for domestic registered mail has been fixed at \$1,000. (See § 58.3.)

(b) **Issuance of instructions.** Any necessary detailed instructions in connection with the administration of the regulations relating to indemnities for domestic registered mail shall be issued by the Third Assistant Postmaster General.

§ 63.2 **False claims for indemnity.** Whoever makes, alleges, or presents any claim or application for indemnity for the loss of any registered or insured letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or

Whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, makes or uses any false statement, certificate, affidavit, or deposition; or

Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and willfully conceals any material fact or circumstance in respect of any such claim or application for indemnity—

Shall be fined not more than \$500 or imprisoned not more than one year, or both.

Where the amount of such claim or application for indemnity is less than \$100 only a fine shall be imposed. (62 Stat. 698; 18 U. S. C. 288.)

§ 63.3 When indemnity will be paid. Indemnity within the prescribed limit (see § 58.3) will be paid to the rightful claimant in case of the injury, loss, or rifting of domestic registered mail, as follows:

(a) In the case of loss or irreparable damage, the market value of the article at the time of loss, or its value on date of mailing, if date of loss cannot be ascertained.

(b) In case of partial damage, the actual and necessary cost of repairs.

(c) The actual, direct, and necessary expenses of duplicating valuable papers, or the original cost of such papers when not duplicated.

§ 63.4 Indemnity on matter partly covered by commercial insurance. * * * All claims for indemnity involving registered mail, or insured mail treated as registered mail, or other insured mail, or collect-on-delivery mail, which is also insured with commercial insurance companies or other insuring agencies, shall be adjusted by the Post Office Department on a pro rata basis as a coinsurer with the commercial insurance companies or other insuring agencies. (Sec. 3, 45 Stat. 469, as amended; 39 U. S. C. 381a.)

§ 63.5 Claims for indemnity—(a) When fraudulent value is stated. Whenever a false, fictitious, or fraudulent value is knowingly and willfully stated, the Department reserves the right without any refund of fee to decline to pay indemnity or to pay such indemnity as may in its discretion be considered equitable in the light of the evidence procured.

(b) **Determination of conflicting claims.** If no agreement is reached in the case of a conflicting claim, indemnity will be paid to such person as may legally be entitled to receive it.

(c) **Time limit for filing claims.** Claims for indemnity involving domestic registered mail shall be made within one year from the date of mailing, unless the delay in filing such claim was unavoidable and not due to the fault of the claimant.

§ 63.6 When no indemnity will be paid. No indemnity will be paid—

(a) For the injury or loss of any registered matter upon which postage, registry fee, and any required surcharge have not been paid.

(b) For the injury or loss of any registered matter which was not rightfully in the mails, or was not injured or lost while in the custody of the Postal Service, or for which other compensation or reimbursement has been made through the Post Office Department or the Postal Service.

(c) For the injury or loss of any registered matter exchanged between post offices in the United States and post offices in possessions of the United States having separate and distinct postal services, except in accordance with such stipulations as may be agreed upon between the postal administrations interested unless the matter originated and the weight of evidence indicates that the matter was lost in the Postal Service of the United States.

(d) For damage to registered mail, due to insecure or insufficient preparation or wrapping or lack of proper indorsement, unless it is shown to the satisfaction of the Third Assistant Postmaster General that the circumstances in any particular case are such as to justify the Department assuming responsibility for the improper preparation of the article for mailing or absence of the proper indorsement.

(e) For the loss or rifling of or damage to any domestic registered article without intrinsic value.

(f) For loss resulting from delay to a registered article.

(g) For damage to articles which are so fragile in their inherent nature as to prevent their safe carriage in the mails, regardless of the manner in which packed.

(h) For the loss, injury, or rifling of a registered article remailed after proper delivery unless the article was reregistered after delivery and the evidence indicates to the satisfaction of the Department that the loss, injury, or rifling occurred in the Postal Service.

(i) For indirect, remote, and unnecessary expenses incident to repairs or duplication of papers, or for any consequential loss.

(j) When the sender knowingly and willfully failed to state, when required, at the time of mailing, the full value of a registered article or an insured article treated as registered mail.

NOTE: See §§ 58.3 to 58.5, inclusive, and 58.10.

§ 63.7 Indemnity when claimant is incompetent or deceased. When the sender is incompetent or deceased, indemnity will be paid to such person as may legally be entitled to receive it.

§ 63.8 Surrender of lost article recovered and refund of indemnity. A lost article recovered shall, if still in possession of the Post Office Department, be surrendered to the proper claimant, upon the return of the whole or such portion of the indemnity paid as the Department considers properly refundable. The Department may, in its discretion, require the claimant to accept a recovered article for which indemnity has been paid and to refund the indemnity or such portion thereof as the Department considers it to be equitably entitled. If the article cannot be surrendered and indemnity refunded within a reasonable time after its recovery, the article may be disposed of as undeliverable dead matter.

NOTE: See §§ 63.9 to 63.17, inclusive, as to indemnity for domestic registered collect-on-delivery mail.

See § 58.12 (g), as to the nonpayment of indemnity in connection with free registration of domestic matter mailed by members of the Diplomatic Corps, consuls, and vice consuls of the countries adhering to the Postal Union of the Americas and Spain.

DOMESTIC REGISTERED COLLECT-ON-DELIVERY MAIL

§ 63.9 Domestic registered collect-on-delivery—(a) Regulations. Domestic collect-on-delivery mail sealed against postal inspection and bearing postage at the first-class rate may be registered upon application of the person posting the same. The rules and regulations applicable to other domestic collect-on-delivery

and other domestic registered mail shall apply also to domestic registered collect-on-delivery mail unless otherwise stipulated.

NOTE: See § 64.1 (c), as to statutory authority for the Postmaster General to extend the collect-on-delivery service to sealed domestic mail of any class bearing postage at the first-class rate.

(b) **Sealed, first-class rate.** Domestic registered collect-on-delivery mail shall be sealed and bear postage at the first-class rate.

§ 63.10 **Fees and amounts of indemnity—(a) Maximum charges and indemnity.** The maximum amount of charges collectible on domestic registered collect-on-delivery mail shall be \$200 regardless of the amount of C. O. D. fee paid in excess of that required for the collection of \$200, but the maximum indemnity payable for the loss, rifting, or damage of domestic registered collect-on-delivery mail shall be \$1,000, the limit fixed for other domestic registered mail.

(b) **Schedule of fees and indemnities.** (1) The fee for collect-on-delivery service for registered sealed domestic mail of any class bearing postage at the first-class rate shall, in addition to the regular postage and any other required fees, be 55 cents for collections and indemnity not exceeding \$10; 70 cents for collections and indemnity exceeding \$10 but not exceeding \$50; 90 cents for collections and indemnity exceeding \$50 but not exceeding \$100; and \$1.15 for collections and indemnity exceeding \$100 but not exceeding \$200. The maximum amount of charges collectible on any registered sealed domestic collect-on-delivery article shall be \$200.

(2) When indemnity in excess of \$200 is desired, the fee for such registered sealed domestic collect-on-delivery mail shall, in addition to the regular postage and any other required fees, be \$1.20 for indemnity exceeding \$200 but not exceeding \$300; \$1.25 for indemnity exceeding \$300 but not exceeding \$400; \$1.30 for indemnity exceeding \$400 but not exceeding \$500; \$1.35 for indemnity exceeding \$500 but not exceeding \$600; \$1.40 for indemnity exceeding \$600 but not exceeding \$700; \$1.45 for indemnity exceeding \$700 but not exceeding \$800; and \$1.55 for indemnity exceeding \$800 but not exceeding \$1,000. (Sec. 213, 62 Stat. 1267; 39 U. S. C. 245d.)

(c) **Surcharges.** Surcharges shall be collected on registered collect-on-delivery mail under the same conditions as are outlined for the regular registered mail (see § 58.3) except that in determining the amount of surcharge collectible, there shall be taken as a basis the amount by which the declared actual value of the article mailed exceeds the limits of indemnity payable for the fees prescribed for registered collect-on-delivery mail in paragraph (b) of this section.

§ 63.11 **Rules and regulations for payment of indemnity.** Except as otherwise prescribed, the rules and regulations governing the payment of indemnity in connection with domestic registered mail not sent collect on delivery and domestic unregistered collect-on-delivery mail shall govern in connection with domestic registered collect-on-delivery mail.

NOTE: See §§ 63.3 to 63.8, inclusive, and 64.37 to 64.40, inclusive.

§ 63.12 Shipment to be based on bona fide order. Domestic registered collect-on-delivery articles shall in all cases be based on bona fide orders for their contents, or be mailed in conformity with agreements between the senders and the addressees. (See § 64.26.) The Department reserves the right to decline to pay any indemnity involved in connection with domestic registered collect-on-delivery mail not ordered by the addressees or sent in conformity with bona fide agreements between the senders and the addressees.

§ 63.13 Numbering. Each domestic registered collect-on-delivery article shall be given one original number, which shall be the registration number.

§ 63.14 No return receipts. No senders' return receipts shall be furnished for domestic registered collect-on-delivery mail.

§ 63.15 Claims—(a) Time limit for filing. No indemnity shall be paid on account of the loss, rifling, or damage of domestic registered collect-on-delivery mail if claim is not made within six months from the date of mailing of the article, unless it is established to the satisfaction of the Third Assistant Postmaster General that the delay was unavoidable and not the fault of the claimant.

(b) No indemnity for articles not properly prepared. No indemnity shall be paid for damage to domestic registered collect-on-delivery mail caused by failure to prepare properly the matter in accordance with the instructions issued to the sender prior to the mailing.

(c) Adjusted by Department. All indemnity claims involving domestic registered collect-on-delivery mail shall be adjusted by the Third Assistant Postmaster General, Division of Registered Mails.

§ 63.16 Loss, rifling, damage, or failure to remit C. O. D. charges—(a) Investigation. The loss, rifling, or damage of domestic registered collect-on-delivery mail shall be investigated by the Chief Inspector as is done in the case of other domestic registered mail.

NOTE: See §§ 44.2 and 44.4.

(b) Failure to remit C. O. D. charges. Inquiries or claims in connection with domestic registered collect-on-delivery mail which are known to involve failure to remit C. O. D. charges or an incorrect amount of C. O. D. charges, as distinguished from loss, rifling, or damage of the articles, shall be sent direct to the Third Assistant Postmaster General, Division of Registered Mails.

(c) Indefinite inquiries. When it is not known whether an inquiry or claim in connection with domestic registered collect-on-delivery mail involves the C. O. D. charges as distinguished from loss, rifling, or damage of the article, inquiry shall be made of the postmaster at the office of address to ascertain the facts. If the reply indicates failure to remit all or part of the charges or otherwise involves the correctness of the charges the matter shall be referred direct to the Third Assistant Postmaster General, Division of Registered Mails. If the reply indicates that loss, rifling, or damage has occurred, or if no reply is received within a reasonable time, the matter shall be referred to the proper inspector in charge.

NOTE: See § 59.67.

§ 63.17 Issuance of instructions. Any necessary instructions relative to the conduct of the domestic collect-on-delivery service involving sealed registered or unregistered mail, shall be issued by the Third Assistant Postmaster General, Division of Registered Mails.

RECEIPTS OR CERTIFICATES OF MAILING FOR ORDINARY, REGISTERED, INSURED, AND COLLECT-ON-DELIVERY MAIL

§ 63.18 Authority to charge fee for receipt or certificate of mailing. The Postmaster General is authorized to charge a fee, under such regulations as he may prescribe, for the issuance to the sender of ordinary mail, and of registered, insured, and collect-on-delivery mail, a receipt or certificate showing such mailing. (46 Stat. 1035; 39 U. S. C. 260a.)

NOTE: The purpose of the act of Congress approved January 13, 1931, 39 U. S. C. 260a, is shown by its title, "To authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of certain classes of mail matter and to fix the fees chargeable therefor."

§ 63.19 Charge for receipt for ordinary mail. Upon request and the payment of 1 cent for each receipt or certificate of mailing furnished for each piece of mail described the postmaster at the office of mailing shall furnish a receipt or certificate of mailing to the sender of domestic ordinary mail of any class, but such certificate for ordinary mail shall not show the amount of postage paid.

NOTE: See § 35.1.

§ 63.20 Charge for additional receipts. Upon request, the postmaster at the office of mailing shall furnish to the sender of any domestic ordinary, registered, insured, or collect-on-delivery mail, as many additional receipts or certificates of mailing for the same article as may be desired, upon payment of 1 cent for each additional receipt or certificate, including copies, furnished for each piece of mail described. No charge other than the prescribed registration, insurance, or collect-on-delivery fees shall be made for the original receipts issued for domestic registered, insured, or collect-on-delivery mail.

§ 63.21 Stamps in payment. Uncanceled postage stamps to cover the charge for certificates of mailing shall be affixed to the certificates and canceled by the postmark of the office of mailing.

§ 63.22 Statistics. Record shall be kept showing separately the number of certificates of mailing issued for domestic ordinary mail, and additional receipts for domestic registered, insured, and collect-on-delivery mail. When more than one certificate of mailing is issued for the same article, each entry of the article on each certificate issued, including copies, shall be counted and charged for, but each article is to be counted but once regardless of the number of certificates of mailing issued for the same article.

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

Sec.	ESTABLISHMENT	Sec.	
64.1	Insurance, collect-on-delivery service.	64.5	Numbering and indorsement.
		64.6	Dispatched and handled in transit as ordinary mail.
	GENERAL PROVISIONS	64.7	Delivery.
64.2	Inquiry as to contents and packing.	64.8	Forwarding or return.
64.3	Return and forwarding postage.	64.9	Undeliverable matter.
64.4	Sender's receipt and mailing office record.	64.10	Matter inadvertently registered.
		64.11	Reporting of irregularities.
		64.12	Exceptional treatment.

<p>Sec.</p> <p>64.13 Statistical reports.</p> <p>64.14 Acceptance of insured and C. O. D. mail by rural carriers.</p> <p style="text-align: center;">INSURED MAIL</p> <p>64.15 Matter which may be insured.</p> <p>64.16 When not insured by P. O. D.</p> <p>64.17 Unordered matter not insurable.</p> <p>64.18 Fees and limits of indemnity.</p> <p>64.19 Additional fee for restricted delivery.</p> <p>64.20 Return receipts.</p> <p>64.21 Delivery receipts.</p> <p>64.22 Record of returned and forwarded parcels.</p> <p style="text-align: center;">COLLECT-ON-DELIVERY MAIL</p> <p>64.23 Scope of collect-on-delivery service.</p> <p>64.24 C. O. D. fees.</p> <p>64.25 Additional fee for restricted delivery of C. O. D. matter.</p> <p>64.26 C. O. D. shipment to be based on order.</p> <p>64.27 C. O. D. tag.</p>	<p>Sec.</p> <p>64.28 Forwarding or return of C. O. D. article.</p> <p>64.29 Employees shall receipt for all C. O. D. articles.</p> <p>64.30 Receipting on tags.</p> <p>64.31 Examination of C. O. D. article prohibited.</p> <p>64.32 Received C. O. D. tag used as application for money order.</p> <p>64.33 Treatment of C. O. D. articles at nonmoney-order offices.</p> <p>64.34 Responsibility of Department.</p> <p>64.35 Alteration of C. O. D. charges.</p> <p>64.36 Demurrage charge.</p> <p>64.37 Notification of non-delivery; fee.</p> <p style="text-align: center;">INDEMNITY FOR LOSS, RIFLING, OR DAMAGE</p> <p>64.38 Payment of limited indemnity claims by postmaster.</p> <p>64.39 Claims.</p> <p>64.40 When indemnity to be paid and when not.</p> <p>64.41 Indemnity for live fowl, bees, and animals.</p>
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ESTABLISHMENT

§ 64.1 **Insurance, collect-on-delivery service—(a) Authority for.** The Postmaster General shall make provision by regulation for the indemnification of shippers of articles sent by fourth-class mail or third-class domestic mail, for shipments injured or lost, by insurance or otherwise, and, when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services. (Sec. 8, 37 Stat. 558, as amended; 39 U. S. C. 244.)

(b) Provisions applicable to third-class matter. The provisions of the Postal Laws and Regulations governing the insurance and collect-on-delivery services applicable to domestic fourth-class or parcel-post mail shall apply also to third-class domestic mail which is insured or sent collect on delivery.

(c) Provisions extended to sealed domestic mail of any class bearing postage at first-class rate. (1) The provisions of section 244 of this title [paragraph (a) of this section, with respect to the insurance and collect-on-delivery services] are hereby extended so as to authorize the Postmaster General, under such rules and regulations as he may prescribe, to provide collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate and to fix the fees and limits of indemnity for such service. (45 Stat. 1177; 39 U. S. C. 246a.)

NOTE: This law extended the domestic collect-on-delivery service to any class of mail sealed against postal inspection bearing the first-class rate of postage. It did not limit or change the privilege of utilizing the collect-on-delivery service already in effect for unregistered third- and fourth-class matter unsealed or sealed subject to postal inspection prepaid at the third- or fourth-class rate of postage.

(2) Except as otherwise prescribed the provisions of the Postal Laws and Regulations and the instructions in the Manual of Instructions for Postal Personnel governing collect-on-delivery service for domestic third- and fourth-class mail shall cover sealed domestic collect-on-delivery mail of any class, registered or unregistered, bearing postage at the first-class rate.

NOTE: The domestic insurance service applies only to third- and fourth-class matter. The domestic collect-on-delivery service applies to third- and fourth-class matter and to sealed matter of any class, registered or unregistered, bearing postage at the first-class rate.

See §§ 63.9 to 63.17, inclusive, as to fees and limits of indemnity and other conditions applicable to domestic registered collect-on-delivery mail; § 64.18 as to fees and limits of indemnity for insured mail; §§ 64.23 to 64.36, inclusive, as to domestic unregistered collect-on-delivery mail; and Official Postal Guide, Part II, as to insurance and collect-on-delivery services to foreign countries.

GENERAL PROVISIONS

§ 64.2 Inquiry as to contents and packing. Before accepting a parcel for mailing, postmasters and other postal employees shall inquire as to whether any matter of a fragile, perishable, or inflammable nature is enclosed, except where patrons mail in quantities and have been instructed by the Postal Service regarding packing and endorsement. If the response is in the negative, and the parcel to all outward appearance is adequately prepared for mailing, no further inquiry as to contents or packing need be made; if in the affirmative, detailed inquiry shall be made as to contents and method of packing. Unmailable and improperly packed parcels shall not be accepted.

NOTE: See §§ 35.13a and 35.14 as to packing, and § 36.1 as to unmailable matter.

§ 64.3 Return and forwarding postage—(a) Guarantee required. All domestic insured and collect-on-delivery third- and fourth-class parcels shall be accepted with the understanding that the senders, in every instance, guarantee any return or forwarding postage which may be necessary when such parcels become undeliverable. All domestic insured and collect-on-delivery third- and fourth-class parcels should bear, in connection with the senders' return cards, pledges guaranteeing return and forwarding postage; but regardless of whether or not the parcels bear such pledges, they shall be treated as though the pledges were on the parcels.

(b) Upon refusal to pay. When the sender of a returned insured or collect-on-delivery third- or fourth-class parcel refuses to pay the return or forwarding postage, or both, within 10 days from the date it is offered for delivery, the parcel shall be transmitted to the post office to which dead parcel post mail is ordinarily transmitted by the postmaster at the office to which the parcel is returned, with an appropriate statement of the facts in the case. In each instance of this kind the postmaster at the mailing office shall make appropriate record in his files, for reference in the event inquiry or claim for indemnity is made concerning the parcel; and if the office to which the parcel is returned is not the mailing office, the postmaster at the mailing office shall be notified so that he may make the required record.

§ 64.4 Sender's receipt and mailing office record—(a) Minimum fee parcel. The sender of a parcel on which the minimum insurance fee is paid, shall be given a receipt at the time of mailing. The receipt shall show, in addition to the other required entries, the name of the post office and State to which the parcel was addressed, the post office and date of mailing, and the postage paid. The receipt shall be signed with the initial or initials of the employee issuing it, and the route number if issued on a rural route. No mailing office record shall be kept of parcels on which the minimum insurance fee is paid.

(b) **Other than minimum fee parcel.** The sender of a parcel on which other than the minimum insurance fee is paid shall be given a receipt at the time of mailing which shall show, in addition to the other required entries, the office and date of mailing, the number of the parcel, and, in separate amounts, the fee and postage paid. The receipt shall be signed with the initial or initials of the employee issuing it and the route number if issued by a rural carrier. The number on the receipt shall correspond with that on the parcel. A record shall be retained at the mailing office showing the same particulars together with the name of the post office and State to which the parcel was addressed but not the name and local address of the addressee.

(c) **C. O. D. article.** The sender of a collect-on-delivery article shall be given a receipt at the time of mailing. The receipt shall show, in addition to the other required entries, the office and date of mailing, the number of the article, in separate amounts the fee and postage paid, the name and address of the addressee, and the amount to be remitted. A record shall be retained at the mailing office showing the same particulars, and the name and address of the sender. The receipt shall be signed with the initial or initials of the employee issuing it and route number if issued by a rural carrier. The number on the receipt shall correspond with that on the article.

NOTE: See § 63.18 as to the issuance of additional receipts or certificates of mailing for insured and collect-on-delivery mail.

§ 64.5 **Numbering and indorsement.** Parcels on which the minimum insurance fee is paid shall not be numbered but shall be indorsed "INSURED—Minimum Fee," in addition to any other special indorsements required. Parcels on which other than the minimum insurance fee is paid and collect-on-delivery articles shall be numbered separately and consecutively, the numbering to commence anew on July 1 or other authorized times, and indorsed "Insured, No. (of article)," or "C. O. D., No. (of article), Due Sender, (amount), M. O. Fee (amount), Total (amount to be collected)," in addition to any other special indorsements required.

§ 64.6 **Dispatched and handled in transit as ordinary mail.** Domestic insured and collect-on-delivery mail (except registered collect-on-delivery) shall be dispatched and handled as ordinary mail while in transit between the office of mailing and the office of delivery.

§ 64.7 **Delivery—(a) Minimum fee parcels.** Parcels endorsed "INSURED—Minimum Fee" shall be delivered in accordance with the regulations governing the delivery of ordinary mail (see §§ 43.20 to 43.41, 52.27, and 97.47), except that delivering employees shall comply with any indorsements requesting return receipts (Form 3811) or restricting delivery of the mail to the addressee or to the addressee or order.

(b) **Other than minimum fee parcels.** Parcels on which other than the minimum insurance fee is paid, and collect-on-delivery mail shall be delivered in accordance with the regulations governing the delivery of registered mail (see §§ 60.8 to 60.13, and 61.27), except that under such instructions as may be promulgated by the Third Assistant Postmaster General, insured and collect-on-delivery mail, the delivery of which has not been restricted by the sender or addressee, addressed to a guest at a hotel, occupant of an apartment house, or the like, may be delivered without a written order from the sender or addressee to the proprietor, manager, or a representative authorized in writing by the hotel or house to receive the mail, even though not addressed in his care or in care of the hotel or house.

NOTE: This paragraph does not apply to registered mail.

(c) **Delivery of damaged articles.** Damaged insured or collect-on-delivery articles should not be withheld from delivery.

§ 64.8 **Forwarding or return.** Domestic insured or collect-on-delivery articles which have not been delivered properly may be forwarded or returned without the payment of additional insurance or collect-on-delivery fees.

NOTE: See §§ 43.13, 43.48, 64.22, and 64.28.

§ 64.9 **Undeliverable matter.** Undeliverable insured and collect-on-delivery articles shall be treated as provided by §§ 43.13, 43.47 to 43.49, 45.3, and 114.26.

§ 64.10 **Matter inadvertently registered.** Fourth-class matter inadvertently registered shall be handled in transit and delivered as registered mail, but any deficiency in postage shall be collected at the fourth-class rate (see § 60.7) by means of postage-due stamps.

§ 64.11 **Reporting of irregularities.** All irregularities with respect to domestic insured and collect-on-delivery mails shall be reported to the Third Assistant Postmaster General, Division of Registered Mails.

§ 64.12 **Exceptional treatment.** When the general method prescribed by the regulations relative to domestic insured and collect-on-delivery mail is not practicable or advantageous, the Third Assistant Postmaster General, Division of Registered Mails, may authorize exceptional treatment.

§ 64.13 **Statistical reports.** Statistical reports covering domestic insured and collect-on-delivery mail shall be rendered annually in accordance with detailed instructions in Manual of Instructions for Postal Personnel.

§ 64.14 **Acceptance of insured and C. O. D. mail by rural carriers—(a) Provisions for.** Postmasters at rural delivery offices shall see that rural carriers are instructed to accept articles for insurance or collection on delivery and are equipped with necessary supplies.

(b) **Numbers for insured and C. O. D. mail on rural routes.** Each rural route shall be assigned one series of numbers for insured and another for collect-on-delivery mail, in conformity with the scheme in § 61.9 for numbering registered mail, and record shall be kept of the last number used. Every number shall be accounted for.

(c) **Receipting for by rural carriers.** Rural carriers, when requested, shall insure third- and fourth-class matter and shall accept third- and fourth-class and sealed domestic mail matter of any class bearing postage at the first-class rate to be sent collect on delivery, and immediately upon acceptance shall issue the prescribed receipt and deliver it to the sender. The patron shall fill in a collect-on-delivery tag with ink, typewriter, or indelible pencil, showing amount to be collected and names and addresses of the sender and addressee. Stubs and mailing-office coupons descriptive of insured and collect-on-delivery articles accepted by rural carriers shall be filed at the post office.

(d) **Collection of postage and fees when in doubt as to amount required.** The amount of insurance or C. O. D. fee, and postage when correct amount is known, shall be entered on the sender's receipt and the mailing office record. When in doubt as to weight of an article, an amount sufficient fully to prepay postage and insurance or C. O. D. fee shall be collected, the space for postage being left blank, and the total amount received, including the insurance or C. O. D. fee, entered on the back of sender's receipt and mailing office record. The receiving postmaster or postal employee shall enter the correct amount of postage on the mailing office record. The total amount required and the excess, if any, shall be shown on the back of the mailing office record beneath the total amount received as entered by the carrier. Any excess payment shall be handed to the

sender on the carrier's next trip or inclosed in an envelope and placed in the sender's mail box.

NOTE: See §§ 52.38 and 61.16.

(e) **Preparation of articles turned in at post office by rural carrier.** Stamps to pay the required postage and fee shall be affixed, the C. O. D. tag properly filled out and attached if the article is collect on delivery, and the article turned in by the rural carrier at the post office. When articles require special indorsement, such as "perishable," "fragile," etc., appropriate notation shall be made on the articles (and tag coupons if collect on delivery), to assure proper indorsement with stamp at the post office.

(f) **Examination at post office of articles accepted by rural carriers.** Insured and collect-on-delivery articles accepted by rural carriers shall be carefully examined at the post office to ascertain whether they bear appropriate indorsements, required postage and fee, are properly packed, and that tags of collect-on-delivery articles are correctly completed.

NOTE: See § 42.10 as to requirement for postmarking insured and collect-on-delivery mail with date of mailing.

(g) **Matter left in rural mail boxes intended for insurance or C. O. D.** (1) An article intended for insurance or collection on delivery may be left in a rural patron's mail box for collection, provided sufficient stamps are affixed for postage and fee, or money therefor is left in the box, and the article is properly packed, marked "Insured" or "C. O. D.," and the collect-on-delivery tag is properly filled in and attached. A note shall be left stating contents if the article is other than first class, and value if insured, and what part of the stamps or money represents fee. When desired, a blank collect-on-delivery tag may be left in the box to be filled out and attached to an article for collection on a subsequent trip. The department assumes no responsibility for such article until receipted for in good condition nor for such money unless received.

(2) When a rural carrier collects an article from a patron's box to be insured or sent collect on delivery, he shall fill in the stub of the insurance receipt or mailing-office portion of the collect-on-delivery tag and, if patron has left money for postage and fee, enter amount of money found with the article.

INSURED MAIL

§ 64.15 **Matter which may be insured.** Third- and fourth-class matter mailed at or addressed to any post office in the United States or its possessions, or on or to United States naval vessels, may be insured against loss, rifling, or damage in an amount equivalent to its value or the cost of repairs, within the limit of indemnity payable for the fee paid including postage (exclusive of fee) when claimed in case of outright loss or irreparable damage to entire contents.

§ 64.16 **When not insured by P. O. D.** Parcels marked "Insured" but not actually insured by the Post Office Department shall not be accepted for mailing.

§ 64.17 **Unordered matter not insurable.** Parcels containing matter offered for sale addressed to prospective purchasers who have not ordered same or authorized their sending shall not be insured. Should such matter be received in the Postal Service contrary to this regulation, indemnity for the loss or damage thereof shall not be paid.

§ 64.18 **Fees and limits of indemnity—(a) Schedule of.** The fees for insurance, which shall be in addition to the regular postage, and the limits of indemnity therefor within the maximum indemnity

provided by this section, shall be as follows: 5 cents for indemnification not exceeding \$5; 10 cents for indemnification exceeding \$5 but not exceeding \$10; 15 cents for indemnification exceeding \$10 but not exceeding \$25; 20 cents for indemnification exceeding \$25 but not exceeding \$50; 25 cents for indemnification exceeding \$50 but not exceeding \$100; 30 cents for indemnification exceeding \$100 but not exceeding \$200. * * * (Sec. 210, 62 Stat. 1266; 39 U. S. C. 245a.)

NOTE: The maximum indemnity for domestic insured mail exchanged with the Canal Zone is \$200. The agreement for the exchange of insured mail with a maximum indemnity of \$200, between the Canal Zone and the United States, including all possessions of the United States, contemplates the payment of indemnity by the Canal Zone or the United States according to where the loss, rifling, or damage occurred, and the assumption by the United States of 75 percent of the indemnity liability in those cases where responsibility cannot be definitely fixed upon either service. The Administration of the Canal Zone will assume the remaining 25 percent of the indemnity liability in such cases.

(b) **Fees in addition to postage.** The fees for insurance shall be in addition to the postage, and both fees and postage shall be prepaid with stamps affixed.

NOTE: See § 42.10 as to postmarking insured mail with date of mailing.

§ 64.19 Additional fee for restricted delivery. Upon payment of an additional fee of 20 cents the sender may restrict delivery of domestic insured mail by marking it "Deliver to addressee only" or "Deliver to addressee or order," or with words of similar import. This fee shall also be collected by the postmaster at the office of delivery for delivering any domestic insured article which the *addressee* (instead of the sender) has restricted in delivery to himself or to his order.

NOTE: See § 58.6 as to the law and instructions relative to this charge which are equally applicable to insured mail.

§ 64.20 Return receipts—(a) Fees for. (1) * * * Whenever the sender of an insured article of mail shall so request, and upon payment of a fee of 5 cents at the time of mailing or of 10 cents subsequent to the time of mailing, a receipt shall be obtained for such insured mail, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided*, That upon payment of the additional sum of 26 cents at the time of mailing of any such insured article of mail, a receipt shall be obtained for such insured mail, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided further*, That no refund shall be made of fees paid for return receipts for insured mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the postal service. (Sec. 210, 62 Stat. 1266; 39 U. S. C. 245a.)

(2) The charge of 26 cents for obtaining a return receipt *requested at the time of mailing* to show the address where an insured article is delivered shall be *in addition* to the charge of 5 cents for a return receipt requested at the time of mailing, or a total charge of 31 cents for a return receipt requested *at the time of mailing* to show where the article is delivered.

(b) **Must be requested at time of mailing.** All requests for return receipts to show the address where an insured article is delivered shall be made at the time of mailing. No action shall be taken on such requests received after the article has been mailed.

(c) **Indorsement.** When the sender of an insured article at the time of mailing requests a return receipt without requesting the address where the article is delivered, the article shall be conspicuously marked "*Return receipt requested.*" When a return receipt showing the address where the article is delivered is requested at the time of mailing, the article shall be marked conspicuously "*Return receipt requested showing address where delivered.*" The postmaster at office of delivery shall supply the return receipt form and obtain a receipt thereon in making delivery.

NOTE: See §§ 58.2, 58.10, 59.3, and 60.9.

(d) **Registry regulations applicable.** The requirements of the first paragraph of §§ 58.2, 58.10, and paragraphs (c) (3) and (e) of § 59.3, and § 60.9, covering domestic registered mail, shall be considered equally applicable to, and shall be strictly observed in connection with, domestic insured mail.

§ 64.21 **Delivery receipts—(a) Numbered insured parcels.** Receipts shall be taken upon the delivery of insured mail on which other than the minimum fee was paid, and retained in the post office as a record of delivery.

(b) **Minimum fee insured parcels.** Receipts to serve as post office record of delivery shall not be taken upon delivery of parcels indorsed "Insured-Minimum Fee," except that when such parcels are sent special delivery, the usual special-delivery receipts shall be obtained and any required special-delivery record made. (See § 53.16.)

(c) **Return receipts.** Return receipts when obtained shall be in addition to any required post office record of delivery.

§ 64.22 **Record of returned and forwarded parcels—(a) Minimum fee parcels.** No post office record shall be made when a parcel on which the minimum insurance fee was paid is forwarded to the original addressee or returned to the sender. When such a parcel is disposed of in accordance with § 43.48, or is treated as abandoned, record shall be made showing the full particulars of the parcel, the disposition made thereof, and the date of such action.

(b) **Other than minimum fee parcels.** When an insured parcel on which other than the minimum fee was paid is forwarded to the original addressee, returned to the sender, or is treated as undeliverable matter, a record shall be made showing the parcel number, office of mailing, name and address of addressee, name of office to which forwarded or returned, and the date of such action.

(c) **When forwarded to other than addressee.** When any insured parcel is forwarded to other than the addressee (permitted only when the parcel bears at the time of mailing a specific request that it be forwarded to a person designated in such request), proper record shall be made, and the record shall also show the name and address of the person to whom forwarded.

COLLECT-ON-DELIVERY MAIL

§ 64.23 **Scope of collect-on-delivery service.** Third- and fourth-class (parcel post) matter and sealed domestic mail of any class bearing postage at the first-class rate, may be sent collect on delivery between money-order offices of the

United States and its possessions, but not to or from the Canal Zone, or United States naval vessels, on payment of the following fees in addition to the postage:

§ 64.24 C. O. D. fees—(a) Schedule of. The fees for collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate and for domestic third- or fourth-class mail matter shall, in addition to the regular postage and any other required fees, be as follows: 20 cents for collections and indemnity not exceeding \$2.50; 25 cents for collections and indemnity exceeding \$2.50 but not exceeding \$5; 35 cents for collections and indemnity exceeding \$5 but not exceeding \$25; 45 cents for collections and indemnity exceeding \$25 but not exceeding \$50; 55 cents for collections and indemnity exceeding \$50 but not exceeding \$100; 60 cents for collections and indemnity exceeding \$100 but not exceeding \$150; and 65 cents for collections and indemnity exceeding \$150 but not exceeding \$200. * * * (Sec. 211, 62 Stat. 1266; 39 U. S. C. 245b.)

NOTE: See §§ 63.9 to 63.17 relative to collect-on-delivery service for registered mail of any class sealed against postal inspection and prepaid at the first-class rate of postage.

(b) **Application of fees.** Although the amount of the C. O. D. charges will govern the amount of C. O. D. fee to be paid by the sender, yet the sender may pay a larger C. O. D. fee than the charges require if he desires to have the article indemnified in excess of the amount of the C. O. D. charges for its value up to \$200, but he may not pay a fee less than is required for the collection of the C. O. D. charges merely because he is willing to accept indemnity in a smaller amount in case of loss, rifling, or damage. Both postage and fee shall be prepaid with stamps affixed. The collect-on-delivery fee shall cover insurance against loss, rifling, or damage in an amount equivalent to the actual value or the cost of repairs within the limit of indemnity payable for the fee paid, including postage (exclusive of fee) when claimed in cases of outright loss or irreparable damage to entire contents, and against nonreceipt of returns.

NOTE: See § 42.13 as to postmarking collect-on-delivery mail with date of mailing.

§ 64.25 Additional fee for restricted delivery of C. O. D. matter. Upon payment of an additional fee of 20 cents, the sender may restrict delivery of domestic collect-on-delivery mail by marking it "Deliver to addressee only" or "Deliver to addressee or order," or with words of similar import. This fee shall also be collected by the postmaster at the office of delivery for delivering any domestic collect-on-delivery article which the *addressee* (instead of the sender) has restricted in delivery to himself or to his order.

NOTE: See § 58.6 as to the law and instructions relative to this charge which are equally applicable to collect-on-delivery mail.

§ 64.26 C. O. D. shipment to be based on order. Collect-on-delivery shipments shall in all cases be based on bona fide orders for the contents of the articles or be in conformity with agreements between senders and addressees.

§ 64.27 C. O. D. tag. (a) A collect-on-delivery tag shall be prepared by the sender and attached to each collect-on-delivery article, showing office and date of mailing, number of article, names and addresses of sender and addressee, amount due sender, and amount of money-order fee necessary to make remittance.

(b) When a collect-on-delivery article is received without the tag attached, a tag shall be prepared, the charges shown on the article shall be collected, and the prescribed receipt obtained.

§ 64.28 Forwarding or return of C. O. D. article. When a collect-on-delivery article is forwarded or returned, the original tag shall be left attached, the article and tag appropriately marked to show that the article is forwarded or returned, and record made showing the article number, office of mailing, name and address of the addressee, name of office to which forwarded or returned, and the date of such action. If a C. O. D. article is forwarded to other than the addressee (permitted only when a C. O. D. article bears at the time of mailing a specific request that the matter be forwarded to a person designated in such request), the record shall also show the name and address of the person to whom forwarded.

§ 64.29 Employees shall receipt for all C. O. D. articles. An employee shall receipt for all collect-on-delivery articles given him for delivery. A receipt shall be given the employee on return of the articles or receipted tags and the total amount to be collected.

§ 64.30 Receipting on tags. In delivering C. O. D. mail, receipts shall be obtained on the tags attached thereto.

§ 64.31 Examination of C. O. D. article prohibited. Examination of contents of a collect-on-delivery article shall not be permitted until it has been receipted for and all charges paid, but an article may be refused when tendered for delivery. After delivery the C. O. D. charges shall not be refunded nor the article taken back for any reason except as a new mailing.

§ 64.32 Receipted C. O. D. tag used as application for money order. The receipted tag shall be used as the addressee's application for a money order for amount due sender. A money order shall be issued, mailed, and proper records made on the tag, in accordance with the requirements of § 71.11, and the tag filed with the other money-order applications, except at offices where the maintenance of a separate file for C. O. D. money-order applications is authorized.

§ 64.33 Treatment of C. O. D. articles at nonmoney-order offices. If a collect-on-delivery article is received at a nonmoney-order office, the postmaster thereat shall notify the mailing postmaster, who shall ascertain whether the sender desires the article returned or delivered without collection of charges. If the sender instructs in writing that the article be delivered without collection, the mailing postmaster shall attach the order to the mailing-office record and notify the postmaster at office of address accordingly.

§ 64.34 Responsibility of Department. The Department shall not be responsible for senders' errors in stating charges or for misunderstandings between senders and addressees as to character or contents of collect-on-delivery articles.

§ 64.35 Alteration of C. O. D. charges—(a) Additional fee for. The Postmaster General may charge a fee of 10 cents for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those originally stipulated at the time of mailing. (Sec. 2, 46 Stat. 264; 39 U. S. C. 246b.)

(b) **At office of mailing.** If sender directs, the amount originally stated as due on delivery of a collect-on-delivery article may be increased (not to exceed \$200, the maximum amount collectible), decreased, or canceled, or the article may be delivered at the office where held to other than the original addressee. Such direction shall be filed with the postmaster at the office of mailing, who shall connect the authorization with the mailing-office record of the article and immediately notify the postmaster at the office where the article is held. The fee of 10 cents for this service shall be collected from the sender and affixed by the post-

master at the office of mailing by means of uncanceled postage stamps to Form 3818 or other communication used for this purpose, and canceled.

(c) **At office of address.** (1) The postmaster at the office of address shall comply with the authorization of the sender for change or cancellation of charges on the C. O. D. article involved or the delivery of the article to other than the original addressee received from the postmaster at the office of mailing, and shall attach the authorization to and file it with the delivery-office portion of the collect-on-delivery tag.

(2) If all or part of the fee for the service requested is not attached to the communication received by the postmaster at the office of address, the authorization of the sender shall be complied with and the failure to affix the postage stamps reported to the Third Assistant Postmaster General, Division of Registered Mails.

§ 64.36 Demurrage charge—(a) Authority for. Under such regulations as the Postmaster General may prescribe, any collect-on-delivery parcel which the addressee fails to remove from the post office within 20 days from the first attempt to deliver or the first notice of arrival at the office of address may be returned to the sender charged with the return postage, whether or not such parcel bears any specified time limit for delivery; and a demurrage charge of not exceeding 5 cents per day may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period: *Provided*, That no demurrage shall be charged on collect-on-delivery parcels exchanged between post offices in continental United States and post offices in the Territories and island possessions of the United States. (46 Stat. 377, as amended; 39 U. S. C. 246c.)

(b) **Amount of charge.** A demurrage charge of 5 cents per day shall be collected on each domestic C. O. D. article (registered or unregistered) which the addressee fails to remove from the post office within 20 days after the first attempt to deliver or the first notice of arrival at the office of address, exclusive of the day delivery is first attempted or the first notice of arrival is issued at the office of address, the actual day of delivery, Sundays, and holidays. No demurrage shall be charged on C. O. D. articles exchanged between the United States proper and Hawaii, Alaska, Puerto Rico, Virgin Islands of the United States, Guam, and Tutuila, Samoa.

(c) **When and how paid.** The demurrage charges which have properly accumulated on a domestic collect-on-delivery article at each post office where held shall be paid by either the addressee or the sender before delivery. When a C. O. D. article on which demurrage has accrued is not accepted by the addressee, the amount of demurrage charges shall be paid by the sender upon return of the C. O. D. article to him. Postage-due stamps representing the amount of demurrage charges shall be affixed to each article and canceled at the time of delivery.

§ 64.37 Notification of nondelivery; additional fee for.

(a) * * * The fee for notifying the sender or his representative of inability to deliver a collect-on-delivery article shall be 5 cents. (Sec. 211, 62 Stat. 1266; 39 U. S. C. 245b.)

(b) The sender or his representative shall be notified of nondelivery only when collect-on-delivery mail is endorsed to show that notice is desired. Notice is to be sent as soon as it is definitely known that a collect-on-delivery article is undelivered, but, in any event, within 5 days after the date of receipt of the article at the office of address. The fee for this service shall be collected by the postmaster at the office where the sender or his representative is located by means of postage-due stamps affixed to the notice. The date on which notice is sent to the sender or his representative of undelivered collect-on-delivery mail shall be entered in the space provided for that purpose on the C. O. D. tag. No other record shall be made of the issuance of such notice nor shall the mail be so endorsed.

INDEMNITY FOR LOSS, RIFLING, OR DAMAGE

§ 64.38 Payment of limited indemnity claims by postmaster—

(a) **Authority for.** The Postmaster General may, under such rules and regulations as he shall prescribe, authorize postmasters to pay limited indemnity claims on insured and collect-on-delivery mail. (Sec. 1, 41 Stat. 581; 39 U. S. C. 382.)

(b) **By central accounting postmaster.** Except as stated in the Manual of Instructions for Postal Personnel, postmasters at the central accounting offices of the States or sections in which insured and collect-on-delivery articles are mailed are authorized to pay indemnity claims arising from the loss, rifling, and injury of insured and unregistered collect-on-delivery articles, and exchanged within and between the continental United States (including Alaska), Guam, Hawaii, Pago Pago, Samoa, Puerto Rico, and the Virgin Islands: *Provided*, That the Third Assistant Postmaster General may change the designated paying post office for any particular State or section whenever in his judgment such action is advisable or necessary. Any instructions for the execution of this regulation shall be obtained from the Third Assistant Postmaster General, Division of Registered Mails.

§ 64.39 **Claims—(a) Manner of filing.** When insured or collect-on-delivery mail is lost, damaged, or rifled and claim for indemnity is made, the postmaster at the mailing office shall enter the necessary particulars on Form 3812 and sign the "Declaration of Postmaster—Office of Mailing." The sender shall state on Form 3812 the article or articles for which claim is made, actual value, method of packing in claims involving damage, and to whom indemnity should be paid. The form shall then be forwarded to the postmaster at office of address, who, in loss claims, shall certify what record, if any, he has of the mail. Where the post office has no record of delivery to the addressee but the records show that the parcel was returned to the sender, forwarded to other than the original addressee, abandoned, or disposed of in conformity with § 43.47, the declaration of the addressee need not be obtained. Otherwise the addressee shall be required to state on Form 3812 whether the mail has been received, or describe the contents missing, if rifled, or condition of the contents, if damaged.

(b) **Disposition of application for indemnity.** When completed, the application shall be sent promptly to the proper paying postmaster or to the Third Assistant Postmaster General, Division of Registered Mails, as may be appropriate under existing instructions, for consideration of the payment of indemnity.

(c) **Claims should start at office of mailing.** Claim should be started at the office of mailing, and may be instituted at office of address *only* when the addressee is aware of the contents of the article, and the mailing particulars (except fee and postage) are available. When the addressee institutes a claim, the postmaster at office of address shall obtain the declaration of the addressee on Form 3812, execute declaration of postmaster at office of address, and transmit the application to the postmaster at the office of mailing for completion.

§ 64.40 When indemnity to be paid and when not. Indemnity for lost, damaged, or rifled domestic insured or collect-on-delivery mail shall be paid according to the procedure outlined in §§ 63.3 to 63.8, except that preliminary investigation by post-office inspectors shall not be essential, and except that no indemnity shall be paid:

(a) If claim is not made within 6 months from date of mailing of the parcel, unless it is established to the satisfaction of the Third Assistant Postmaster General that the delay was unavoidable and not the fault of the claimant: provided that the Third Assistant Postmaster General may authorize designated paying postmasters to pay indemnity in connection with certain classes of claims for lost, damaged, or rifled insured or collect-on-delivery mail without regard to the time limit otherwise prevailing.

(b) In the case of a claim on account of damage, if the sender had been instructed prior to the date of mailing of the article relative to proper packing and indorsement and had failed to comply therewith and the evidence indicates that the damage was attributable to inadequate packing or lack of proper indorsement, or both.

NOTE: See §§ 35.22 to 35.27, inclusive, and Manual of Instructions for Postal Personnel and Form 3812 (Application for Indemnity) as to additional information and instructions.

(c) If the receipt issued at the time of mailing of an insured parcel, or equivalent evidence of insurance, is not submitted.

(d) For damage to fragile matter or spoiling of perishable matter sent as insured mail, if damage or spoiling resulted from the absence of the required "Fragile" or "Perishable" endorsement, unless the sender's receipt was endorsed by the accepting employee to indicate that the parcel contained matter of a fragile or perishable nature.

§ 64.41 Indemnity for live fowl, bees, and animals. Indemnity will be paid on account of the complete or partial loss by death or otherwise of live day-old chicks, day-old ducks, day-old geese, day-old guinea fowls, day-old turkeys, queen bees and their attendant bees, honey bees, and harmless live animals, mailed under the provisions of §§ 35.22 to 35.26, inclusive, and sent as insured or collect-on-delivery mail, when the evidence shows that the loss by death or otherwise was attributable to fault of the Postal Service, provided that a deduction may be made from the amount otherwise payable to cover what the Department may consider a reasonable death rate.

Title Eight

MONEY ORDER SYSTEM

Part	Part
70 General provisions	75 Semidomestic money-order service
71 Issue of domestic money orders	76 Money-order funds, accounts, and records
72 Payment of domestic money orders	77 Money-order business on rural routes
73 Repayment of money orders: duplicate orders: payment of invalid orders by warrant	78 Postal notes
74 International money-order service	

PART 70—GENERAL PROVISIONS

Sec.	Sec.
70.1 Authority for establishment.	70.4 Information not to be given.
70.2 Allowances for clerical labor in money-order business.	70.5 Navy mail service.
	70.6 Correspondence.

MISCELLANEOUS PROVISIONS

Sec.	Sec.
70.3 Postmasters and employees not to act as agents for competitive service.	

§ 70.1 Authority for establishment. To promote public convenience, and to insure greater security in the transfer of money through the mail, the Postmaster General may establish and maintain, under such rules and regulations as he may deem expedient, a uniform money-order system, at all suitable post offices, which shall be designated as "money-order offices." (R. S. 4027; 39 U. S. C. 711.)

NOTE: See pts. 74 and 75, this title as to international money-order service; and 78 as to postal notes.

§ 70.2 Allowances for clerical labor in money-order business.

(a) Postmasters at money-order post offices of the first and second classes may be allowed by the Postmaster General to employ such number of clerks in the transaction of their money-order business, and at such rates of compensation, respectively, as he may deem expedient.

* * * At all * * * money-order post offices (other than post offices of the first, second, and third classes) the compensation for the clerical labor in the money-order business shall be paid out of the fees received for the issue of money orders, and shall be three cents for each domestic or international money order issued: *Provided*, That the Postmaster General may allow to the postmaster at each international

exchange office such additional amount in each case, out of the annual appropriation for clerks in post offices, as he may deem expedient to enable these postmasters to obtain the clerical labor necessary for the performance of such special duties as are imposed upon them by the operations of the money-order system and are not required of other postmasters: *And provided further*, That the salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post Office Department. (Sec. 4, 22 Stat. 528; sec. 3, 28 Stat. 31.)

(b) The allowances for clerk hire made to postmasters of the first-, second-, and third-class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, * * *. (Sec. 1, 43 Stat. 1054; 39 U. S. C. 83.)

NOTE: The compensation of clerks in post offices of the first and second classes is based upon the classification provided by law. (See §§ 137.36, 137.37, and 137.45.)

See § 137.33 as to salaries allowed postmasters, being full compensation for money-order business and § 76.27 as to compensation at fourth-class offices.

MISCELLANEOUS PROVISIONS

§ 70.3 Postmasters and employees not to act as agents for competitive service. Postmasters and employees at money-order offices or the branches or stations thereof shall not accept from any express company, banker, banking institution, or other corporation or firm any agency for the issue or payment of money orders, drafts, bills of exchange, or similar instruments for the transmission of money, except under special permission of the Third Assistant Postmaster General.

§ 70.4 Information not to be given. Postmasters and postal employees shall not disclose information concerning money orders issued or paid by them to any person except the remitter, payee, or endorsee or the agent of one of them or to a representative of the Post Office Department, or under special instructions from the department.

§ 70.5 Navy mail service. Navy mail clerks and assistant Navy mail clerks attached to United States vessels and certain shore stations which have been designated for that purpose by the Secretary of the Navy and the Postmaster General, shall transact postal money-order business. Such vessels and shore stations are designated as stations of a post office, and money-order business is transacted under conditions similar to those governing other stations of post offices.

NOTE: See § 123.1 as to authority for establishment of Navy mail service and appointment of Navy mail clerks and assistants.

§ 70.6 Correspondence. Postmasters shall observe the following instructions in correspondence concerning the money-order business:

(a) **With Third Assistant Postmaster General.** Applications for duplicate money orders, and for settlement checks in lieu of invalid orders, requests for increases in money-order reserves, requests for special check or money order credit, letters asking for information regarding money-order funds, the transac-

tion of international money-order business, requisitions for photostats of paid money orders, and general correspondence pertaining to the money-order service shall be addressed to the Third Assistant Postmaster General, Division of Money Orders, and the envelopes inclosing such communications should bear the letters "M. O. B.," written or printed.

(b) **With Bureau of Accounts.** Correspondence in connection with the preparation and maintenance of the accounting records and the administrative examination of money-order accounts, namely, the prompt deposit of surplus money-order funds, and all details as to submission, signature, and preparation of the accounts, shall be addressed to the Bureau of Accounts, Post Office Department.

(c) **With General Accounting Office.** All correspondence relative to the audit of money-order accounts, including requests for information concerning errors disclosed by the audit and for distinguishing marks or other data appearing on the paid money orders, shall be addressed directly to the General Accounting Office, Postal Accounts Division. Letters shall not be inclosed with accounts.

NOTE: See §§ 24.9 and 24.10 as to signing of reports and papers by assistant postmasters.

PART 71—ISSUE OF DOMESTIC MONEY ORDERS

Sec.	GENERAL PROVISIONS	Sec.	GENERAL PROVISIONS
71.1	Offices upon which orders may be drawn.	71.13	Consent of guardian to issue order to ward.
71.2	Order drawn payable to remitter.	71.14	Record of money orders.
71.3	Issue of orders at branch offices and stations.		ERRORS AND CHANGES
71.4	Kind of money to be used.	71.15	Error discovered before purchaser has left window.
71.5	Waiver of identification of payee forbidden.	71.16	Request for change in order.
71.6	Identification of payee by signature.		ADVICES
	FEES AND LIMITATIONS	71.17	Advices.
71.7	Fees and limitations.		POSTMASTERS' SIGNATURES TO MONEY ORDERS
71.8	Orders drawn to correct errors.	71.18	Signing of money order.
71.9	Fractional-cent amounts not used.		MONEY-ORDER FORMS
	APPLICATION AND ISSUE	71.19	Forms required.
71.10	Application for money order.	71.20	Blank money-order forms.
71.11	Issue of money order.	71.21	"Not issued" form.
71.12	Requirement as to name of payee.	71.22	Responsibility for safety of forms.
		71.23	Theft of forms.

GENERAL PROVISIONS

§71.1 **Offices upon which orders may be drawn.** Money orders shall be drawn on the domestic form upon all money-order post offices in the United States and its outlying possessions and dependencies, including the Canal Zone, and upon post offices in the foreign countries with which the United States transacts money-order business on the domestic basis. The domestic form shall also be used in drawing money orders upon the Philippine Islands.

NOTE: For list of countries on which domestic money orders may be drawn see Schedule No. 1 in the Register of Money-Order Post Offices.

§71.2 **Order drawn payable to remitter.** A domestic money order may be drawn payable to the person making application for issue thereof, if he so desires.

§ 71.3 Issue of orders at branch offices and stations. The postmaster of every city where branch post offices or stations are established and in operation, subject to his supervision, is authorized, under the direction of the Postmaster General, to issue, or to cause to be issued, by any of his assistants or clerks in charge of branch post offices or stations, postal money orders, payable at his own or at any other money-order office, or at any branch post office or station of his own, or of any other money-order office, as the remitters thereof may direct; and the postmaster and his sureties shall, in every case, be held accountable upon his official bond for all moneys received by him or his designated assistants or clerks in charge of stations, from the issue of money orders, and for all moneys which may come into his or their hands, or be placed in his or their custody by reason of the transaction by them of money-order business. (R. S. 4029; 39 U. S. C. 713.)

NOTE: See § 24.3 as to classification of branch offices and stations.

§ 71.4 Kind of money to be used—(a) And exceptions. In the transaction of money-order business postmasters shall not receive or pay out foreign money, except that at post offices near the border line between the United States and Canada, Canadian money may be received for and used in payment of money orders under such special restrictions as the Third Assistant Postmaster General shall prescribe.

(b) Notes and checks. Promissory notes shall not be accepted in any case for the issue of money orders. Government paper of any kind (disbursing officers' checks, which include disbursing postmasters' checks in payment for rural delivery service, pension checks, Post Office Department settlement checks, etc.) may be received from responsible persons whose indorsement thereon the postmaster is willing to guarantee, provided such paper will be accepted at par by the depository to which it is finally remitted. Subject to these conditions, such Government paper, including postal savings system checks, may be cashed with surplus money-order funds, and forwarded for deposit in accordance with § 76.15. Postmasters are not required to accept personal checks tendered by patrons as payment for the issue of money orders, whether drawn to pay the charges on c. o. d. parcels or for the purchase of money orders on rural routes, and if such checks are accepted as a personal accommodation to patrons, the corresponding money orders shall not be issued until the checks are cashed, after which the money so obtained shall be used to pay for the issue of the money orders. In any event the acceptance of personal checks is at the risk of the postmaster, who will be held liable on his official bond for any loss which may result from their being dishonored.

§ 71.5 Waiver of identification of payee forbidden. Postmasters shall not issue any money order conditioned that identification of payee, indorsee, or attorney may be waived, nor shall any postmaster pay any money order issued without requiring identification of the payee, indorsee, or attorney. (Sec. 5, 30 Stat. 966; 39 U. S. C. 724.)

§ 71.6 Identification of payee by signature—(a) When remitter and payee are same. When the remitter of a money order purchases it in favor of himself, the

issuing postmaster shall question the applicant, and if he is not sure that he can prove his identity at the paying office, the postmaster shall procure and transmit to the paying postmaster a specimen of the signature of the remitter-payee on Form 6339, on the back of which the correct particulars of the money order shall be entered. In such case the issuing postmaster shall write or stamp on the back of the coupon of the money order the words "Specimen signature of payee sent on Form 6339." When a postmaster has no Form 6339, a slip of paper describing the order and bearing the signature together with a statement from the issuing postmaster that it is the signature of the payee may be substituted.

(b) **When remitter and payee are different.** When the remitter and payee are different persons the issuing postmaster upon request shall attach a specimen of the payee's signature to Form 6339 and transmit it to the paying postmaster in a sealed penalty envelope with a statement to the effect that such signature was furnished by the remitter.

(c) **Proper precaution required.** Nothing in this section shall be understood as relieving a postmaster from exercising proper precaution to avoid wrong payment of a money order. (See §§ 72.4, 72.5, and 72.42.)

FEEES AND LIMITATIONS

§ 71.7 **Fees and limitations.** A money order shall not be issued for more than \$100, and the fees for domestic money orders shall be as follows: For orders less than \$5 and 1 cent, 10 cents; for orders from \$5 and 1 cent up to and including \$10, 15 cents; for orders from \$10 and 1 cent up to and including \$50, 25 cents; for orders from \$50 and 1 cent up to and including \$100, 35 cents. (Sec. 206, 62 Stat. 1260; 39 U. S. C. 716a.)

NOTE: The above fees are applicable also to orders drawn on post offices in countries with which business is transacted on the domestic basis.

§ 71.8 **Orders drawn to correct errors.** Money orders may be drawn by the Superintendent of the Division of Money Orders without the exaction of an additional fee for the purpose of correcting errors made by issuing or paying postmasters. (Sec. 5, 30 Stat. 966; 39 U. S. C. 726.)

§ 71.9 **Fractional-cent amounts not used.** No money order shall contain a fractional part of a cent.

NOTE: See § 130.27 as to penalty for fraudulent issue of money orders; § 130.28 as to penalty for issue of orders without receiving money therefor.

APPLICATION AND ISSUE

§ 71.10 **Application for money order—(a) Form.** The Postmaster General shall supply such money-order offices, as he may deem expedient, with blank forms of application for money orders, in such form as he may direct. (R. S. 4033, as amended; 39 U. S. C. 719.)

(b) **Filling in.** The application for a money order shall be made on the printed form (No. 6001), showing the particulars required to be stated in the money

order and coupon. If remitter is not a resident of the place where the order is issued he should be requested to enter his permanent (home) address at bottom of his application.

(c) **Filing.** The applications shall be filed for ready reference in the proper sequence of the serial numbers of the money orders, and preserved not less than three years.

§ 71.11 **Issue of money order—(a) Drawn only on money-order office.** A money order shall be drawn only upon a designated money-order office. The postmaster shall determine whether the place of payment named in the application is a money-order office, and for that purpose shall consult, if necessary, the list of post offices appearing in the latest edition of the Official Postal Guide and Supplements.

(b) **Not drawn on stations.** A money order shall be drawn on the main office or a branch office, but not on a station. If an application be made for an order to be drawn on a station, the order shall be drawn on the post office only and the name of the station omitted.

(c) **Stamp and number on application.** The impression of the office dating stamp, the serial number of the order to be issued and the fee to be charged shall be entered on the application.

(d) **Number to be stated in correspondence.** The serial number printed on the upper right corner of the money order and repeated on the stub, coupon, and receipt shall be used in designating the order in accounts and correspondence.

(e) **Date.** The date affixed to the order and its several parts by the issuing postmaster shall be the actual date of issue. (See §§ 4.1 and 76.26.)

(f) **Stub.** The stub shall be retained by the issuing postmaster.

(g) **Coupon.** The coupon shall be delivered to the purchaser with the order to which it is attached.

(h) **Remitter's receipt.** The receipt shall be given the purchaser with the money order, and the remitter should retain it until the order is paid.

(i) **Instructions.** Money orders shall be issued in accordance with the instructions printed thereon.

(j) **In payment for c. o. d. parcels—(1) Procedure.** Money orders issued in payment for c. o. d. parcels shall, if possible, be mailed the same day the parcels are delivered. If not, they shall be issued and mailed without fail on the following business day. The name of the sender of the c. o. d. parcel shall be entered as payee on the money order, and the name of the addressee (not the name of the postmaster nor the person receipting for addressee) as remitter. The money order in each case shall be mailed in a penalty envelope to the payee (sender of the parcel). The number of the c. o. d. parcel shall be written or stamped in the space provided for that purpose on the coupon. A separate money order shall be issued for the charges collected on each c. o. d. parcel. Where the charges amount to more than \$100, two money orders shall be issued in payment for the c. o. d. parcel, in which case the serial number of each order shall be entered on the c. o. d. tag constituting the application.

(2) **Disposition of receipts.** At offices of the second class, receipts detached from c. o. d. money orders shall be attached to Form 3815, to which they relate, as evidence that money orders have been issued. At offices of the third and fourth classes the receipts from such orders shall be attached to the c. o. d. tags, except in cases where delivery of c. o. d. parcels is made through rural carriers, in which event the receipts shall be given to the carriers to be filed with the delivering employee's coupon as evidence that remittance has actually been made.

(3) **At office having or not having c. o. d. stations.** At post offices having c. o. d. stations, all money orders in payment for c. o. d. parcels shall be issued on the forms provided for that station, and the separate file of c. o. d. tags constituting the applications for money orders shall be kept there. The money orders in payment for c. o. d. parcels issued at a large office not having a c. o. d. station shall be issued in the money-order section and the tags which constitute the applications for the money orders shall be filed by the serial number of the orders with other applications.

NOTE: See § 71.17 as to separate advices; § 71.18 as to signing of postmaster's name by clerks; § 71.19 as to money-order forms; and § 71.21 as to "not issued" forms.

§ 71.12 **Requirement as to name of payee—(a) Only one person or firm.** An order shall be made payable to only one person or one firm. It shall not be drawn payable to husband and wife jointly, and if more than one person is named as payee in the application the patron shall be required to submit another application naming but one payee.

(b) **Surname alone not sufficient; exceptions.** If only the surname of the payee be given by the purchaser the postmaster shall decline to issue the order unless the payee's street address and house number be given for entry with the surname in the coupon; but the order may be issued without street address—

(1) If the single name given is the business name of the payee, as "Mason's," "Johnson's Store," or "Madam Saville."

(2) If the payee is designated only by an official title indicative of the capacity in which he is to receive payment, as "Cashier, First National Bank."

(3) If the payee is designated by a name adopted under membership in a religious order, the name and address being so combined as clearly to indicate the person intended, as "Sister Theresa, Academy of Visitation," or "Brother Joseph, St. Anselmo's College."

§ 71.13 **Consent of guardian to issue order to ward.** When notified of the appointment of a guardian, committee, or other person legally designated by a court having jurisdiction so to act for one adjudged incompetent, a postmaster shall refuse to issue a money order on the application of the ward unless permission is granted by a person in whose care such ward has been placed.

§ 71.14 **Record of money orders.** A postmaster at whose office the filing system has not been authorized shall promptly record in the "Register of orders issued" the serial number, amount, and fee of each order issued at his office, as shown by the application therefor; and any subsequent action taken in reference to any of these orders shall be noted opposite the entries thereof in the register under the head of "Remarks."

NOTE: See § 76.25 as to "Register of orders issued."

ERRORS AND CHANGES

§ 71.15 **Error discovered before purchaser has left window.** If an error of any kind occurs in issuing an order and is discovered by the postmaster or the purchaser before the latter has left the window, the transaction should not be considered as completed and the order should be treated as "not issued" and another one drawn and delivered to the remitter in its stead. In such event, as but one order has been issued, only one fee shall be charged.

NOTE: See § 71.21 for treatment of "not issued" orders.

§ 71.16 Request for change in order—(a) New order and fee. After a money order has been issued, if the purchaser desires to have it modified or changed, the postmaster who issued the order shall take it back and issue another in lieu of it, for which a new fee shall be exacted. (R. S. 4038; 39 U. S. C. 725.)

(b) Procedure. If, after the completion of the transaction by delivery to the postmaster of the amount of the order and its fee and the acceptance of the order by the purchaser, the remitter, payee, or other holder of the order should return it for the purpose of changing any of the particulars thereon, it shall be treated as repaid and a new order issued, for which another fee shall be paid. If the order is returned because of a mistake made by the issuing postmaster he shall pay the fee for the new order from his personal funds, or, if the remitter prefers the return of the money instead of a new order, the amount of the fee shall be refunded to the remitter from the personal funds of the postmaster.

NOTE: See § 73.1 as to repayments.

ADVICES

§ 71.17 Advices—(a) Request on Form 6006. Form 6006 shall be used to give the particulars of a domestic money order when the paying postmaster requests additional or corrected information to insure the proper payment of the order.

(b) Completion and return of Form. When the issuing postmaster receives from the paying office a request on Form 6006, he shall correctly enter thereon the exact particulars as they appear in the application for the money order and promptly mail the completed form to the paying postmaster.

(c) Entry on application. When such information is furnished, that fact, with the date on which Form 6006 was returned, shall at once be noted on the application, and, at offices not authorized to use the filing system, opposite the entry of the order in the register of orders issued.

POSTMASTERS' SIGNATURES TO MONEY ORDERS

§ 71.18 Signing of money order—(a) Delegation of. The postmaster may authorize any clerk employed in his office to sign his name to money orders. The name of the postmaster shall either be written or stamped. In all cases, except when the postmaster signs the order in his own handwriting, the name of the postmaster whether stamped or written shall be followed by the initials of the person who issues the money order.

(b) Acting postmaster. An acting postmaster may authorize clerks in his office to sign his name to money orders the same as the postmaster.

(c) In name of postmaster. When an assistant postmaster or a clerk designated by the postmaster is in charge of the post office during the temporary absence or sickness of the postmaster, or upon his death or resignation before an acting postmaster takes charge, all money orders shall be signed in the name of the postmaster the same as if he were present.

NOTE: See §§ 135.11 and 135.13 as to bonds of postmasters and clerks; § 137.7 as to acting postmasters; §§ 24.9 to 24.11 as to performance of duties of office during temporary absence of postmasters; § 24.10 as to signing of papers, etc., by assistant postmasters in name of postmaster.

MONEY-ORDER FORMS

§ 71.19 Forms required. The Postmaster General shall prescribe the forms for the issue of money orders and shall furnish money-order

offices with printed or engraved forms for domestic money orders, and no money order shall be valid unless drawn upon such form. (R. S. 4034, as amended; 39 U. S. C. 720.)

NOTE: See § 130.30 as to penalties for issue of advertisements, circulars, business, or professional cards, etc., in likeness of money order.

Each post office is designated by a number, known as the office number, as well as by name. The office number is printed on the "order" and "coupon" portion of each form. In addition to the office number, the forms furnished each office are also numbered consecutively. This number, known as the serial number, appears on the stub, order, coupon, and receipt portion of the forms.

§ 71.20 Blank money-order forms—(a) Accounting for. Every blank money-order form sent to a postmaster for issue at his office shall be duly accounted for in its proper numerical order in his money-order lists or accounts.

(b) Examination for irregularities. Books of money-order forms supplied to an office shall be examined immediately upon receipt to determine whether the first serial number follows in sequence with the last number of the prior shipment, and that the name of the office and the office number are printed correctly. Irregularities discovered therein shall be reported promptly to the Third Assistant Postmaster General, Division of Money Orders.

(c) Omission from book. When a form is omitted from any book the postmaster shall make a note of the fact opposite the proper consecutive number in the account in which the order, if supplied, would have been reported as issued, and a similar note in the "Register of orders issued" at offices where the filing system is not authorized.

(d) Defective or mutilated. Defective or mutilated forms shall be held until they are reached in numerical sequence and then treated as "not issued" in accordance with the instructions contained in § 71.21 (b).

(e) Duplicated. Where two forms bear the same number, one of them shall be canceled by writing across the face thereof the words "Number duplicated," and it shall be sent, with the corresponding coupon and receipt, to the Third Assistant Postmaster General, Division of Money Orders.

(f) Bound in wrong book. Forms printed for one office and bound in a book sent to another shall be forwarded to the Third Assistant Postmaster General, Division of Money Orders, with a letter stating the serial numbers between which they were found.

§ 71.21 "Not issued" form—(a) Definition. A form shall be treated as "not issued"—

1. When order, coupon, or receipt, through defective printing, mutilation, or disfiguration, is not fit for use.

2. When a mistake in its issue is discovered before the transaction is completed and before the remitter has left the money-order window.

(b) Disposition. A form included in either of the classes named above shall be canceled by writing across the face of the order, of the coupon, and of the stub the words "Not issued." At offices not authorized to use the filing system, these words shall also be written opposite the entry of the number in the register of money orders issued. The spoiled order shall be sent with the account or list in which it would be entered if it were regularly issued; the coupon and receipt shall be attached to a properly numbered money-order application, which shall be filed in its regular sequence and on which shall be entered the words "Not issued," and the stub shall be left in its place in the book of money-order forms.

(c) No fee chargeable. No fee shall be charged for a "not issued" order and no amount therefor entered in the list of orders issued.

NOTE: See § 18.25 as to attaching "not issued" forms to accounts.

§ 71.22 **Responsibility for safety of forms.** Postmasters shall keep their stock of blank money-order forms in their own custody, under lock and key, in some place of security to which unauthorized persons cannot have access, and will be held responsible for any loss arising from fraud made possible through a disregard of this regulation.

§ 71.23 **Theft of forms.** In case of theft of money-order forms the postmaster shall *immediately* notify the post-office inspector in charge of the division in which the office is located giving the *first and last* serial numbers of the stolen forms. *Whenever practicable this report shall be made by telegraph in as brief form as may be consistent with clearness and accuracy, and shall state the date on which the robbery occurred, or the loss was detected.* (See § 25.10.)

PART 72—PAYMENT OF DOMESTIC MONEY ORDERS

<p>Sec.</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>72.1 Application of regulations as to payment.</p> <p>72.2 Provision for payment of orders.</p> <p>72.3 Payable at any money-order office.</p> <p>72.4 Precautions in paying orders.</p> <p>72.5 Requirements when paying orders.</p> <p>72.6 Payment of orders from out-of-town banks or Government agencies.</p> <p>72.7 Responsibility for wrong payment.</p> <p>72.8 Alleged wrong payment.</p> <p>72.9 Stamping of paid money orders.</p> <p style="text-align: center;">PAYMENT OF ORDERS TO OTHER THAN PAYEES</p> <p>72.10 Transfer of money order by indorsement.</p> <p>72.11 Payment to other than person named as payee.</p>	<p>Sec.</p> <p>72.12 Order presented by payee after being indorsed or received by others.</p> <p>72.13 Substitution by payee or remitter of name written in error.</p> <p>72.14 Payment to bank.</p> <p>72.15 Payment to remitter.</p> <p style="text-align: center;">WHEN ORDERS SHALL NOT BE PAID</p> <p>72.16 Payment of orders withheld.</p> <p>72.17 Payment forbidden to persons or concerns engaged in fraudulent schemes or lotteries.</p> <p>72.18 Disposition of undeliverable c. o. d. money order.</p> <p>72.19 Payment by issue of new order.</p> <p style="text-align: center;">TREATMENT OF COUPONS AND PAID ORDERS</p> <p>72.20 Filing of separate advice.</p> <p>72.21 Disposition of coupons and paid orders.</p>
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GENERAL PROVISIONS

§ 72.1 **Application of regulations as to payment.** The regulations embodied in this chapter shall apply in general to the payment of money orders issued in the United States and its outlying possessions and dependencies.

NOTE: See pt. 75 concerning issue of domestic money orders for payment in certain foreign countries listed in table 1, List of International Money-Order Offices.

§ 72.2 **Provision for payment of orders—(a) Application for additional funds.** A postmaster shall provide, as far as possible, for the payment of money orders on presentation and shall pay money orders drawn upon his office if he has sufficient funds, whether arising from the issue of money orders or from postal receipts. When necessary, a district postmaster shall apply to his central accounting postmaster for additional funds or request the department to authorize a money-order credit with the Treasurer of the United States.

(b) **When private funds advanced.** A postmaster may advance from his private funds the amount required to cash an order drawn upon his office. In such

case he should cause the order to be indorsed in his favor and hold it as his personal property until he is in receipt of funds sufficient to reimburse himself, whereupon the order may be treated as paid.

NOTE: See § 76.7 as to transfer of postal funds to money-order account; §§ 76.8 to 76.10 as to applications for drafts for payment of money orders and credit with the Treasurer of the United States; § 76.11 as to supplying funds at stations.

§ 72.3 Payable at any money-order office—(a) Authorization.

Under such rules and regulations as the Postmaster General shall prescribe, postal money orders may be issued payable at any money-order post office, and on and after the date upon which such rules and regulations become effective all money orders shall be legally payable at any money-order post office, although drawn on a specified office; and as compensation for the extra labor involved in paying a money order at an office other than that on which the order is drawn the Postmaster General is authorized to exact a fee of the same amount as that charged for the issue of the order. (38 Stat. 280, as amended; 39 U. S. C. 727.)

(b) **Terms of payment.** An original domestic money order shall be paid at its face value if presented at the office on which drawn or at the office of issue at any time within the period of validity, which is 1 year from the last day of the month in which issued. For the first 30 days after issue any domestic money order may be paid for its face value, less the fee prescribed by the law quoted above, at an office other than that of issue or that on which drawn.

(c) **When paid at office other than on which drawn.** When in accordance with the preceding paragraphs of this section a money order is paid at an office other than the one therein designated as the paying office, the postmaster making the payment shall immediately send to the postmaster at the issuing office a notice on Form 6126, which describes the money order. When the notice is received by the issuing postmaster, he shall file it with the application for the order. The reply coupon shall then be detached and sent at once to the postmaster who cashed the order. Until such reply coupon is received by the cashing postmaster, credit shall not be taken for payment of the order, but it shall be considered as a part of the cash on hand.

(d) **Name of paying office misspelled.** Payment of a money order may be made on due presentation, and credit therefor may be taken at the office meant, when the name thereof in the money order is only slightly misspelled or is abbreviated if the office intended is clearly indicated, thus: "Balto." instead of Baltimore, "Ft. Hunt" instead of Fort Hunt.

(e) **At stations or branches.** A money order may be cashed at a station or branch as well as the main office on which drawn, and also if drawn on a branch or in error on a station of that office.

§ 72.4 **Precautions in paying orders—(a) Examination of order.** When a money order is presented for payment, the postmaster or paying clerk shall examine it to see that it is properly drawn, signed, and stamped by the issuing postmaster, and assure himself that it is not issued on a form reported stolen; that it corresponds with the coupon; and that it is signed by the payee or by a person authorized by the payee to receive payment. If a month or more has elapsed since the issue of the order the postmaster or paying clerk shall assure himself, by a proper search of his records, that an application for a duplicate order has not been certified.

(b) **Discrepancies or alterations.** In case any discrepancy whatever is found between the amount written in the blocks on the order and the sum named in the coupon or between the amount written in order or coupon and the printed figures constituting the marginal check on the left or if the order bears an alteration, the postmaster shall apply immediately to the issuing postmaster on Form 6006 for a correct statement of particulars which shall be given on the reverse of that form. Credit shall not be taken for payment in any such case prior to receipt of response to such application unless specially authorized by the Department. When such application is made, a memorandum thereof shall be written on the lower margin of the coupon or on the back of it by the postmaster, but he shall not retain possession of order or coupon unless he has made a payment or an advance thereon as provided in paragraph (j) of this section. When payment is made in accordance with particulars furnished by a separate advice, such advice shall be attached to the coupon and filed therewith.

(c) **Lost coupon.** When the order and coupon have become separated and the coupon lost before presentation of the order, application shall be made on Form 6006 for a separate advice, upon receipt of which, if it agrees with the order and names the party claiming to be the payee and the order is not invalidated by age nor otherwise irregular, payment may be made, and the separate advice, with the date of payment stamped thereon, shall be filed in place of the coupon.

(d) **Stamped improperly.** If the issuing postmaster has inadvertently affixed his stamp at the place for the stamp of the paying office on the order, payment may yet be made; the impression of the former stamp may be covered by pasting over it a piece of paper bearing the impression of the latter. In like manner, when an order bears on its face, instead of on its back, the stamp of another office at which it has been cashed for the payee and from which it is received with request for reimbursement of the postmaster, the stamp of the office drawn on, or the stamp of the office of issue, according to circumstance, may be affixed and the order treated as paid or repaid thereat.

(e) **Omission of stamp.** A money order may be paid if the money-order stamp has been omitted from the coupon but the date of issue appears on the order, or if the date has been omitted from the order but appears in the impression of the stamp on the coupon. In either case the paying postmaster or clerk shall enter the missing date in the order or coupon, as the case may be. When the date is lacking in both order and coupon, the postmaster drawn on shall forward an application for a separate advice (Form 6006) to the issuing postmaster. If both the order and coupon are regular in all other respects, the postmaster at the paying office may, if the payee is known to him to be a responsible person, advance the amount of the order and hold the receipted order as cash until in receipt of the required separate advice, properly stamped and dated; before it is forwarded for credit the date of issue shall be entered on the order. The separate advice shall be attached to the coupon and filed therewith at the paying office.

(f) **Omission of remitter's name or address.** An order may be paid notwithstanding the omission from the coupon of either or both the name and address of the remitter, and unless desired by the payee request need not be made for a separate advice giving these particulars.

(g) **Difference in name of payee.** In case the name given in the separate advice differs from the name given in the coupon as that of payee, but is that of the person or firm claiming to be the payee and the order is not otherwise irregular payment may be made on due presentation of the order properly receipted in

claimant's own name. No notation on the order relative to such discrepancy need be made.

(h) **Omission of amount.** In case the amount is omitted in the blocks on the order, but appears in the coupon, and as there entered is free of alteration and does not exceed the largest sum indicated by figures remaining attached to the marginal check, payment may be made and credit taken therefor without sending for a separate advice, provided the amount paid be written by the paying official on the face of the order, thus: "Paid \$-----, amount named in coupon." Similarly, if the amount is omitted in the coupon, but appears in the blocks on the order, and as there entered is free of alteration and does not exceed the largest sum indicated by figures remaining attached to the marginal check, payment may be made and credit taken therefor without sending for separate advice, provided the amount paid be written by the paying official across the face of the coupon, thus: "Paid \$-----, amount named in order." Defects of this kind, however, shall be reported to the Third Assistant Postmaster General, Division of Money Orders.

(i) **Amount expressed improperly.** Payment of an order shall not be withheld because the amount in the coupon is expressed wholly in figures, if the amount thus expressed is the same as that entered in the blocks on the order, and does not exceed the largest sum indicated by the figures remaining attached to the left of the order. Words, and not figures, shall always be employed to express the number of dollars in the coupon; and the paying postmaster shall report to the Third Assistant Postmaster General, Division of Money Orders, every case where figures instead of words have been employed in the space for entry of the number of dollars in the coupon.

(j) **Discrepancy in amount.** In any case of discrepancy between the amount entered in the blocks on the order and that written in the coupon payment may be made on receipt of a separate advice, Form 6006, naming either of those two amounts, even if it exceeds the largest amount indicated by the printed figures remaining attached to the left of the order, or even if the marginal check has been entirely removed, if the order be not otherwise irregular. Pending receipt of response to request for a separate advice in such a case, the smaller of the two amounts named, respectively, in the blocks on the right of the order and in the coupon may be advanced, if the payee so desires, provided it does not exceed the largest amount indicated by the printed figures remaining attached to the left of the order. For any sum thus advanced the paying postmaster shall take from the payee a written receipt and hold the same (with the order and coupon) as representing a corresponding sum in cash until the required separate advice is received. The proper amount shall then be paid, and the formal receipt of the payee be obtained on the order itself; and the order shall be forwarded in the usual way with the account in which credit is taken for the payment. Across the face of the order, before it is thus forwarded, if the sum named in the blocks thereon differs from that paid, the paying postmaster shall write a statement of the amount paid, thus: "Paid \$-----, in accordance with separate advice, the same being the amount named in coupon." Similarly, if the sum named in the coupon differs from that paid, he shall write across the face of the coupon the words "Paid \$-----, in accordance with separate advice, the same being the amount named in the order." The separate advice shall be attached to the coupon and filed therewith at the paying office.

(k) **Amounts in blocks and coupon dissimilar and greater than amount in advice.** In case the sum named in the separate advice is less than the amount

entered in the blocks on the order and that written in the coupon, and the owner of the order accepts the amount named in the advice, the paying postmaster shall write across the face of the order and of the coupon the words "Paid \$-----, amount named in separate advice," and take credit for that amount. If a larger sum has been advanced under the provisions of the preceding paragraph, and the payee refuses to refund the difference, the paying postmaster shall refer the case to the Third Assistant Postmaster General, Division of Money Orders, for the necessary action.

(l) **Amounts in blocks and coupon dissimilar and less than amount in advice.** In case the sum named in the separate advice exceeds both the amount entered in the blocks on the order and that written in the coupon, the postmaster at the office drawn on shall report the facts by letter to the Third Assistant Postmaster General, Division of Money Orders, stating what amount is entered in the order, what amount is written in the coupon, what amount is indicated by the marginal check, and what amount has been paid, if any, and await instructions.

(m) **Discrepancy in c. o. d. order.** (1) When an order issued in payment of a c. o. d. shipment is presented at the shipping office and shows a discrepancy between the amount entered in the blocks on the order and that written on the coupon, the postmaster shall consult his c. o. d. record and pay whichever of the two amounts agrees with that record without awaiting the return of Form 6006, which shall, however, be promptly dispatched to the issuing office. Upon receipt of the separate advice, if the amount given as correct is the same as that paid, the form shall be attached to the coupon and filed therewith at the paying office. Should the issuing officer name another amount as correct, the paying postmaster shall refer the order and returned Form 6006 to the Third Assistant Postmaster General, Division of Money Orders, for adjustment.

(2) All other provisions of this section not inconsistent are to be observed in connection with c. o. d. money orders.

§72.5 **Requirements when paying orders—(a) Identification.** Unless the applicant for payment is personally known by the postmaster or paying clerk to be the owner of the order, he shall be required to prove his identity. The initials of the person paying a money order to an individual at the window shall be entered on the back of the coupon, and if identification is required, the paying employee, for his own protection, shall make a brief notation thereon of the proof of identity furnished.

NOTE: See § 71.6 regarding payee who is also remitter and specimen signatures sent as aids to identification.

(b) **Signature by mark.** If signature of payee or indorsee is by mark it shall be witnessed by a person who can write, and the witness shall be some one other than the postmaster or paying clerk.

(c) **Signature different from name in coupon.** Any signature of the payee not inconsistent with the name given in the coupon may be accepted by the paying postmaster as sufficient, provided he is satisfied that it is the genuine signature of the payee intended.

(d) **Signature of officer.** An order drawn in favor of a public officer or officer of a corporation, company, or association, as such, may be paid to his successor, if presented by the latter, who, in receipting for same, shall be required to indicate in writing the capacity in which he acts, thus: "William Jones, treasurer, successor to George Thompson."

(e) **When payee is society or corporation.** When the payee is a society or corporation, the person who has authority to receive payment of moneys due such

payee shall receipt the order in his official capacity, and, if occasion arises, the postmaster may require satisfactory proof of such authority.

(f) **Stamped signature in receipt.** All of the requisite signatures to a money order—those of payee, indorsee, or witness to payment—shall be written, preferably in ink; but a stamped signature may be used in place of the written signature of payee or agent of payee in receipts on money orders drawn in favor of, or made payable to, a firm, corporation, association, society, or individual, if the orders so receipted are presented for payment only through a bank located in the city or town on which drawn and such bank expressly guarantees the signature by rubber stamp or other indorsement on the back of the orders. If not presented for payment through a bank, the stamped signature of the firm may be used if beneath it is written the signature of the person receiving payment or executing the indorsement.

(g) **Signature of agent.** The paying postmaster shall affix or cause to be affixed to the signature of the person receiving payment of a money order any such word or words as may be necessary to explain the right of such person to collect the amount. For instance, where an order drawn in favor of a company is paid to its local manager, the word "Manager" should be made to appear beneath or opposite his signature to the receipt.

(h) **Use of titles.** The paying postmaster shall not insist on the inclusion or the omission of a title or prefix such as "Dr.," "Rev.," "Prof.," "Madam," or "Mrs.," in the signature to an order, whether or not the payee is designated by such title or prefix in the coupon.

§ 72.6 **Payment of orders from out-of-town banks or Government agencies.** Money orders sent by out-of-town banks to the postmaster at either the office of issue or the office on which drawn may be paid by a check drawn on the Treasurer of the United States and forwarded by mail to the cashing bank, provided the bank by its stamp on the back of each order guarantees all prior indorsements. As this arrangement is an accommodation, return postage should be provided by the bank. If it is not, it shall be deducted from the face value of the check. When, however, the bank's collection letter bears an indorsement that the money order represents payment of an obligation of the United States Government and must be paid at par, the check shall be drawn for the full face value of the money order and mailed free of postage in an official penalty envelope. A money order sent by a Government agency either to the postmaster at the office of issue or the office on which drawn shall be paid by a check drawn against the postmaster's money-order credit with the Treasurer of the United States and delivered, or mailed in a penalty envelope, to that particular branch of the Government which forwarded the money order. Should the postmaster not have a money-order credit with the Treasurer of the United States, he shall apply to the Third Assistant Postmaster General, Division of Money Orders, for a special check for the amount needed. (See § 76.10.)

§ 72.7 **Responsibility for wrong payment.** If an order be paid to the wrong person through lack of precaution at the paying office, the postmaster or other paying employee will be held accountable for the amount of the order.

NOTE: In case of the wrong payment of a money order, the department will endeavor to recover the amount for the owner, provided such wrong payment did not result from the fault of the remitter, payee, or indorsee.

§ 72.8 **Alleged wrong payment.** When a postmaster is notified of the wrong payment of a money order at his office, he shall promptly report the matter to the Third Assistant Postmaster General, Division of Money Orders, and on Form 6065

request a photostat of the paid order for examination by the complainant. If the paying office is of the first class, the postmaster shall give the date of payment and the "file number" or the sheet, column, and running number of the account in which credit therefor was taken, so that the order may be located in the files of the General Accounting Office. If the paying office is of the second-, third-, or fourth-class, the date on which the paid order was forwarded to the central accounting office shall be given. If a photostat of a paid money order is needed for any other purpose the same procedure must be followed.

§ 72.9 Stamping of paid money orders. Immediately after payment of an order the date of payment shall be stamped upon the order and coupon in the spaces provided for that purpose, except at those offices at which paid orders are tabulated, or where perforating machines are used; but if the order is cashed at a branch post office or station, that office shall stamp the date of payment on the back only of the order and coupon.

NOTE: See § 18.25 as to attaching paid orders to accounts as vouchers.

PAYMENT OF ORDERS TO OTHER THAN PAYEES

§ 72.10 Transfer of money order by indorsement. The payee of a money order may, by his written indorsement thereon, direct it to be paid to any other person, and the postmaster on whom it is drawn shall pay the same to the person thus designated, provided he shall furnish such proof as the Postmaster General may prescribe that the indorsement is genuine, and that he is the person empowered to receive payment; but more than one indorsement shall render an order invalid and not payable, and the holder, to obtain payment, must apply in writing to the Postmaster General for a new order in lieu thereof, returning the original order, and making such proof of the genuineness of the indorsements as the Postmaster General may require. (R. S. 4037; as amended; 39 U. S. C. 723.)

NOTE: See § 73.9 as to payment by duplicate of order invalidated by more than one indorsement.

§ 72.11 Payment to other than person named as payee—(a) Requirements and exceptions. When a money order is presented for payment which purports to have been indorsed by the payee to another person and the postmaster is not in a position to judge whether the signature to the indorsement is the genuine signature of the payee, he should require that the indorsement be guaranteed by someone he has reason to believe is financially responsible. A money order shall not be paid to a second person without written transfer or indorsement of the same to such person by the payee, in the prescribed form provided on the order, except in the following cases:

(1) **On power of attorney.** When the payee has, by a duly executed power of attorney, designated and appointed some person to collect moneys due or to become due him, in which case the attorney should be required, before payment is made to him, to file at the office of payment copy of such power of attorney.

(2) **On written order of payee.** When the payee has given a separate written order, addressed to the postmaster at the office drawn upon and filed with the latter, authorizing payment to another person, and designating such person by

name as the one to receive payment of and to receipt for any specified order, or for all orders payable by the same postmaster to the payee.

(3) **On assignment.** When a person or firm makes an assignment, and the assignor intends that money orders payable to him shall be paid to the assignee, he should execute a power of attorney, or give such written order separate from the instrument of assignment, to be filed in the post office. The person receiving payment as attorney, or as agent designated in separate written order, should receipt the money order as such, indicating beneath his signature the capacity in which he acts.

(4) **On death of payee.** In case of the death of the payee the money order shall be paid to his legal representative, who shall be required to present to the paying postmaster satisfactory evidence of his authority to act in such capacity, and to sign the money order as executor or administrator, as the case may be.

(5) **To guardian.** When a committee, guardian, or other person is appointed by a court having jurisdiction to act for a person declared incompetent, money orders shall not be paid to the ward. All money orders showing the ward as payee or indorsee shall be paid only to the committee, guardian, or other duly designated person who shall exhibit to the postmaster satisfactory evidence that the designation to thus act for the ward has been made by competent authority. Such money orders shall be receipted in the name of the ward, followed by the signature and legal designation of the committee, guardian, or other authorized agent.

(b) **When payee concern has ceased to exist.** A money order payable to a firm, bank, or company which has ceased to exist shall be paid to the legal representative thereof. (See § 43.33.)

(c) **Stamped impressions of collecting banks not considered indorsements.** The stamp impressions which banks ordinarily place upon orders left with or sent to them for collection shall not be regarded as indorsements transferring ownership of the orders or within the meaning of the statute which forbids more than one indorsement. (See § 72.10.) Though all or a part of any such impression appears on the back of the coupon, the order may be paid, separated, and employed as a voucher in the usual manner. If the back of the coupon is so covered with bank-stamp impressions that no room is left on it for the stamp of the paying office, the date of payment may be stamped on the face of the coupon.

(d) **Order presented by first indorsee.** If an order which has been indorsed twice or oftener is presented for payment by the first indorsee, it may be paid to him, if regular in all other respects, after he shall have receipted it, and the inconsistent indorsements may be canceled.

§ 72.12 **Order presented by payee after being indorsed or receipted by others.** When an order is presented for payment by the payee, it is immaterial what signatures appear at the place for receipt or what indorsements there may be on the order; payment may be made if the order is otherwise regular and there is space for the payee to sign his name below or near the words "Received payment" and inconsistent or unnecessary signatures or indorsements may be canceled.

§ 72.13 **Substitution by payee or remitter of name written in error.** The payee or the remitter of an order, but no one else, may substitute any other name for one which he has already written by mistake in the body of a first indorsement thereon, and payment may be made on due presentation of the order by the person whose name has thus been substituted, if the order is regular in other respects.

§ 72.14 Payment to bank. When a money order purporting to have been received by the payee or first indorsee is deposited in a bank for collection, the postmaster at the office drawn upon may effect payment on due presentation of the same thereat by the bank, provided there be a clear understanding on the part of the bank that the latter will refund the amount if it afterwards appear that the depositor was not the owner of the order. A money order thus paid shall bear upon its back the impression of the stamp of the bank.

§ 72.15 Payment to remitter. A money order presented by the remitter may be repaid at the issuing office, paid at the office of payment, or, subject to the provisions of § 72.3, cashed at any other post office. (See § 73.1.)

NOTE: At offices where the "clearing house" system is authorized, special instructions concerning the same will be given.

WHEN ORDERS SHALL NOT BE PAID

§ 72.16 Payment of orders withheld—(a) Circumstances. Payment of money orders shall be withheld under the following circumstances:

(1) When the order is presented after the expiration of one year from the last day of the month of its issue.

NOTE: See § 73.14 as to payment of such orders.

(2) When the person presenting the order is a second or subsequent indorsee.

NOTE: See § 73.8 as to payment of orders more than once indorsed; § 72.11 as to disregard of indorsements when presented by original payee; § 73.1 when presented by remitter for repayment.

(3) When a money order is presented by a person for whom a guardian has been legally appointed and the postmaster has been notified of such appointment, payment of the money order shall be refused and the guardian notified that it will be paid when presented by the guardian or by someone to whom he has properly indorsed it. (See § 72.11 (a) (5).)

(b) Alleged fraud by payee. When request is made by the issuing postmaster or by the remitter that payment be withheld for sufficient time to enable the remitter to furnish proof that the order was purchased by him through false representations or other fraudulent action of the payee, or who is alleged by him to be engaged in conducting a scheme or device for obtaining money through the mails by false or fraudulent pretenses, representations, or promises, the postmaster to whom the order is presented for payment shall withhold payment and forward the request, together with the proof furnished, to the Third Assistant Postmaster General, Division of Money Orders. When the payment of a money order is not being withheld under the conditions just stated nor its payment forbidden by the Postmaster General under the provisions of § 72.17, the order shall be paid notwithstanding the protest of the remitter.

§ 72.17 Payment forbidden to persons or concerns engaged in fraudulent schemes or lotteries. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses,

representations, or promises, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. This shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way. (R. S. 4041, as amended; 39 U. S. C. 732.)

NOTE: See § 36.6 as to punishment for mailing lottery matter; § 130.52 as to mailing fraudulent matter; § 74.15 as to international money orders.

§ 72.18 Disposition of undeliverable c. o. d. money order. If an envelope containing a c. o. d. money order is returned to the office of issue endorsed "Fraudulent," "Refused—Out of business," or "Fictitious," the envelope together with the money order shall be transmitted immediately to the Third Assistant Postmaster General, Division of Money Orders.

§ 72.19 Payment by issue of new order—(a) At request of payee. The postmaster at the paying office shall not forward by mail in the form of money or check the amount of a money order sent to him by mail and purporting to be signed by the payee, but shall instead inform the latter that if he so desires a new money order for the same amount, less fee, will be drawn in lieu thereof in his favor payable at any post office he may designate.

(b) If payee declines new order. If the payee declines in a case of this kind to consent to the issue of a new order in his favor, the postmaster shall return to him the receipted or indorsed order.

(c) At request of indorsee. If an order which has been indorsed to another person is sent by the indorsee with request for a new order, the postmaster, unless satisfied as to the genuineness of the signature to the indorsement, shall return the order to the sender and advise him that his request will be complied with if he will have the signature guaranteed by the postmaster where he resides. Such guarantee shall be written on the back of the order, thus: "Indorsement guaranteed, _____ P. M., _____," followed by the stamp of the money-order office.

(d) Notation on coupon. When a money order is paid by the issue of another order the postmaster shall write across the coupon of the paid order the words, "Paid by issue of order No. _____," giving the serial number of the new order.

TREATMENT OF COUPONS AND PAID ORDERS

§ 72.20 Filing of separate advice. When a separate advice correcting the name of payee or amount is received, it shall be attached to and filed with the coupon.

§ 72.21 **Disposition of coupons and paid orders—(a) General.** As soon as practicable after the close of each day's business all coupons shall be detached from the paid money orders and filed in proper order, alphabetically, according to the names of issuing offices and State. At district offices the paid money orders shall be forwarded with the next requisition for stamp stock or remittance of surplus funds to the Central Accounting Office and at direct accounting offices the paid orders shall be listed daily in duplicate on Form 6014, the original to accompany the orders to the department and the duplicate to be retained as the record of payments.

(b) **Method of filing coupons.** At post offices paying a large number of money orders daily, unless the orders are now being tabulated by the electrical accounting system, a distributing case, with compartments for each State (and several extra when needed for large States or cities) may be used for sorting the paid coupons. They shall be placed each day face downward in the appropriate compartment and allowed to accumulate until the end of the month, at which time the coupons shall be taken from the case and tied in bundles with appropriate labels showing the States in which the orders were issued, but no attempt shall be made to further assort the coupons. When it is necessary to search the record of payment to answer inquiries, to detect money orders issued on stolen forms, or to certify to applications for duplicate money orders, the appropriate State bundle shall be searched by leafing through the paid coupons as far back as the month in which the money orders were issued.

NOTE: At certain of the large post offices at which paid money orders are tabulated by the electrical tabulating system a special method of filing paid coupons adapted to the system is in use.

PART 73—REPAYMENT OF MONEY ORDERS: DUPLICATE ORDERS: PAYMENT OF INVALID ORDERS BY WARRANT

<p>Sec.</p> <p>REPAYMENT OF DOMESTIC ORDERS</p> <p>73.1 Repayment upon application of remitter.</p> <p>73.2 Repayment to agent of remitter.</p> <p>73.3 Record of repayment.</p> <p>DUPLICATE ORDERS: APPLICATION AND ISSUE</p> <p>73.4 Lost valid order.</p> <p>73.5 Duplicate of lost valid order.</p> <p>73.6 Application for duplicate order.</p> <p>73.7 Recovery of lost order.</p> <p>73.8 Payment of order invalidated by indorsements.</p> <p>73.9 Application for duplicate of order mutilated, defaced, or illegally indorsed.</p>	<p>Sec.</p> <p>73.10 Duplicate orders issued only by Department.</p> <p>PAYMENT AND REPAYMENT OF DUPLICATE ORDERS</p> <p>73.11 Where duplicate order may be repaid or paid.</p> <p>73.12 Record of payment or repayment of duplicate order.</p> <p>73.13 Precautions against double payment.</p> <p>INVALID ORDERS PAYABLE BY SETTLEMENT CHECK</p> <p>73.14 Payment of invalid money orders.</p> <p>73.15 Payment of lost invalid money order.</p>
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REPAYMENT OF DOMESTIC ORDERS

§ 73.1 **Repayment upon application of remitter—(a) Authorization.** The postmaster issuing a money order shall repay the amount of it upon the application of the person who obtained it, and the return

of the order; but the fee paid for it shall not be returned. * * *
(R. S. 4039, as amended; 39 U. S. C. 728.)

(b) **When may be repaid.** A domestic money order may be repaid to the remitter, payee, or indorsee if presented at the issuing post office within one year from the last day of the month of issue, provided a duplicate of it has not been issued. (See § 72.15.)

(c) **Cancellation of other signatures or indorsements.** When a money order is presented at the issuing office and signed by the remitter, repayment shall be made although other signatures or indorsements appear on the order. The inconsistent entries shall be crossed out with pen and ink.

(d) **Dating and handling.** Immediately after repayment of a money order the date of repayment shall be stamped on the face of the order and on the back of the coupon with the office dating stamp, and at offices maintaining that record an entry shall be made in the register of orders issued. The coupon shall be detached and filed with the coupons of paid orders. Credit for the repayment shall be taken in the money-order cashbook and, at direct accounting offices, in the next money-order account which the repaid order shall accompany as a voucher. At district offices the repaid order shall be included in the next remittance to the central accounting post office. If the order is repaid at a branch post office or station, the date of repayment shall be stamped on the back of both order and coupon, but not on the face.

§ 73.2 **Repayment to agent of remitter.** A money order may be repaid by the issuing office to such person as the remitter may designate by his indorsement thereon, substituting the word "Remitter" for that of "Payee" where the latter occurs in the printed form for indorsement, or by giving a separate written order addressed to the postmaster and to be filed at the post office. The person receiving repayment as agent designated in separate written order shall receipt the money order as such, and indicate beneath his signature the capacity in which he acts.

§ 73.3 **Record of repayment.** In the case of every repaid order, the issuing postmaster shall write the date of repayment and the words "Repaid to remitter," "Repaid to payee," or "Repaid to indorsee," as the case may be, across the face of the remitters original application, and in the column of "Remarks" against the entry of the order in the register of orders issued at offices where such register is in use.

DUPLICATE ORDERS: APPLICATION AND ISSUE

§ 73.4 **Lost valid order.** Whenever a money order has been lost within one year from the last day of the month of issue the Postmaster General, upon the application of the remitter or payee of such order, may cause a duplicate thereof to be issued, without charge, providing the person losing the original shall furnish a certificate from the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate from the postmaster by whom it was issued that it has not been, and will not thereafter be, repaid. * * * (R. S. 4040, as amended; 39 U. S. C. 729.)

NOTE: See § 73.15 for omitted portion of law.

§ 73.5 **Duplicate of lost valid order—(a) Application.** Any postmaster may accept from the remitter, payee, or indorsee an application for a duplicate of a

lost or destroyed money order or one rendered void by too many indorsements within one year from the last day of the month of issue of the original. Such postmaster shall fill out and sign Form 6002, and if the order was not issued at his office, forward the application to the issuing postmaster. The issuing postmaster shall certify that the description of the money order is correct, that the original order has not been and will not thereafter be repaid, and that notice of payment at an office other than that on which drawn has not been received. He shall then mail it to the paying postmaster for his certification that the original order has not been and will not thereafter be paid, and for transmission to the Third Assistant Postmaster General, Division of Money Orders.

NOTE: See § 73.14 as to application for settlement check where orders are more than one year old.

(b) Consent of payee or indorsee. A duplicate of an order lost before indorsement shall be issued to the payee upon his application, but if the order was indorsed the consent of either payee or indorsee shall be obtained before the duplicate is issued to the other. Likewise, if the remitter applies for a duplicate in his favor a waiver of claim by the payee and indorsee, if any, shall be obtained unless the order was lost before mailing or the mutilated order accompanies the application. The waiver shall be written and filed with the application for duplicate.

(c) Certificate of genuineness of consent; bond. When an application for a duplicate order contains one of the forms of waiver of claim required by the previous paragraph, the genuineness of the signature thereto shall be certified by the postmaster at the place where the payee or indorsee resides. Issuing and paying postmasters shall aid, so far as they may be able, in obtaining the waiver required by this section. If the payee or indorsee is dead, his legal representative shall sign the form and shall be required to exhibit to the postmaster who certifies to such waiver the proper documentary evidence of his authority to act in that capacity. After the lapse of a reasonable time, if the payee or indorsee, or his legal representative, cannot be found, satisfactory evidence of that fact shall be forwarded to the department with the application for duplicate. A blank bond of indemnity, in a penal sum of the amount of the lost order, shall then, if necessary, be sent the remitter for execution and return to the department. The condition of such bond shall be that if, after the issue and payment of a duplicate to the remitter, any other person shall establish a valid adverse claim to the original order, the amount paid on the duplicate will be refunded to the department upon demand.

(d) If payee refuses consent. When an application is made by the remitter of a lost order for a duplicate thereof payable to himself, if the payee will not sign consent to repayment, the postmaster at the office drawn on shall complete and certify to an application signed by the payee or indorsee for a duplicate to be drawn in favor of such applicant and, after writing across the face of the first application the words "Consent for duplicate in favor of remitter refused," shall send both applications to the postmaster at the office of issue. The latter shall then notify the remitter that the payee or indorsee demands the duplicate order, and, after changing his records and destroying the application in favor of the remitter, forward to the department the application prepared at the paying office.

§ 73.6 Application for duplicate order—(a) At issuing office. When an application for a duplicate of a lost order is received at the office where the order was issued, the postmaster shall compare the particulars of the order as entered

therein with the remitter's application from which the order was issued, to see if both the office and serial numbers and all other particulars are correctly given, especially the name of the paying office. The postmaster shall also be sure that there is not on file a notice of payment at an office other than that on which drawn. When the application for duplicate is certified at the issuing office, the following shall be written or stamped across the remitter's original application and at offices where the register of money orders issued is in use, opposite the entry of the order in the register: "Duplicate applied for in favor of ----- (remitter, payee, or indorsee as the case may be), -----, 19-----." The issuing postmaster shall enter correctly the number of his office in the upper left corner of the application for duplicate.

(b) When application shall be forwarded. To guard against the possibility of paying a money order more than once, the postmaster at the office of issue shall not certify or forward an application for a duplicate order prior to the expiration of the thirty-sixth day following the date on which the original was issued and not prior to 75 days if the remitter or payee is a member of the armed forces: *Provided however*, That an application may be accepted, certified, and forwarded at once if the mutilated order accompanies it or the applicant or the party in whose favor the application is made shall execute a good and sufficient bond of indemnity (Form 6116) in a penal sum not less than the amount of the order, conditioned upon the refund of the amount paid on the duplicate in the event that after payment thereof any other person shall establish a valid claim to the original order, or in case it shall appear that the original has been paid to the rightful owner at another office.

(c) Execution of certificate at paying office. When application for a duplicate of a money order alleged to have been lost is received at the paying from the issuing office, the postmaster, before executing the certificate as to nonpayment of the original, shall examine his file of coupons or lists of paid orders to ascertain whether payment has already been made on the original or a duplicate. If he finds that the order has not been paid, he shall execute the required certificate to that effect and forward the application to the department. He shall, by copying from the application for duplicate, prepare and file with his coupons of paid orders a description of the lost order on Form 6002-A, upon which he shall make a memorandum as follows: "Duplicate applied for in favor of ----- (payee, remitter, or indorsee), -----, 19-----," the date to be inserted being that of the certificate. Particular care shall be taken to avoid mistakes in writing the amount on Form 6002-A. If it is found that the original order has been paid, the application shall be returned to the issuing postmaster with a statement to that effect, giving date of payment. (See also § 73.13 (b).)

(d) When application for duplicate order may be accepted. The issuing postmaster shall not accept an application for a duplicate order to be issued on account of loss of the original until sufficient time for receipt of acknowledgment from the payee has elapsed unless it is known that the original has been lost or destroyed or has gone astray. The application may be accepted if the postmaster at the office of payment reports that the order has not been paid, but an inquiry as to payment of a domestic money order shall not be forwarded to the paying office on Form 6193 until 15 days after the issue of the order, unless the remitter can exhibit a letter denying receipt of the remittance written after the lapse of ample time for the payee to have received the letter in which the order was inclosed. Unless it is indicated in Form 6193 that the remitter has been notified that the original order has not been received by the payee, all inquiries on such

form received before 15 days have elapsed from the date of issue, should be returned without action.

§ 73.7 Recovery of lost order. When a money order alleged to have been lost comes into the possession of the remitter, payee, or indorsee thereof after application for a duplicate has been made, the postmaster to whom the order is presented shall notify the Third Assistant Postmaster General, Division of Money Orders, who may authorize the payment or repayment, as the case may be, of such original order, provided no duplicate has been issued in lieu thereof. If such duplicate has been issued, the postmaster to whom the order is presented shall write across it the words "Canceled—Duplicate issued." If the person who presents the order requires the postmaster to return it to him, he may do so; but if not, the order shall be sent to the department for disposal.

§ 73.8 Payment of order invalidated by indorsements. An original or duplicate money order bearing more than one indorsement is invalid in the hands of anyone other than the remitter, payee, or first indorsee. (See § 72.10.) The holder of such an order, if he is the second or any subsequent indorsee, to obtain the amount thereof, shall make application for a duplicate or triplicate, as the case may be, and furnish such proof as the Post Office Department may require relative to the genuineness of the indorsements.

NOTE: See § 72.11 as to payment to payee or first indorsee when order has been more than once indorsed.

§ 73.9 Application for duplicate of order mutilated, defaced, or illegally indorsed. Application for a duplicate of an illegally indorsed or mutilated or defaced money order shall be made on Form 6002, and may be received at either the issuing or paying post office. The coupon as well as the order itself shall be forwarded with the application to the Third Assistant Postmaster General, Division of Money Orders. If the application is made through the office at which the order was issued, a record of it shall be made as provided in § 73.6. If the application is made through the office drawn on, the postmaster thereat shall place in his files a memorandum thereof as provided in § 73.6 (c).

§ 73.10 Duplicate orders issued only by Department. Duplicate money orders shall be issued only by the department and not by postmasters under any circumstances.

PAYMENT AND REPAYMENT OF DUPLICATE ORDERS

§ 73.11 Where duplicate order may be repaid or paid. A duplicate money order shall be repaid only at the office of issue of the original or paid only at the office on which the original was drawn, although the duplicate may be mailed to the owner at some other office. When the payee of a duplicate resides at a place distant from the office on which it is drawn, it may be paid by the issue of a new order for the same amount, less fee, on the money-order office nearest such payee's place of residence. He shall receipt the duplicate, and send it to the postmaster at the office where the original was issued or on which the original was drawn, with request for payment thereof by the issue of a new order, less fee, naming the office on which the new order shall be drawn.

§ 73.12 Record of payment or repayment of duplicate order. Upon presentation of a duplicate of an order which was drawn on his office, the postmaster shall look for the description of the original order on Form 6002-A, filed as provided in § 73.6, with the coupons of orders paid thereat, and upon effecting payment shall see that record of the number of the duplicate and date of pay-

ment be made on Form 6002-A, thus: "Paid by duplicate No. _____, _____, 19____." Similarly, when repayment is made on a duplicate order a note giving the number of the duplicate and the date of repayment shall be made across the face of the remitter's original application and in the register of orders issued at offices where such a record is kept. The coupon attached to the duplicate after being stamped with the date of payment or repayment shall be separated therefrom and filed in its proper place among other coupons of paid and repaid orders; and the duplicate order itself, stamped with the date of payment or repayment as voucher for the disbursement, shall be treated as other paid orders. The record kept on Form 6002-A shall be attached to the coupon and filed therewith when payment of duplicate is made at the office on which the original was drawn. Before payment or repayment is made on the duplicate, particular care shall be taken to see that it agrees with the record as to amount.

NOTE: See § 73.14 as to payment by settlement check when duplicate has become invalid by reason of age; and § 73.13 (b) regarding use of Form 6002-B.

§ 73.13 Precautions against double payment—(a) Procedure. When a money order more than a month old is presented at the paying office, the postmaster shall examine his file of coupons or lists of paid orders to see if he has any record of the order, and if he finds that an application for a duplicate of the order has already been certified and forwarded he shall follow directions given in § 73.7. Similarly, when an order more than a month old is presented for repayment the postmaster shall examine the application on which it was issued, and the file of coupons or lists of paid orders. If a duplicate has been applied for, neither payment nor repayment shall be made on the original without special authorization from the Department. Clerks in charge of contract stations shall be careful in this respect and shall in case of presentation of a money order more than a month old, inquire of the main office whether an application for a duplicate has been certified.

(b) Card record of application for duplicates. At first- and second-class offices where the payments are numerous, a separate card record of applications for duplicate money orders may be kept on Form 6002-B for the convenience of the paying clerk, and in such cases Form 6002-A should not be used.

INVALID ORDERS PAYABLE BY SETTLEMENT CHECK

§ 73.14 Payment of invalid money orders—(a) By warrant (settlement check) only. Domestic money orders shall not be paid at the offices upon which they are drawn, or at the offices of issue, after one year from the last day of the month of issue of such money orders; but such money orders shall be sent to the Post Office Department and shall be paid by a warrant of the Postmaster General countersigned by the Comptroller General of the United States * * *. (See § 17.15.) (Sec. 5, 22 Stat. 528, as amended; 39 U. S. C. 718.)

(b) Authority for after seven years. The Postmaster General upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections 718 and 729 of this title (Title 39, U. S. C.) of the amount of any money order remaining unpaid after the lapse of

seven years from the date of its issue. (Sec. 4, 28 Stat. 107, as amended; 39 U. S. C. 730.)

(c) Authority for after three years; General Accounting Office record. The Postmaster General, upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections 718 and 729 of this title (Title 39, U. S. C.) of the amount of any domestic money order remaining unpaid after the lapse of three years from the date of its issue. It shall be the duty of the General Accounting Office to maintain a complete and permanent record of all unpaid money orders issued by postmasters in the United States, or such of its insular possessions as are amenable to the authority of the Postmaster General for payment within its own territory, such record to serve as a basis for adjudicating claims for payment by warrant of the amounts of said orders. (35 Stat. 416, as amended; 39 U. S. C. 731.)

NOTE: A duplicate money order becomes invalid if not presented for payment within one year from the last day of the month of issue of the original.

(d) Application for settlement check. The holder of an original or duplicate money order which remains unpaid after the lapse of one year from the last day of the month of issue of the original, in order to obtain payment of the amount thereof, shall present such original or duplicate order to the postmaster at a money-order office, who shall forward it to the Third Assistant Postmaster General, Division of Money Orders, with an application from the holder for a settlement check for the amount. The application shall be made on Form 6003 and signed by the claimant. If the department is satisfied that the order has not been paid or repaid and that the applicant is entitled thereto, a settlement check for the amount thereof, drawn upon the Treasurer of the United States, shall be issued without charge to the applicant and mailed to his address. The Post Office Department, however, before issuing a settlement check for the amount of an invalid money order, whether to the remitter, payee, or indorsee, or legal representative, heirs, or assigns of either, may require him or them to furnish a bond of indemnity in a penal sum of the amount of the money order, for the purpose of securing the department against loss in the event that any other person shall establish a valid adverse claim to the order. In case the owner of the money order is deceased or incompetent, application shall be made by the legal representative of the deceased or incompetent person by executing Form 1055. When application is made by an administrator or executor, a legal representative of an insolvent bank or firm, or an assignee or trustee, the applicant shall be required to furnish the Department documentary evidence of the appointment to act in that capacity.

(e) Regulations applicable. The regulations governing applications for duplicate money orders, where not inconsistent with the provisions of this section or § 73.15 shall apply to applications for settlement checks in payment of orders which have become invalidated by age.

§ 73.15 Payment of lost invalid money order—(a) By warrant (settlement check). Whenever a money order, which has not been paid within one year from the last day of the month of issue, has been

lost, the Postmaster General, upon the application of the remitter or payee of such order, shall issue a warrant for the payment thereof, as provided for in section 718 of this title (Title 39, U. S. C.) without charge, on the certificate of the General Accounting Office, or upon such other proof satisfactory to the Postmaster General, that the order has not been paid. (R. S. 4040, as amended; 39 U. S. C. 729.)

(b) **Application for settlement check.** Application for the issue of a settlement check in lieu of an order invalidated by age, which is alleged to have been lost, shall be made in accordance with the preceding section. Satisfactory proof of such loss shall be submitted to the postmaster, who shall transmit the same to the Third Assistant Postmaster General, Division of Money Orders, with the application for the settlement check.

(c) **Conditions for issuance of settlement check.** A settlement check in payment of a money order which has become invalid because of age shall be issued if the original money order accompanies the application therefor and a duplicate money order has not been issued, provided no adverse claim to the amount of the order is pending. If the money order has been lost, the settlement check shall be issued under the same conditions, provided the order is listed as outstanding and unpaid in the records of the General Accounting Office, but unless so listed a settlement check shall not be issued when the order does not accompany the application.

NOTE: See § 73.4 as to first part of above statute regarding payment of lost orders within one year from date of issue; sec. 4 of the above act is given as part of § 73.14.

PART 74—INTERNATIONAL MONEY-ORDER SERVICE

Sec.	GENERAL PROVISIONS	Sec.	74.14 Correspondence.
74.1	Establishment of international money-order service.	74.15	Certificate of advice withheld because of fraud order.
74.2	Regulations applicable.	74.16	Record on application of all action taken.
74.3	Transaction of international money-order business.	74.17	International order issued for c. o. d. parcel.
	DIRECT AND INDIRECT EXCHANGE: EXCHANGE OFFICES		REPAYMENT OF UNITED STATES INTERNATIONAL ORDERS
74.4	Direct exchange.	74.18	Authority for repayment.
74.5	Exchange offices; descriptive lists.		PAYMENT OF INTERNATIONAL ORDERS
74.6	List of United States exchange offices.	74.19	Payment of orders.
	ISSUE OF INTERNATIONAL ORDERS	74.20	Payment of international order withheld.
74.7	Issue of international orders at domestic money-order offices.	74.21	Irregularities not affecting payment.
74.8	Postmasters prohibited from filling in applications.	74.22	Payment to indorsees and representatives.
74.9	Particulars in application.		ADVICES AT PAYING OFFICES
74.10	Care in writing advice.	74.23	Missing advice of order payable in United States.
74.11	Dispatch of advices.	74.24	Advice not certified
74.12	Errors.		
74.13	Missing advice of order payable abroad.		

<p>Sec. 74.25 Card order not certified. 74.26 Correction of advice through exchange office. 74.27 Treatment of advices. 74.28 Treatment of orders. 74.29 Value in United States money to be entered in advice. 74.30 Notation of amount and date of payment.</p>	<p>Sec. 74.31 Unclaimed international orders. DUPLICATES OF FOREIGN ISSUE INTERNATIONAL ORDERS 74.32 Duplicate of lost order payable in United States. INTERNATIONAL C. O. D. ORDERS 74.33 International c. o. d. orders.</p>
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GENERAL PROVISIONS

§ 74.1 Establishment of international money-order service. The Postmaster General may conclude arrangements with the post departments of foreign Governments with which postal conventions have been or may be concluded for the exchange, by means of postal orders, of small sums of money, not exceeding one hundred dollars in amount, at such rates of exchange * * * and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such systems of exchange may be paid out of the proceeds of the money-order business. (R. S. 4028, as amended; 39 U. S. C. 712.)

§ 74.2 Regulations applicable. As far as practicable, the regulations concerning domestic money-order business shall govern the transaction of international business, except as otherwise modified herein or by instructions published in the Official Postal Guide, Part I, or the International List.

§ 74.3 Transaction of international money-order business—(a) Where authorized. International money order business, i. e., where the international money order forms are used and the advices sent through exchange offices, shall be transacted at all post offices of the first and second classes, but only at such offices of the third and fourth classes as may be designated by the Third Assistant Postmaster General, Division of Money Orders. Each of these offices is supplied with a copy of the publication, List of International Money Order Offices (Form XIV), which should be carefully consulted in regard to the correct issue of international money orders.

(b) Tables and instructions. For further information in regard to the method of issuing international money orders, the postmaster shall carefully consult the tables, instructions, and models given in the International List and the Official Postal Guide, Part I.

(c) Forms. Application for an order payable in a foreign country named in Table 2 or 3 of the International List, shall be made on Form 6701, or on Forms 6701-A to 6701-N. The schedules of fees and tables appearing in the Official Postal Guide and International List should be kept where they may be readily consulted, so that the postmaster will be certain of charging the correct fee.

NOTE: A few of the countries named in these tables undertake to act as intermediaries in the exchange of money orders between the United States and other countries not reached by direct exchange, to keep the resulting accounts and assist in conducting correspondence relative thereto. For its service in readvising a remittance of that kind most of the foreign postal administrations make a slight deduction from the face value of the original order. For the countries with which money-order business may be transacted by such indirect exchange see the "Ready Reference Table" in the International List.

(d) **Fees.** Fees for money orders drawn on the international form for payment in foreign countries are as follows:

For orders from—	Cents
\$0.01 to \$10.00-----	10
\$10.01 to \$20.00-----	20
\$20.01 to \$30.00-----	30
\$30.01 to \$40.00-----	40
\$40.01 to \$50.00-----	50
\$50.01 to \$60.00-----	60
\$60.01 to \$70.00-----	70
\$70.01 to \$80.00-----	80
\$80.01 to \$90.00-----	90
\$90.01 to \$100.00-----	1 dollar

DIRECT AND INDIRECT EXCHANGE: EXCHANGE OFFICES

§74.4 **Direct exchange.** Direct exchange of money orders on the international basis shall be made between the United States and the countries named in Tables 2 and 3 of the International List.

§74.5 **Exchange offices; descriptive lists.** Where dissimilarity of language, monetary systems, or methods necessitates that course, money orders shall be exchanged with countries through exchange offices acting for each country. To these offices all advices and coupons of issued orders, as well as the "canceled" order forms when payment is not made on the original orders, shall first be sent for verification and for correction of errors. The particulars of the advices shall then be entered on descriptive lists which shall form the basis of accounts. The lists shall be numbered consecutively, and each entry therein designated by two numbers, a number assigned by the exchange office according to the sequence of advices as entered in the list which is known as the international number and the serial number of the money order.

§74.6 **List of United States exchange offices.** The following offices are authorized to certify money orders of United States issue:

(a) New York for all countries in Africa, Europe, and South America; also for Cape Verde Islands, Lebanon, Malaya, Netherlands Indies, Palestine, Siam, and Syria.

(b) New Orleans for the countries of Central America.

(c) El Paso and Laredo, for Mexico.

(d) San Francisco for China, Japan (except as noted in subparagraph (e)), the British colony of Hong Kong, New Zealand, and the Commonwealth of Australia, consisting of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

(e) Seattle for Japan only, for all offices in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, and Washington.

(f) Honolulu for trans-Pacific countries for offices in Hawaii only.

(g) The postmaster at Pago Pago, Tutuila, Samoa, is authorized to certify his own orders to trans-Pacific countries.

(h) Guam for orders issued in Guam payable in China, Japan, and Hong Kong.

ISSUE OF INTERNATIONAL ORDERS

§74.7 **Issue of international orders at domestic money-order offices.** Postmasters who have been authorized to transact domestic money-order business, but have not been specially authorized to transact international money-order business, shall not issue money orders for payment in any foreign country other than those enumerated in Schedule No. 1 under the heading "Postal Money-Order System" in

the Official Postal Guide. When an intending remitter applies at a domestic office for a money order payable in any foreign country not enumerated in Schedule No. 1, the postmaster shall direct him to the nearest international money-order office.

§ 74.8 Postmasters prohibited from filling in applications. A postmaster may advise an applicant for an international order, but shall not fill in the form of application, except in the cases of money orders issued in payment of C. O. D. parcels. If the applicant is unable to write, he should request someone not connected with the post office to prepare the application. Should a postmaster disregard this caution, and an improper payment result therefrom, he will be held accountable for the amount.

§ 74.9 Particulars in application—(a) Examination of. The postmaster shall examine every application for an international order and require that the necessary particulars be given therein. There shall be no misunderstanding between him and the applicant in regard thereto.

(b) Name and address of payee. The full name and exact address of the payee shall be stated, including the name of the city, town, or village, and country, and also the name of the canton, department, or district, as the case may be. When entered in the application form, the payee's address should be exactly the same as that on the letter conveying the order or a notice of its issue to the payee.

(c) Street and number. When the payee resides in a town or city, the name of the street and the number of the house shall, if possible, be given.

(d) Soldier payee. If the person to whom the money is to be sent is a soldier, his rank, company, regiment, and the branch of the service (Infantry, Cavalry, Artillery, etc.) to which he is attached shall be stated, in addition to the name of the place where he may be stationed.

(e) Sailor payee. If the payee is a sailor, his rank or rating and the name of the ship on which he is serving shall be stated, beside the name of the place where the vessel was stationed at latest accounts.

(f) Woman payee. If the payee is a woman, it shall be stated whether she is single, married, or a widow. If married, her own given name (not that of her husband), as well as her name by marriage should be furnished.

§ 74.10 Care in writing advice—(a) Responsibility for. The greatest care shall be exercised to copy in the advice every detail given in the remitter's original application. The omission of something seemingly unimportant may result in wrong payment, for which the issuing postmaster will be held responsible if efforts made for recovery of the amount prove unsuccessful.

(b) Language; use of Form 6083. If the address furnished by the remitter is not written in English script or Roman letters which can be accurately transcribed, the remitter may write in his own language the payee's address on Form 6083, which shall then be attached to the advice and mailed with it to the exchange office. This Form 6083 is obligatory for all money orders payable in China, Lebanon, Greece, Palestine, Syria, and Yugoslavia, and for those payable in (or through) Japan, when the remitter and payee are Chinese, Japanese, or Korean.

(c) Full details required. In no case shall the procuring of Form 6083 absolve the issuing clerk from copying, most carefully, on the advice the full details given by the remitter on his original application.

§ 74.11 Dispatch of advices. Advices of international money orders (accompanied when necessary with the Form 6083), as also German card orders, shall be dispatched to the proper exchange office by the earliest mail after the

issue of the orders, and shall be sent only in the special envelopes (No. 52) furnished for that purpose.

§ 74.12 **Errors**—(a) **Discovered before delivery to purchaser.** If a mistake in either order, advice, or receipt is observed before handing the order to the purchaser, all parts shall be marked "Not issued" and the next following order, advice, and receipt shall be substituted therefor.

(b) **Disposition of spoiled blanks.** The spoiled blanks (order, receipt, advice, and coupon) shall be detached from the book of forms, treated as "Not issued," and forwarded with the next money-order account. (See § 18.25.)

(c) **Discovered after delivery to purchaser.** In no case shall an international order be treated as "not issued" after the order, advice, or receipt has passed beyond the control of the issuing postmaster. If an error has been made in the advice which is not detected until after the order of the same number has been delivered to the remitter and has passed beyond the control of the issuing office, a duplicate advice on Form 6702 shall be issued, attached to the original—after the latter has been marked "Spoiled in issue"—and transmitted therewith to the proper exchange office.

(d) **Correction after certification of advice.** If an error is discovered after certification of an advice, or if a remitter desires to correct the name or address of a payee, notice of the correction shall be given to the exchange office to which the advice was sent; but Form 6760 and not a second advice shall be used for that purpose.

§ 74.13 **Missing advice of order payable abroad**—(a) **Duplicate advice.** Upon receipt by a postmaster in the United States of a notification from an exchange postmaster that the advice of an international order issued by the former has not been received by the latter, a duplicate advice, on Form 6702, shall be issued and forwarded to the exchange office. Such duplicate advice shall bear the same number as the original which it replaces. The name of the issuing office shall be written at the top of the form. The impress of the office dating stamp shall indicate the actual date of issue of the duplicate advice, but the written date in the body of the form shall be that of the original advice.

(b) **Responsibility for double payment.** Should a double payment result from lack of due precaution in the issue or certification of a second advice, on Form 6702, the postmaster at fault will be held responsible for the amount overpaid.

(c) **When duplicate advice to be issued.** A duplicate international advice shall be issued upon formal application from the exchange office to which the original was sent or upon instructions from the department. In either case the application for an advice shall be returned to the exchange office or the department, accompanied with the duplicate. A memorandum of the action taken shall be noted upon the remitter's application.

(d) **Loss of original advice.** Should information reach the issuing postmaster from other sources, indicating the loss of an original international advice, he shall communicate at once with the exchange office, and forward a duplicate advice warning the exchange office against double certification.

§ 74.14 **Correspondence**—(a) **Inquiries concerning payment.** Inquiries concerning payment of international money orders issued in the United States shall be addressed on Form 6684 to the exchange office through which the advice was transmitted. Form 6684 should also be used when the remitter of an international money order applies for a duplicate.

(b) **To be avoided when unnecessary.** In order to obviate unnecessary correspondence the issuing postmaster shall decline to make inquiry unless

satisfied that the remitter has just and reasonable cause for complaint, as, for instance, the death or removal of the payee, or a letter denying receipt of the amount or affirming that wrong payment has been made. If the remitter offers written evidence to substantiate his statement the postmaster shall attach the document to Form 6684 and forward both to the proper exchange office.

NOTE: Complaints of alleged wrong or delayed payment of money orders drawn on most foreign countries will not be considered by those countries unless made within one year from the date of payment or from the date on which the order, if unpaid, would have become invalid by reason of age.

§ 74.15 Certificate of advice withheld because of fraud order. When an advice of a money order is received at an exchange office drawn in favor of a person or concern to whom payment is forbidden by the Postmaster General under the provisions of § 72.17, the advice, coupon (and canceled order if drawn on a country listed in Table 3) shall be attached to Form 6759, properly completed to show that the advice has not been certified, and forwarded to the Third Assistant Postmaster General, Division of Money Orders.

§ 74.16 Record on application of all action taken. A memorandum of all action taken in regard to an international money order, such as the issue of a duplicate advice, application for repayment, inquiry as to payment, etc., shall be made by the issuing postmaster on the remitter's application to prevent conflicting action being taken in the future.

§ 74.17 International order issued for c. o. d. parcel—(a) Procedure. Before delivering a c. o. d. parcel from one of the countries with which c. o. d. service is in effect, the clerk having charge of the assignment of such parcels for delivery shall complete an application on Form 6701 from which the international money order is later to be issued. The amount of the c. o. d. charges plus the money-order fee collected from the addressee shall be turned over to the money-order section with Form 6701, and a receipt shall be given on Form 3815. An international money order shall be issued, the advice and coupon sent to the proper exchange office and the receipt attached to the record of delivery of the parcel to show that the charges have been remitted.

(b) Retention of Form 6701 for record. Form 6701 completed from parcels which for any reason are not delivered shall not be destroyed or turned over to the money-order section but shall be retained by the clerk having charge of the assignment of c. o. d. parcels for delivery, to provide a record of the name and address of the sender and may also be used to show what was done with the undeliverable parcels.

(c) When office not authorized to transact international money-order business. When a c. o. d. parcel from abroad is received at a post office not authorized to transact international money-order business, the postmaster shall complete an application on Form 6001 and shall collect from the addressee the c. o. d. charges plus the domestic fee *and* the fee for an international money order of the amount of the charges. He shall issue a domestic money order in favor of the postmaster at the proper exchange office for the amount of the c. o. d. charges *and* the international money-order fee, and mail it (the domestic money order) to him with an application on Form 6001 for the issue of an international money order. The postmaster at the exchange office shall issue an international money order to remit the charges to the shipper of the parcel in the foreign country. (To determine the proper international fee and exchange office, consult Schedule 2 and Table 3, respectively, in Part I of the Official Postal Guide, under the heading, "The Postal Money Order System.")

REPAYMENT OF UNITED STATES INTERNATIONAL ORDERS

§ 74.18 **Authority for repayment—(a) Required** Under no circumstances shall an international money order drawn on any country named in Table 2 or 3 of the International List be repaid without express authority from the Third Assistant Postmaster General, Division of Money Orders.

(b) **Application forwarded to exchange office.** After preparing and signing an application for repayment on Form 6759 to which the order should be attached if in remitter's possession, the issuing postmaster shall send it to the proper exchange office for the particulars of certification. If the advice has been certified, the receiving exchange office shall supply the number and date of the list and the international number of the entry and forward the application to the foreign office for its action. If the foreign postal administration acts favorably on the application by placing the amount of the order at the disposal of the postal administration of this country, an authorization for repayment shall be sent the issuing postmaster by the Third Assistant Postmaster General, Division of Money Orders.

(c) **Advice returned by exchange office.** If the advice has been received but not certified by the exchange office, both advice and application on Form 6759 shall be transmitted directly to the Third Assistant Postmaster General, Division of Money Orders, and the formal consent of the country drawn upon for the desired repayment to the remitter need not be requested.

PAYMENT OF INTERNATIONAL ORDERS

§ 74.19 **Payment of orders—(a) Regulations applicable.** The regulations relative to the payment of domestic money orders, except where inapplicable or otherwise modified, shall apply equally to international orders. Greater care shall be exercised in regard to the latter class of orders because of the increased liability to error arising from the inability, in many instances, of the persons presenting such orders to speak the English language.

(b) **Examination of order and advice.** When a money order is presented for payment, the postmaster shall examine it to see that it is properly drawn, signed, and stamped; that it corresponds exactly with the advice, and that it is signed by the payee or by the person authorized by the payee to receive payment. (See §§ 72.5 and 72.7.)

§ 74.20 **Payment of international order withheld—(a) Circumstances.** Payment of an international order shall be withheld under the following circumstances:

- (1) When an advice has not been received.
- (2) When advice has not been certified.
- (3) When the amount is not plainly stated therein.
- (4) When the name given by the payee does not correspond with that in the order and advice.
- (5) When the order or advice contains an alteration or erasure affecting the amount or the name of the payee.
- (6) When the order bears two or more indorsements. (See §§ 72.11 to 72.12, inclusive, as to order presented by original payee or first indorsee.)
- (7) When the order is invalid by reason of age.

(b) **Invalid order.** When a money order issued in any foreign country is presented for payment after one year from date of issue (six months in the cases

of Lithuania and Malaya), the postmaster shall forward it to the Third Assistant Postmaster General, Division of Money Orders, accompanied with a statement that the holder desires payment although the order is invalid. Such orders shall not be paid until authority is received from the department.

(c) **Inquiry.** In any such case, except those specified in subparagraph (7) of paragraph (a) of this section, the postmaster shall immediately address an inquiry to the exchange office or report to the department for instructions.

§ 74.21 Irregularities not affecting payment. If it be regular in other respects, a postmaster may pay an order for which he holds an advice, notwithstanding the fact that the order itself designates a different office of payment. Before sending in the paid order as a voucher, he shall write across its face in red ink, "Advice certified to this office." An international order lacking the stamp of the issuing office, the signature of the postmaster, or initials of the issuing clerk may also be paid if the corresponding advice is on file at the paying office.

§ 74.22 Payment to indorsees and representatives—(a) Regulations applicable. The laws and regulations which govern the payment of domestic orders to indorsees, attorneys, and the legal representatives of deceased payees shall apply also to international orders.

(b) **How indorsement is made.** No provision is made for indorsement on most orders of foreign issue, but an indorsement may be written on the back as in the case of a domestic order.

(c) **Identification.** When an order is presented by an indorsee or attorney he occupies precisely the same position as the payee were the latter to claim payment in person, and, if unknown, shall be required to establish his identity to the satisfaction of the postmaster, furnishing such proof as the postmaster may require as to the genuineness of the indorsement.

NOTE: See § 72.11 as to indorsement and payment of domestic order to other than payee.

ADVICES AT PAYING OFFICES

§ 74.23 Missing advice of order payable in United States. When an order issued in any of the countries named in Tables 2 and 3, International List, is presented for payment and no advice has been received, the paying postmaster shall immediately apply on Form 6752 to the proper exchange office in this country for an advice.

§ 74.24 Advice not certified. When a postmaster receives an advice of an international money order issued in one of the countries named in Table 2 of the International List, which advice has not been certified, he shall promptly send it to the proper exchange office in the United States to be returned to the foreign country for certification.

§ 74.25 Card order not certified. When an uncertified card order is received by a postmaster or presented to him for payment, he shall send it to the Third Assistant Postmaster General, Division of Money Orders, with a statement of the facts and request that it be replaced by a formal international order.

§ 74.26 Correction of advice through exchange office. In case of a difference between the name of the payee as stated in the advice and that given by the holder of the order, or in the event of an alteration of the amount, the postmaster shall immediately dispatch, on Form 6752, a request for correction to the proper exchange office.

§ 74.27 Treatment of advices. Advices of orders issued in the countries named in Tables 2 and 3 of the International List are sent to exchange offices in their

respective countries, there to be verified before entry in descriptive lists, which are then formally certified and transmitted to the corresponding exchange offices in the United States.

§ 74.28 **Treatment of orders.** Money orders issued in the countries named in Table 2 of the International List are mailed by the remitters to the payees and payment is made on the original orders. However, for those issued in the countries named in Table 3, upon receipt of the lists at the exchange offices in this country, new orders shall be issued and forwarded to the payees at the same time that the advices are mailed to the paying offices.

§ 74.29 **Value in United States money to be entered in advice.** In orders issued in the countries named in Table 2 of the International List, the amounts are frequently expressed in foreign money only, but the equivalent sum in United States currency to be paid is noted in each advice by the foreign exchange office.

§ 74.30 **Notation of amount and date of payment.** Before the paid order is transmitted as a voucher from a direct accounting officer or is transmitted as postal funds by a district postmaster to his central accounting office the paying postmaster shall note in red ink in the upper portion of the order the amount paid and the international number appearing on the back of the advice. The date of payment shall be stamped on both order and advice.

§ 74.31 **Unclaimed international orders—(a) Notice to payee.** When, at the end of each month, the advices of unpaid international money orders have remained on hand since the close of the previous month, the postmaster shall notify the payees by means of Form 6706 to apply for payment.

(b) **Invalid orders.** By the terms of the conventions with the various foreign countries with which the United States exchanges money orders, those which remain unpaid for one year (six months in the cases of Lithuania and Malaya) from the date of issue become invalid. Postmasters shall send promptly to the Third Assistant Postmaster General, Division of Money Orders, the advices of all international money orders which become invalid by reason of age.

DUPLICATES OF FOREIGN ISSUE INTERNATIONAL ORDERS

§ 74.32 **Duplicate of lost order payable in United States.** When notified of the loss or nonreceipt of a money order issued in any of the countries named in Tables 2 and 3, International List, the paying postmaster, if the advice in his possession, shall accept the payee's application for a duplicate on Form 6753 and forward it to the department. If he has not received the advice he shall apply on Form 6752 to the proper exchange office for a duplicate advice before certifying to an application for a duplicate order.

INTERNATIONAL C. O. D. ORDERS

§ 74.33 **International c. o. d. orders—(a) Payment.** The rules which govern the payment of international money orders generally, apply to those issued in foreign countries to pay the c. o. d. charges on parcels mailed in the United States. Since such money orders may be drawn on any post office in this country, one may be drawn on an office which is not authorized to transact international money-order business. In such event, when the advice reaches him the postmaster shall pay the order and claim credit for it in the same manner as for paid domestic orders.

(b) **Not to be repaid.** An international c. o. d. money order shall not be repaid to the remitter, except when the sender of the parcel authorizes such action and

waives all claim to the c. o. d. charges or indemnity therefor. When it appears that any person or firm is using the international c. o. d. service to further a scheme to defraud and postmasters are informed of that fact, they shall decline to pay international money orders drawn in favor of that person or firm and shall send the advices to the Third Assistant Postmaster General, Division of Money Orders.

PART 75—SEMIDOMESTIC MONEY-ORDER SERVICE

<p>Sec.</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>75.1 Establishment of semidomestic money-order service.</p> <p>75.2 Domestic regulations govern.</p> <p>75.3 Form of order.</p> <p style="text-align: center;">APPLICATIONS AND FEES</p> <p>75.4 Form of application.</p> <p>75.5 Limitation and fees.</p> <p>75.6 Full particulars in application.</p> <p style="text-align: center;">ADVICES</p> <p>75.7 Advices.</p> <p style="text-align: center;">PAYMENT</p> <p>75.8 Payment.</p> <p style="text-align: center;">INDORSEMENTS</p> <p>75.9 Indorsements.</p>	<p>Sec.</p> <p style="text-align: center;">CORRESPONDENCE</p> <p>75.10 Correspondence.</p> <p style="text-align: center;">REPAYMENT</p> <p>75.11 Repayment.</p> <p style="text-align: center;">DUPLICATE ORDERS</p> <p>75.12 Applications for duplicate orders.</p> <p style="text-align: center;">INVALID ORDERS</p> <p>75.13 Invalid orders.</p> <p style="text-align: center;">FORMS OF POSTAL ORDERS WHICH SHALL NOT BE PAID</p> <p>75.14 Foreign postal notes not to be paid.</p>
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GENERAL PROVISIONS

§ 75.1 **Establishment of semidomestic money-order service.** Under the authority granted by § 74.1, the Postmaster General from time to time has concluded arrangements with the postal administrations of certain foreign countries for the transaction of money-order business on the domestic basis. The names of such countries will be found under the title "Postal Money Order System" in Table No. 1, which appears in Part I of the Official Postal Guide.

§ 75.2 **Domestic regulations govern.** As far as practicable the regulations concerning domestic money-order business shall govern the transaction of business with the countries named, except as otherwise herein modified, or by instructions subsequently issued in the Official Postal Guide and the Register of Money-Order Post Offices (Form XI).

§ 75.3 **Form of order.** Money orders intended for payment in any of the countries named in Table 1 (Part I, Official Postal Guide) shall be drawn on the domestic form and made payable only at those post offices listed in the Register of Money-Order Post Offices, which shall be kept up to date from changes published in the Supplements to the Official Postal Guide. The money order shall be delivered to the remitter for transmission to the payee.

APPLICATIONS AND FEES

§ 75.4 **Form of application.** Applications for the issue of money orders payable in the countries with which business is conducted on the domestic basis, shall be made on Form 6001.

§ 75.5 **Limitation and fees.** A money order shall not be issued for more than \$100, and the fees shall be the same as for other domestic orders. (For schedule see § 71.7.

§ 75.6 Full particulars in application. The postmaster shall examine every application for a semidomestic money order and require that the necessary particulars be given therein. He shall determine whether the place named in the application is a money-order office and for that purpose shall consult, if necessary, the list of post offices appearing in the latest edition of Form XI (Register of Money-Order Post Offices, as corrected). The full name and exact address of the payee shall be stated, including the name of the State, colony, or island and the province or parish.

ADVICES

§ 75.7 Advices—(a) Separate form furnished by certain countries. The arrangements concluded with some of the countries provide for the use of a separate advice form in exchange of money orders. Postmasters shall consult the Official Postal Guide and Register of Money-Order Post Offices to ascertain which countries use advices.

NOTE: Canada, Canal Zone, Cuba, Jamaica, Newfoundland, and the Philippine Islands do not forward an advice for each order issued, as coupons attached to the orders serve the purpose of advices.

(b) Advice to be sent to St. Vincent. In the issue of orders for payment in these countries it is necessary to send an advice to St. Vincent only. When orders are issued for payment in that Colony, Form 6006 shall be dispatched to the postmaster at the office drawn on by the earliest mail available.

(c) Invalid advices. At the end of one year from the last day of the month of issue the advices of orders which were issued in any of these countries and which remain unpaid during that period shall be sent to the Third Assistant Postmaster General, Division of Money Orders.

PAYMENT

§ 75.8 Payment—(a) Examination before. When a money order issued in a country with which business is transacted on the domestic basis is presented for payment, the postmaster shall examine it to see that it is properly drawn, signed, and stamped. If the order was issued in a country which furnishes an advice, the advice must be on file and comparison made to ascertain that it corresponds in every particular with the order.

NOTE: See §§ 72.5 and 72.7 regarding identification of applicant and responsibility for wrong payment.

(b) Payable only at office on which drawn. A money order issued in one of the countries with which business is conducted on the domestic basis, may be paid only at the post office in the United States on which drawn. If presented at another office the postmaster shall forward the order to the Third Assistant Postmaster General, Division of Money Orders, where the necessary change will be made to enable the postmaster to effect payment.

(c) Stamping and filing after payment. Immediately after payment of an order, the date of payment shall be stamped upon the order and the advice or coupon in the spaces provided for that purpose. All advices and coupons of money orders paid shall be filed in proper order, alphabetically, according to the names of issuing offices and country of origin, and preserved for a period of not less than three years.

INDORSEMENTS

§ 75.9 Indorsements—(a) Number not limited. Unless specifically stated on a money order issued in a country named in Table 1 (Part I, Official Postal Guide),

the number of indorsements thereon is not limited as in the case of United States domestic orders, and payment may be made to a second or subsequent indorsee, provided the postmaster is satisfied that the holder is the rightful owner.

(b) **Regulations applicable.** With this exception, the laws and regulations governing the payment of domestic money orders to indorsees, attorneys, and the legal representatives of deceased payees shall apply also to money orders issued in these countries.

CORRESPONDENCE

§ 75.10 **Correspondence—(a) With Canada.** Postmasters are expressly forbidden to correspond with the postal administration of Canada or with Canadian postmasters regarding money orders except when it is necessary to apply for the particulars of an order by means of a separate advice or to forward a separate advice of an order to Canada. All other correspondence, including inquiries as to payment, shall be referred to the Third Assistant Postmaster General, Division of Money Orders.

(b) **With other countries.** Inquiries concerning payment of money orders drawn on other countries named in Table 1 (Part I, Official Postal Guide) and notices of repayment of original orders may be sent direct to the postmasters drawn on. All other correspondence shall be referred to the Third Assistant Postmaster General, Division of Money Orders.

(c) **Form.** If within a reasonable time after the issue of an order for payment in one of these countries, the remitter informs the postmaster that it has not been paid, inquiry shall at once be made of the postmaster drawn on using Form 6193 for that purpose.

NOTE: See par. (a) of this section regarding inquiries as to payment of money orders drawn on Canada.

(d) **Response to inquiry.** Upon receipt from the issuing postmaster in one of these countries of any inquiry concerning payment of an order, the paying postmaster in this country shall promptly forward the desired information.

(e) **Request for correct particulars.** When request for correct particulars of a money order is received by a postmaster in the United States, Form 6006 shall be completed and sent directly to the postmaster drawn on. The same form shall be used to obtain the correct particulars of a money order issued in any country named in Table 1 (Part I, Official Postal Guide).

REPAYMENT

§ 75.11 **Repayment—(a) How effected.** Repayment of an order drawn on one of the countries with which business is conducted on the domestic basis, may be effected upon presentation before it has become invalid by reason of age, provided an application for a duplicate has not been certified. In the case of an order payable in St. Vincent, the postmaster at the office in that Colony on which the order was drawn shall be notified of repayment and shall be requested to return the advice or to forward a certificate of nonpayment. Form 6036 shall be used for this purpose.

(b) **Return of advice.** When a notice is received from the issuing postmaster abroad that an order drawn on an office in the United States has been repaid, the postmaster shall transmit the corresponding advice or a certificate of nonpayment (Form 6028), to the Third Assistant Postmaster General, Division of Money Orders, with the notice from the foreign country, provided a duplicate has not been paid. A memorandum advice on Form 6006, giving the particulars of the

order and bearing a notation that the advice or a certificate of nonpayment has been sent to the department with the notice of repayment, shall be filed with the unpaid advices and retained for one year. If, however, a duplicate has been paid the postmaster shall report the date of payment.

DUPLICATE ORDERS

§ 75.12 Applications for duplicate orders—(a) To be sent to Department. Duplicates of orders are issued by the department of the country of origin, and applications on Form 6002 shall be forwarded to the Third Assistant Postmaster General, Division of Money Orders, regardless of whether the order was issued in the United States or in any of the countries named in Table 1 (Part I, Official Postal Guide).

(b) Record. If the order was issued in any of these countries the postmaster drawn on shall, by copying from the application for the duplicate, or from the advice of the unpaid order, prepare and file with his coupons of paid orders a description of the lost order on Form 6002-A, upon which he shall make a memorandum as follows: "Duplicate applied for in favor of _____ (payee or remitter), _____, 19____," the date to be inserted being that of the certificate.

INVALID ORDERS

§ 75.13 Invalid orders—(a) Issued in United States. When an order issued in the United States for payment in one of the countries with which business is conducted on the domestic basis, becomes invalid by reason of age and payment or repayment is desired, application shall be made on Form 6003, to the Third Assistant Postmaster General, Division of Money Orders, for a settlement check.

(b) Issued in foreign countries. When a money order issued in one of these countries is presented for payment after the period of validity has expired or when an inquiry is made regarding an invalid order alleged to have been lost, the postmaster shall forward the order or inquiry, as the case may be, to the Third Assistant Postmaster General, Division of Money Orders, with request for authority to pay or for instructions.

FORMS OF POSTAL ORDERS WHICH SHALL NOT BE PAID

§ 75.14 Foreign postal notes not to be paid. The instructions contained in this chapter refer only to postal money orders. Postmasters are cautioned not to pay Canadian postal notes or any other notes or instruments of other countries used exclusively in the transaction of their internal business.

PART 76—MONEY-ORDER FUNDS, ACCOUNTS, AND RECORDS

Sec.	GENERAL PROVISIONS	Sec.	TRANSFERS OF MONEY-ORDER FUNDS
76.1	Money-order funds.	76.4	Payments and transfers of money-order funds.
76.2	General regulations as to public funds.	76.5	Transfers of funds at direct accounting offices.
76.3	Handling of money-order funds.		

Sec.	Sec.
	DEPOSITARIES AND DEPOSITORY OFFICES FOR MONEY-ORDER FUNDS
76.6 Funds for payment of orders at branches and stations.	76.18 Deposits with Treasurer of United States.
76.7 Record of transfer of funds.	76.19 Depositories for money-order funds.
MONEY-ORDER DRAFTS AND CREDITS WITH TREASURER OF UNITED STATES	76.20 General regulations for depositaries.
76.8 Credits on Treasurer of United States.	76.21 Deposits received by depositaries.
76.9 Use of Treasury checks.	76.22 Report of unauthorized checks used in remittances.
76.10 Special check for postmaster not having Treasury credit.	76.23 Use of money-order funds at depository offices.
76.11 Supply of funds to stations.	76.24 Remittances by depository offices.
TEMPORARY DEPOSITS OF MONEY-ORDER FUNDS	MONEY-ORDER RECORDS AND ACCOUNTS
76.12 Deposit and negotiation of drafts by postmasters permitted.	76.25 Records at smaller offices.
76.13 Temporary deposits.	76.26 Money-order accounts.
DEPOSITS OF SURPLUS FUNDS: REMITTANCES	76.27 Commission for money-order business.
76.14 General regulations as to deposits.	CHANGE OF POSTMASTER AT MONEY-ORDER OFFICE
76.15 Remittances of money-order funds.	76.28 Change of postmaster.
76.16 Credit for remittance.	76.29 Incoming postmaster at direct-accounting office.
76.17 Reserve at direct accounting offices.	

GENERAL PROVISIONS

§ 76.1 Money-order funds. All money received for the sale of money orders, including all fees thereon, all money transferred from the postal revenues to the money-order funds, all money transferred or paid from the money-order funds to the service of the Post Office Department, and all money-order funds transferred from one postmaster to another, shall be deemed and taken to be money-order funds and money in the Treasury of the United States. * * * (R. S. 4045, as amended; 39 U. S. C. 736.)

NOTE: Money-order funds are not part of the postal revenues, although the net proceeds of the money-order business ultimately become part of postal receipts.
See § 76.18 as to remainder of above statute; §§ 76.4 to 76.7, inclusive, as to transfer of funds.

§ 76.2 General regulations as to public funds. All regulations relating to care of public funds and property given in §§ 7.3 and 7.4 shall apply to money-order funds unless they specifically refer to postal funds or are otherwise modified in this chapter.

§ 76.3 Handling of money-order funds—(a) At direct accounting offices. Postmasters at direct accounting offices shall keep their money-order cash apart from all other cash whatsoever, and a special drawer should be provided therefor. (See § 7.4.)

(b) At district offices. At district offices money-order funds shall be treated as postal funds, and all postal funds on hand shall be available for the payment of money orders.

TRANSFERS OF MONEY-ORDER FUNDS

§ 76.4 Payments and transfers of money-order funds. (a) All payments and transfers to and from money-order offices shall be under the direction of the Postmaster General. He may transfer money-order funds from one postmaster to another, and from the postal revenue to the money-order funds; and he may transfer money-order funds to creditors of the department, to be replaced by equivalent transfers from the postal revenues. (R. S. 4042; 39 U. S. C. 733.)

NOTE: See §§ 130.10 and 130.16 as to penalty for embezzlement of and failure properly to remit money-order funds.

(b) The Postmaster General may transfer to the postmaster at any money-order office, by warrant on the Treasury, countersigned by the Comptroller General of the United States and payable out of the postal revenues, such sum as may be required over and above the current revenues at his office to pay the money orders drawn upon him. (R. S. 4043, as amended; 39 U. S. C. 734.)

NOTE: See §§ 76.8 to 76.11, inclusive, as to credits with the Treasurer of the United States; §§ 76.18 and 76.19 and notes as to accounts of money-order funds with Treasurer of the United States and depositories.

§ 76.5 Transfers of funds at direct accounting offices—(a) Postal to money-order account. Postmasters at direct accounting offices shall transfer to the money-order account such available postal funds as may be needed for the payment of money orders, and special permission from the department need not be obtained. Such transfers shall not include fractional parts of a dollar.

(b) **Money-order to postal account.** Postmasters at direct accounting offices may transfer surplus funds from the money-order account to the postal account if it becomes necessary thus to provide for immediate payment of authorized expenses on postal account. (See §17.22.) They shall not transfer surplus money-order funds to postal account for the purpose of accumulating funds to meet future payments, nor shall such transfers be made to avoid a deposit of surplus funds which otherwise would be required.

§ 76.6 Funds for payment of orders at branches and stations. At branches and stations any postal funds available may be used to cash money orders. The orders so paid shall be placed with the funds from which the money was taken and remitted to the main office the same as cash, but no part of the fixed credit funds of the station shall be permanently retained in cash to assure the payment of money orders. When the need for funds to pay money orders is continuous, a portion of the money-order reserve of the main office shall be assigned to the branch or station.

§ 76.7 Record of transfer of funds—(a) Postal to money-order account. Each transfer of funds from the postal to the money-order account shall be debited in the money-order account and credited in the postal account on the date on which the transfer is actually made.

(b) **Money-order to postal account.** Each transfer of funds from the money-order to the postal account shall be debited in the postal account and credited in the money-order account on the date on which the transfer is actually made, and

contra entries shall be made for transfers from the postal to the money-order account.

NOTE: See § 76.4 as to authority for transfers of funds from one account to another.

MONEY-ORDER DRAFTS AND CREDITS WITH TREASURER OF UNITED STATES

§ 76.8 Credits on Treasurer of United States—(a) When granted to postmaster. When required for the satisfactory transaction of money-order business, the Third Assistant Postmaster General, Division of Money Orders, may grant the postmaster at any money-order office a credit with the Treasurer of the United States on money-order account.

(b) Checks against. When at any office having a credit with the Treasurer of the United States it is necessary to draw against such credit, the postmaster may issue a check for the sum needed, which check may be cashed through a bank or business house or drawn in favor of, and delivered to, the holder of the orders in payment for them.

(c) When may be drawn on. All available money-order and postal funds need not be exhausted before drawing against the credit with the Treasurer, but when holders so desire, checks may be issued in payment of money orders regardless of the amount of funds on hand.

(d) Record. The amount of each check shall be debited by the postmaster in his cashbook upon the day it is drawn.

§ 76.9 Use of Treasury checks—(a) Blank checks. Blank checks consecutively numbered, shall be supplied to each postmaster having a standing credit with the Treasurer of the United States.

(b) Entries on stub. The postmaster shall record on the stub of each check a description of the check in the form provided thereon. When a Treasury check is written by a clerk, the particulars in the check and stub must be verified by the officer who signs the check.

(c) How drawn. Postmaster shall not draw checks on the Treasurer of the United States upon any form other than that supplied by the Department. Checks shall be signed with pen and ink by the postmaster when practicable, but if not, they shall be signed in his name by the authorized clerk. (See § 24.9.)

(d) Negotiation of. If a postmaster is unable to negotiate in the vicinity of his own office a check on the Treasurer of the United States, he shall promptly notify the Third Assistant Postmaster General, Division of Money Orders.

(e) Additional blank checks. A postmaster having a credit with the Treasurer of the United States shall make application on Form 6054 for additional blank checks before his supply of such blanks is exhausted. Spoiled checks shall be returned promptly to the Third Assistant Postmaster General, Division of Money Orders.

§ 76.10 Special check for postmaster not having Treasury credit—(a) Application for. When a postmaster not having a credit on the Treasurer of the United States is in need of additional funds for the payment of money orders, he shall apply to the Third Assistant Postmaster General, Division of Money Orders, on Form 6033 (or, lacking that Form, by letter) for a special check. (See § 72.2.)

(b) Advance provision of funds. Postmasters shall provide funds in anticipation of presentation of orders issued abroad, the advices of which are in their possession.

§76.11 **Supply of funds to stations.** When a branch post office or station is in need of funds for the payment of money orders exceeding in amount the funds on hand, the superintendent shall forward an application to the postmaster at the main office who shall supply the necessary amount from money-order funds. For the amount so furnished the superintendent shall give a receipt on Form P (Acknowledgment of funds received).

TEMPORARY DEPOSITS OF MONEY-ORDER FUNDS

§76.12 **Deposit and negotiation of drafts by postmasters permitted.** This section shall not prohibit any postmaster depositing, under the direction of the Postmaster General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster General, for the purpose of remitting surplus funds from one post office to another. (62 Stat. 780; 18 U. S. C. 1711.)

NOTE: See § 7.19 as to deposit of public funds temporarily in national or State banks, etc.; § 76.15 (c) as to remittance of money-order funds by bank drafts, etc.

§76.13 **Temporary deposits—(a) Permitted.** Postmasters may deposit the money-order funds of their offices in a national bank or a State bank, or may make a special deposit thereof for safekeeping in any other bank, as provided in §§ 7.19 and 7.20.

(b) **Regular remittances required.** Where postmasters maintain temporary deposits, regular remittances of surplus funds shall be made as provided in § 76.15.

DEPOSITS OF SURPLUS FUNDS: REMITTANCES

§76.14 **General regulations as to deposits.** All regulations as to deposit of surplus funds and preparation and dispatch of remittances, given in §§ 7.9, 7.10, 7.12, 7.13, 7.15, 7.16, and 7.18, shall apply to money-order funds unless they specifically refer to postal funds or are otherwise modified in this chapter.

§76.15 **Remittances of money-order funds—(a) Conditions.** Postmasters at direct accounting offices shall remit daily to the depository designated by special instructions to each office (see § 76.19) all surplus money-order funds unless the amount is less than \$50, in which case no remittance is required (see § 76.17).

(b) **Fractions of a dollar.** Remittances of cash shall consist of complete dollars only and not include fractions of a dollar. Small coins may be used, if necessary, in making remittances, but should amount to even dollars. When drafts, checks, etc., are used in making remittances the total of the remittance need not necessarily be in even dollars.

(c) **When to be made.** Whenever possible remittances shall be prepared and dispatched after the close of business each day and if the remittance is in the form of cash it shall be registered. When it is not possible to dispatch the remittance after the close of business for the day it shall be forwarded on the succeeding day by the last mail available that day, together with all the surplus funds that have accrued up to that time.

(d) **Doubt as to depositary.** When a postmaster is in doubt as to the proper depositary for money-order funds he shall apply to the Third Assistant Postmaster General, Division of Money Orders, for instructions.

NOTE: See §§ 8.12 and 58.14 as to preparation and dispatch of remittances and as to coin bags; §§ 71.4 and 76.15 (e) as to remittances by check or draft; § 76.17 as to reserves; § 130.17 as to penalty for failure to remit or pay over money-order funds as instructed.

(e) **By bank draft.** Surplus money-order funds may be remitted by means of drafts issued by any reliable bank or banking institution, if procured without cost, and provided they are drawn on a bank in the same city as the regularly designated depositary office.

(f) **By check against official account.** A postmaster may also forward remittances by means of checks drawn against his official checking account, if such checks can be negotiated at par by the postmaster at the depositary office.

(g) **Funds accumulated after day's deposit.** A postmaster remitting surplus money-order funds by means of a check drawn against his official checking account is authorized to retain until the next business day the funds which accumulate after the last opportunity to deposit in bank. Such accumulated funds shall be available for use in the transactions of the office until the latest opportunity to deposit on the first succeeding day on which the bank is open, and the remainder, if any, shall then be deposited with all surplus accruing up to that time.

NOTE: See § 71.4 as to the use of Government paper in remittances of surplus money-order funds; § 76.12 as to statute under which drafts may be used in making such remittances; § 76.22 as to treatment at depositary offices of unauthorized drafts.

§ 76.16 **Credit for remittance—(a) Not taken before certificate received.** Postmasters at direct accounting offices shall not take credit in their cashbooks or in their money-order accounts for the amount of any remittance until a certificate of deposit is received therefor from the depositary to which it was sent.

(b) **Entry when certificate not received.** The amount of each remittance for which no certificate has been received shall appear in the cashbook and in the account as a part of the "Balance at close of this day," exactly as though no remittance had been made; but it shall be entered in "Analysis of Balance" as "funds in transit to depositary."

§ 76.17 **Reserve at direct accounting offices—(a) Allowance.** At direct accounting offices where necessary to keep on hand a sum of money to insure the prompt payment of money orders on presentation, the Third Assistant Postmaster General may allow a "reserve" in such amount as he may determine.

(b) **Amount retained.** A postmaster to whom a "reserve" is allowed may retain from deposit the amount thereof and no more, but need not retain all or any portion of it unless actually needed.

(c) **Determination of surplus funds.** In determining the amount of surplus funds on hand at the close of business each day, the postmaster may deduct from the actual cash balance the money-order "reserve," and if the surplus so ascertained is in excess of \$50 every dollar of such surplus shall be remitted promptly to the designated depositary. (See § 76.15.)

DEPOSITARIES AND DEPOSITARY OFFICES FOR MONEY-ORDER FUNDS

§ 76.18 **Deposits with Treasurer of United States.** * * * It shall be the duty of the Treasurer of the United States or depositary

designated by the Secretary of the Treasury * * * to open, at the request of the Postmaster General, an account of "money-order funds" deposited by postmasters to the credit of the Postmaster General, and of drafts against the amount so deposited, drawn by him and countersigned by the Comptroller of the Bureau of Accounts in the Post Office Department. (R. S. 4045, as amended; 39 U. S. C. 736.)

NOTE: Money-order funds are not part of the postal revenues, and such funds, when deposited with the Treasurer of the United States may be paid out or transferred upon the draft of the Postmaster General. (See § 76.1 for first part of above statute.)

§ 76.19 Depositories for money-order funds. Central accounting postmasters are designated as depositories for surplus money order funds of direct accounting offices in the respective districts served. Central accounting postmasters shall deposit their surplus money order funds as directed by the Third Assistant Postmaster General.

NOTE: Central accounting post offices are listed in the Manual of Instructions for Postal Personnel.

§ 76.20 General regulations for depositories. The directions in §§ 7.11, 7.21, and 7.22 shall apply to depositories of money-order funds, unless they specifically refer to postal funds or are otherwise modified in this chapter.

§ 76.21 Deposits received by depositories—(a) Issuance of certificates of deposit. Postmasters at depository offices shall issue a certificate of deposit for each remittance of money-order funds received. The date, number, and amount of each certificate of deposit so issued shall be immediately entered in the quarterly schedule of money-order deposits received. One card shall be used for entering all deposits received from each post office during a quarter, except in cases where there is a change in postmasters, when a separate card shall be used for entering the deposits received from each postmaster.

(b) Reports of. At the close of each quarter a quarterly summary of money-order deposits received (Form 6025), showing the name of each post office, State, and quarterly total of deposits received, shall be prepared by depository offices and transmitted to the Bureau of Accounts of the Post Office Department, accompanied with the schedule of money-order deposits received (Form 6021-B or 6021-C) as vouchers.

§ 76.22 Report of unauthorized checks used in remittances. When a remittance contains checks of a firm or individual, the receiving postmaster shall issue a certificate of deposit, but, unless previously authorized to accept them, shall report the facts to the Third Assistant Postmaster General, Division of Money Orders.

NOTE: See § 71.4 as to use of Government paper in remittances of surplus money-order funds; § 76.15 (e) as to remittances by bank drafts.

§ 76.23 Use of money-order funds at depository offices. All money-order funds received at depository post offices shall be treated as money-order funds accruing at such offices and shall be used whenever necessary for the payment of money orders drawn on such offices.

§ 76.24 Remittances by depository offices. Postmasters at depository offices shall remit as directed by the Third Assistant Postmaster General, Division of Money Orders, all surplus funds accruing at their offices, whether from the sale of money orders or from remittances by other postmasters, such surplus to be ascertained in the manner outlined in § 76.17.

MONEY-ORDER RECORDS AND ACCOUNTS

§ 76.25 **Records at smaller offices—(a) Books.** The following records shall be kept at the smaller money-order offices at which the "filing system" is not authorized:

(1) A "Register of orders issued," in which shall be recorded daily the particulars of all orders issued.

(2) A cashbook, showing the debit and credit transactions of each day.

(b) Retention on file. The records shall be kept in accordance with the printed instructions contained therein and shall be retained on file in the post office for at least ten years from the date of the last entry therein.

NOTE: See § 6.21 as to destruction of money-order records. Special instructions will be issued to such offices as are authorized by the Third Assistant Postmaster General to use the "filing system."

§ 76.26 **Money-order accounts—(a) Daily adjustments.** The money-order accounts at direct-accounting offices shall be kept separately from all other accounts and shall be adjusted at the close of each day's business in order that the balance of funds on hand may be accurately ascertained. (See § 17.31.) At district offices the accounts shall be combined in the daily cashbook.

(b) Account to include all business of the day. Postmasters shall wait until they are positive that all business for the day has been transacted before they close the account or change the date in office dating stamp. (See §§ 5.1 and 71.11.) Should it become necessary to issue an order after the account of the day has been closed, such account shall be reopened and made to include the transaction.

§ 76.27 **Commission for money-order business.** Postmasters at fourth-class post offices shall take credit for a commission of 3 cents for each money order issued, in the account and cashbook at the end of each month.

NOTE: See § 7.2 for authority.

CHANGE OF POSTMASTER AT MONEY-ORDER OFFICE

§ 76.28 **Change of postmaster—(a) Procedure at direct-accounting office.** When a change of postmaster occurs at a direct-accounting post office, the outgoing postmaster shall deliver all money-order funds, records, forms, dating stamps, and other money-order property to the incoming postmaster, and complete the certificates on Forms 971 and 971-A, which shall be signed by the outgoing and incoming postmasters, detached, and forwarded to the offices named thereon.

(b) Remittance in transit. When an outgoing postmaster has made a remittance of surplus funds to his depository for which he has not received a certificate of deposit on the day of his retirement, his successor shall not receipt for the amount of such remittance, nor make any entry thereof in his accounts. The outgoing postmaster shall, in such case, delay forwarding his final account until he shall have received the certificate, and take credit for the amount thereof in that account, thus closing it.

(c) Procedure at district office. When a change of postmasters occurs at a district post office, the outgoing postmaster shall deliver to the incoming postmaster all money-order records, forms, dating stamps, etc., as provided in paragraph (a) of this section, and shall complete the certificates on Forms 971 and 971-A. The certificates when completed shall be signed by both outgoing and incoming postmasters, detached, and forwarded as indicated on the form.

NOTE: See §§ 7.27 and 7.28 as to disposition of postal funds and other property on change of postmasters; § 18.27 as to final money-order account of outgoing postmaster.

§ 76.29 **Incoming postmaster at direct-accounting office—(a) Procedure.** Upon taking charge of a direct-accounting post office the incoming postmaster shall debit himself in the cashbook and in his first account with the amount of money-order funds received in cash from his predecessor after the following form:

To cash received from my predecessor, Richard Roe, per my receipt to him, \$-----.

(b) **Receipt.** The receipt for funds shall be given only for an actual transfer of cash on hand and not include the amount of any unadjusted claim whatever. Two or three columns in the cashbook should be left blank so as to separate the account of the outgoing postmaster therein from that of his successor.

(c) **Failure of outgoing postmaster to comply.** If the outgoing postmaster fails to comply with the provisions of the preceding section, such fact shall be reported by the new postmaster to the Third Assistant Postmaster General, Division of Money Orders.

NOTE: See § 18.19 for treatment at district offices.

PART 77—MONEY-ORDER BUSINESS ON RURAL ROUTES

Sec.		Sec.	
	CONDUCT OF BUSINESS AT RURAL STATIONS	77.4	Procuring the order.
77.1	Money-order facilities at rural postal stations.	77.5	Turning in applications and funds.
	PURCHASE OF MONEY ORDERS THROUGH RURAL CARRIERS	77.6	Carrier's record.
77.2	Money-order supplies for rural carriers.	77.7	Delivery of order to applicant.
77.3	Rural carriers to receive applications for money orders.	77.8	Exchange from one carrier to another.
			PAYMENT OF MONEY ORDERS THROUGH RURAL CARRIERS
		77.9	Payment of orders through carriers.

CONDUCT OF BUSINESS AT RURAL STATIONS

§ 77.1 **Money-order facilities at rural postal stations—(a) Authorization.** Rural postal stations shall be supplied with money-order facilities upon their establishment, and money orders shall be issued by clerks in charge of such stations, under the direction of the postmasters at the offices to which the stations are tributary. Money orders shall not be drawn on a rural postal station. (See §§ 71.3, 71.18, 135.14, and 135.15.)

(b) **Clerks in charge—(1) Remittances by.** Clerks in charge of rural postal stations shall remit daily to the post offices to which their stations are tributary all money-order funds accruing at the stations. They shall also render to the postmaster daily reports, on Form 6019, of the money-order business transacted at the stations.

(2) **Permitted to cash orders conditionally.** Clerks in charge of rural stations who are supplied with sufficient funds for the purpose may, with the approval of the postmasters of the offices to which the stations are attached, cash for payees who prove their identity, or for such duly authorized persons as may present the same, money orders drawn upon such offices. (See §§ 72.4 and 72.11.) In every such case the postmaster shall treat the cashed orders as vouchers, and shall stamp each of such orders on the face as paid at his main office, and take credit as for payment made thereat. (See §§ 72.9 and 76.11.)

(3) **Regulations and instructions.** In the transaction of money-order business, clerks in charge of rural postal stations shall be governed by the Postal Laws

and Regulations applicable to the money-order system and by such special instructions as may from time to time be issued by the department.

PURCHASE OF MONEY ORDERS THROUGH RURAL CARRIERS

§77.2 Money-order supplies for rural carriers—(a) Applications and receipts. Each rural carrier shall be furnished with a supply of money-order applications for the use of remitters, and with a book of forms for receipts (No. 6387) to be given by him for money intrusted to him for the purchase of orders.

(b) Numbering of receipt forms and stubs. The postmaster shall number consecutively in ink all of the receipt forms and stubs in each receipt book before it is given to the carrier for use. The numbers shall begin with No. 1 for both receipt and stub when the route is established and be continued consecutively through succeeding books until No. 500 is reached, when the series shall again begin with No. 1.

§77.3 Rural carriers to receive applications for money orders—(a) Procedure. Rural carriers while serving their routes shall take applications for money orders, accept the amounts it is desired to send, plus the fees, and give receipts therefor. On the back of each application the carrier shall write over his signature the number of the receipt given by him to the remitter (the purchaser). In case the amount tendered is in excess of the amount required and the carrier cannot make change, he shall request the patron to meet him on his next trip and return to him the excess amount received, which amount the carrier shall not in any case leave in the patron's box.

(b) Money not to be deposited in mail boxes. Patrons on rural routes must not deposit money in their mail boxes for the purchase of money orders. Patrons who deposit money in mail boxes, instead of paying it to the carrier and obtaining his receipt, do so at their own risk. If, however, money is left in a box for the purchase of an order the carrier shall present it to the postmaster with an application on Form 6001, and upon forwarding the remitter's receipt, the postmaster should call the attention of the sender to the provisions of this paragraph.

§77.4 Procuring the order. When application for a money order is made through a rural carrier, such order shall be procured only at the post office or station to which he is attached; except that the amount collected on a collect-on-delivery parcel and the receipted tag shall be given to the postmaster from whom the carrier received the parcel.

NOTE: See § 52.9 as to delivery of c. o. d. mail by rural carrier, and § 64.32 as to c. o. d. remittances.

§77.5 Turning in applications and funds. Immediately after returning from the service of his route to the office to which he is attached the rural carrier shall exhibit to the postmaster or the clerk designated for the purpose his book of receipts (Form 6387), and shall present the applications he has received and the money, including fees, for money orders; and the postmaster shall issue the orders in accordance with the applications.

§77.6 Carrier's record—(a) Receipt stub. The date, number, and amount of each order purchased through a rural carrier shall be entered by the issuing employee on the stub of the receipt (Form 6387) given by the carrier to the purchaser, and the stub shall be signed by the postmaster, or in his name by the issuing clerk, as provided in § 71.18. The stub thus receipted shall constitute the postmaster's receipt to the carrier for the money.

(b) **Treatment of spoiled receipt.** If a receipt form is spoiled, and therefore not delivered to an applicant, the word "Spoiled" shall be written on the stub and receipt form by the carrier, and the receipt form delivered to the postmaster.

(c) **Retention of stubs.** After all the receipt blanks in a book have been used, the carrier may turn the stubs over to the postmaster for preservation, or the carrier may, if he desires, retain the stubs himself for his own protection.

§77.7 **Delivery of order to applicant—(a) Method.** A money order, with the receipt attached, issued on an application presented through a rural carrier shall, if possible, be personally delivered on the route to the applicant or his duly authorized representative when the carrier makes his next regular trip, but the carrier should not leave his route for this purpose. If personal delivery is found impracticable, the order and receipt may be inclosed in a penalty envelope addressed to the applicant and deposited in applicant's (the remitter's) mail box.

(b) **By mail.** When the applicant requests that the order be mailed to the payee, the rural carrier shall deliver to the postmaster an addressed envelope furnished by the remitter with the requisite postage affixed in which the postmaster shall mail the order direct to the payee instead of having it delivered to the remitter, as outlined in the preceding paragraph. No remuneration or extra fee shall be received for such service.

(c) **Treatment of receipt and money order at post office.** When the order is mailed direct to the payee by the postmaster, the receipt form, duly stamped and showing the amount, shall be detached from the coupon of the money order and mailed in a sealed penalty envelope (No. 4) to the remitter.

§77.8 **Exchange from one carrier to another—(a) Method.** In case a rural carrier is, by authority of the department, required to deliver his collections to another carrier to be taken by him to a post office or station, the carrier who made the original collection shall deliver also the money-order applications and the money for the orders, including fees for the same, to the other carrier for delivery at such office or station and take proper receipt for the amount in each case on Form 6387, changing the same to read as follows:

Received of _____ (remitter), through _____ (rural carrier No. _____), the sum of _____, etc.

(b) **Receipt.** The carrier who originally received the application and money shall keep this receipt attached to the stub of the receipt given to the remitter. The postmaster of the office to which the carrier is attached shall receipt on Form 6387 to the carrier presenting the application and money.

PAYMENT OF MONEY ORDERS THROUGH RURAL CARRIERS

§77.9 **Payment of orders through carriers—(a) Method.** Money orders drawn in favor of persons residing on a rural route may, as a matter of accommodation, be paid through the carrier serving the route, but the carrier shall not in any case ask for or accept any fee or compensation for collecting the amount of an order.

(b) **Request of payee—(1) Formal required.** The payee, so situated, who desires to collect the amount through the carrier, shall deliver the money order to the latter and therewith hand him a separate request, addressed to the paying postmaster, in the following form:

Please pay to _____, carrier, for delivery to me, the amount of money order No. _____ issued at _____ in my favor and this day handed to him by me for collection.

(2) **In writing or in printed form.** Such request, properly dated, may be made wholly in writing or on Form 6387-A.

(c) **Receipt of carrier for money from postmaster.** In such case the carrier, upon receiving the money from the postmaster, shall execute a receipt therefor on the back of such request, which shall then be filed with the coupon.

(d) **Receipt of payee on face of order.** Upon delivery of the money by the carrier to the payee, the latter shall be required to execute the receipt on the face of the order; and the order shall then be turned over by the carrier to the postmaster, to be by him treated as the voucher for the payment.

(e) **Additional receipt if order receipted before collection.** If the payee has receipted the order before delivering it to the carrier for collection the postmaster shall instruct the carrier to procure an additional receipt from the payee when he pays the money, which receipt shall be filed with the coupon.

NOTE: See § 72.5 as to identification, etc.

PART 78—POSTAL NOTES

<p>Sec. 78.1 Authorization of postal notes. 78.2 Where available. 78.3 Adhesive postal note stamps. 78.4 Fee. 78.5 Distribution. 78.6 Issue. 78.7 Spoiled notes. 78.8 Payment. 78.9 Payment to purchaser.</p>	<p>Sec. 78.10 Negotiability. 78.11 Applications for duplicates of lost, mutilated, or invalid postal notes. 78.12 Report of loss of postal note stock. 78.13 Treatment of paid postal notes at district offices. 78.14 Fixed credits. 78.15 Requisitions for stock.</p>
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§ 78.1 **Authorization of postal notes—(a) Amount and fee.** The Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders not exceeding \$10, to be known as postal notes. The fee for issuance thereof shall be 8 cents each.

(b) **Validity period; not negotiable.** Postal notes shall be valid for two calendar months from the last day of the month of their issue, but thereafter may be paid by the Postmaster General or refund may be made in case of loss, upon evidence satisfactory to him, under such regulations as he may prescribe: *Provided*, That no claim for the amount of a postal note will be considered unless filed within one year from the last day of the month of issue. Postal notes shall not be negotiable or transferable through endorsement. (Sec. 207, 62 Stat. 1260; 39 U. S. C. 738a.)

§ 78.2 **Where available.** (a) Postal notes shall be sold at all post offices of the first and second classes in the continental United States, excluding Alaska, Hawaii, and outlying possessions.

(b) Postmasters shall place postal notes on sale at the main offices and at stations and branches, except Army and Navy post offices. They are not to be furnished to rural carriers for sale on their routes.

§ 78.3 **Adhesive postal note stamps.** Postal note stamps in denominations not exceeding 90 cents shall be supplied for use in making up odd amounts not covered

by the postal note, so that combinations of not more than two postal note stamps and a postal note will provide values from 1 cent to \$10, the maximum for which a postal note may be issued. Postal note stamps shall be affixed to the postal note and canceled by issuing postmasters and shall be valid only when so affixed. Postal note stamps shall not be sold except when affixed to postal notes.

§ 78.4 **Fee.** The fee for the purchase of a postal note of any denomination shall be 8 cents.

§ 78.5 **Distribution—(a) Accountable stock; safeguarding stock.** Postal notes and postal note stamps shall be furnished by the Third Assistant Postmaster General to direct- and central-accounting postmasters as accountable stock. The notes will be furnished in packages of 500 each, or multiples thereof, and stamps in sheets of 100. Postal note stock shall be supplied by central-accounting postmasters to district postmasters on a fixed credit basis. All postal note stock shall be safeguarded in accordance with the regulations applicable to postage stamp stock.

(b) **Placing on sale.** Postmasters shall place postal note stock on sale at stations and branches of their offices, except Army and Navy post offices. They are not to be furnished to rural carriers for sale on their routes, nor are they to be issued for remittances of c. o. d. funds. Patrons shall be given the choice of purchasing money orders or postal notes. While the maximum amount of a postal note is fixed by law at \$10, there is no limitation as to the number that may be sold to a purchaser at one time.

§ 78.6 **Issue.** No application shall be required in the purchase of a postal note. The purchaser shall write in the name and address of the payee on the face, as well as his own name and address on the back of the note.

§ 78.7 **Spoiled notes.** If a postal note is spoiled by the purchaser when writing in the name and address of the payee, it shall be treated as repaid and a new note issued in lieu thereof, the fee for the new note to be paid by the purchaser.

§ 78.8 **Payment—(a) Where may be made; period of validity; duplicates.** A postal note and the postal note stamp or stamps affixed thereto, if any, shall be paid at any post office at their combined face value upon proper identification of payee if presented within two calendar months from the last day of the month of issue. Thereafter, payment may be obtained by applying for a duplicate on Form 6596, provided such claim is made within one year from the last day of the month of issue (see § 78.1 (b)). Application for duplicate should be forwarded to the Third Assistant Postmaster General, Division of Money Orders, together with the original note if possible.

(b) **Requirements and precautions—(1) Signing and filling in.** The payee shall sign the postal note before it is paid, and payment shall be made only upon proper identification of the payee as required for the payment of a money order. If the purchaser fails to write in the name and address of the payee and the payee is known to be responsible, he shall be required to complete the particulars omitted by the purchaser.

(2) **Erasure and alteration.** If a postal note presented shows evidence of erasure or alteration in the spaces provided for the full value, and there is any doubt of authenticity, it shall not be accepted for payment. If an erasure or alteration appears in the payee's name and address, the note may be accepted for payment, provided the payee is known to be responsible.

(3) **Stamp impression.** Postal notes shall not be cashed if the impression of the money order or other postmarking stamp of the issuing post office does not appear on the postal notes and stamps affixed, if any. The employee who accepts

postal notes for payment shall place the money order or other postmarking stamp impression in the space provided and place his initials thereunder. Any identifying information desired may be placed on the back of the postal note.

§ 78.9 **Payment to purchaser.** A postal note in the hands of the purchaser is presumed to be his property and may be cashed by him at any post office during the period of validity upon proper identification.

§ 78.10 **Negotiability.** Postal notes are not negotiable or transferable through endorsement and may be paid only at post offices, branches and stations, and banks. They may be paid only to the payees named therein or to banks in which they have been deposited for collection. Care must be taken when paying notes presented by banks to see that the date of payment is stamped thereon. The stamp impressions placed on postal notes left with banks for collection shall not be regarded as endorsements transferring ownership within the meaning of the statute which forbids transfer through endorsement.

§ 78.11 **Applications for duplicates of lost, mutilated, or invalid postal notes.** Claims for lost or destroyed postal notes shall be submitted through postmasters on Form 6596. No inquiry or claim will be accepted prior to the expiration of the period of validity, i. e., two calendar months from the last day of the month of issue, and in every case should be supported by presenting the purchaser's receipt and evidence, if possible, that the note has not been paid (see § 78.1 (b)).

§ 78.12 **Report of loss of postal note stock.** (a) In the event of fire, burglary, or other similar casualty involving postal note accountable stock, prompt report thereof shall be made to the Third Assistant Postmaster General, Division of Money Orders, and also to the inspector in charge.

(b) At district offices prompt report of such losses shall be made to the central-accounting postmaster and also to the inspector in charge.

§ 78.13 **Treatment of paid postal notes at district offices.** A postal note paid at a district post office immediately becomes a cash item and may be used as a remittance of surplus funds or in making requisition for additional postage stamp stock. Shipments of paid notes to central accounting offices shall be made by official registered mail.

§ 78.14 **Fixed credits—(a) Accounting basis.** Postal note stock is furnished district offices by the central accounting postmaster on a fixed credit basis. At district offices the main stock shall be kept in the custody of the postmaster.

(b) **Replenishment of.** At post offices of the first and second classes individual fixed credits generally need be replenished only when the amount of cash on hand equals 25 percent of the fixed credit, but not in excess of \$200 at first-class offices and \$100 at second-class offices.

§ 78.15 **Requisitions for stock.** In replenishing stock of postal notes and postal note stamps, postmasters at first-class offices shall draw requisitions upon the Third Assistant Postmaster General, Division of Money Orders, on Form 6573, for an estimated 3 months' supply.

Title Nine

POSTAL SAVINGS SYSTEM

Part	Part
81 Establishment	84 Payment of certificates and interest
82 Deposits and issue of certificates	85 Postal savings funds
83 Interest	86 Supplies, records, reports, and miscellaneous

PART 81—ESTABLISHMENT

Sec.	Sec.
81.1 Organization.	81.6 Transaction of postal savings business by postal employees.
81.2 Pledge for repayment of deposits.	81.7 No additional compensation for postal savings duties.
81.3 Handling of postal savings funds.	81.8 Postal savings clerks to be bonded.
81.4 Protection of postal savings funds.	81.9 Correspondence.
81.5 Depository offices.	

§ 81.1 Organization—(a) Board of Trustees. There shall be a board of trustees for the control, supervision, and administration of the postal savings depository offices designated and established under the provisions of sections 751-767 of this title, and of the funds received as deposits at such postal savings depository offices by virtue thereof. Said board shall consist of the Postmaster General, the Secretary of the Treasury, and the Attorney General, severally, acting ex officio, and, except as otherwise provided by section 768 of this title, shall have power to make all necessary and proper regulations for the receipt, transmittal, custody, deposit, investment, and repayment of the funds deposited at postal savings depository offices. * * * (Sec. 1, 36 Stat. 814, as amended; 39 U. S. C. 751.)

(b) Powers of Postmaster General. The Postmaster General shall select and designate the post offices which are to be postal-savings depository offices, and shall appoint and, unless otherwise provided by law, fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, District of Columbia, and shall prescribe the hours during which postal-savings depository offices shall remain

open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of moneys from postal-savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. (Sec. 10, 37 Stat. 559; 39 U. S. C. 768.)

NOTE: The administration of the Postal Savings System is by law divided into two parts. The Postmaster General is charged with the designation of post offices as postal-savings depositories, the supervision of postal-savings business transacted at depository post offices, and the conduct of the central administrative office at Washington. The board of trustees, consisting of the Postmaster General, the Secretary of the Treasury, and the Attorney General, is charged with the management and investment of postal-savings funds after they leave the custody of postmasters. (See 39 U. S. C. 751.) The Treasurer of the United States is treasurer of the board of trustees. (See 39 U. S. C. 759.)

The Third Assistant Postmaster General is constituted the agent of the board of trustees for all purposes connected with the qualifications of depository banks, the fixing of the amounts of securities to be deposited and withdrawn by such banks, and the conditions of such deposits and withdrawals, the deposit of postal-savings funds to the credit of said board and the withdrawal and transfer of such funds, the authorization of the sale of securities of banks which fail or decline to repay deposits on demand, the purchase of postal-savings bonds for depositors, and the repurchase of such bonds from holders at par and accrued interest. (The amendment of Feb. 4, 1935, to the Second Liberty Bond Act provided that no further original issue of postal-savings bonds shall be made after July 1, 1935.) See § 25.5 (d) as to office hours.

§ 81.2 Pledge for repayment of deposits. The faith of the United States is solemnly pledged to the payment of the deposits made in postal-savings depository offices, with accrued interest thereon as herein provided. (Sec. 16, 36 Stat. 819, as amended; 39 U. S. C. 766.)

§ 81.3 Handling of postal savings funds—(a) To be kept separate. Postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the Postal Service, who shall be held to the same accountability under their bonds for such funds as for public money; * * * (Sec. 12, 36 Stat. 818; 39 U. S. C. 762.)

(b) Used to cash certain checks and coupons. The provisions of § 7.9 with respect to the use of postal funds in the cashing of Government paper shall be applicable to postal-savings funds. The postmaster may also cash out of postal-savings funds coupons covering interest on postal-savings bonds. Such checks and coupons shall be included in his next deposit or remittance of postal-savings funds in lieu of a like amount of cash and so treated in his records and reports.

§ 81.4 Protection of postal savings funds. All the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal-savings depository business, and the forgery, counterfeiting, alteration,

improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor. (Sec. 15, 36 Stat. 818; 39 U. S. C. 765.)

NOTE: See §§ 7.3 and 7.4.

§ 81.5 Depository offices—(a) Designation. Every post office designated by order of the Postmaster General is declared to be a postal savings depository office within the meaning of sections 751-767 of this title and to be authorized and required to receive deposits of funds from the public and to account for and dispose of the same, according to the provisions of sections 751-767 of this title and the regulations made in pursuance thereof. (Sec. 3, 36 Stat. 815, as amended; 39 U. S. C. 753.)

(b) Listing in Postal Guide. The names of all post offices, branches, and stations where postal-savings accounts may be opened shall be indicated in the State list of the Official Postal Guide, and changes in postal-savings depository offices shall appear in the supplements.

(c) Placards and leaflets. Postmasters at offices designated as postal-savings depositories shall post conspicuously one or more placards calling the attention of the public to the postal-savings service and shall keep on hand for judicious distribution a supply of the leaflet, Form PS 4 (Information about the United States Postal Savings System), sufficient for the needs of the office.

§ 81.6 Transaction of postal savings business by postal employees. The Postmaster General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal-savings depository business as may be necessary. (Sec. 14, 36 Stat. 818; 39 U. S. C. 764.)

§ 81.7 No additional compensation for postal savings duties. Postmasters, assistant postmasters, clerks, or other employees at post offices of the presidential grade, and postmasters at post offices of the fourth class shall not be allowed or paid any additional compensation for the transaction of postal-savings depository business. (Sec. 13, 36 Stat. 818; 39 U. S. C. 763.)

§ 81.8 Postal savings clerks to be bonded. Unbonded clerks shall not be assigned to the transaction of postal-savings business at depository offices unless such assignment is specifically authorized by the First Assistant Postmaster General.

§ 81.9 Correspondence—(a) Facts to be specified. Correspondence with the department concerning a depositor's account shall specify the name of the depositor and, when necessary, the number of his account and the amount on deposit. Letters should not be inclosed with monthly reports unless they refer to the inclosures.

(b) With depositors in foreign countries. When it becomes necessary for a postmaster to communicate with a depositor at an address in a foreign country, except Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Newfoundland

(including Labrador), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Uruguay, and Venezuela, the letter and any accompanying inclosures shall be placed in an envelope properly addressed to the depositor but not sealed, and forwarded under cover to the Third Assistant Postmaster General, Division of Postal Savings, for the affixing of the necessary postage.

PART 82—DEPOSITS AND ISSUE OF CERTIFICATES

Sec.		Sec.	
82.1	Accounts.	82.12	Money orders for deposit; money sent at depositor's risk.
82.2	Amount of deposit and limitation of balance.		ISSUE OF CERTIFICATES
82.3	Deposit of bankrupt funds.	82.13	Form and denominations of certificates.
82.4	Allotments of seaman's wages.	82.14	Issuance in consecutive order.
82.5	Acceptance of other than legal tender.	82.15	Entries on certificates and stubs.
82.6	Acceptance of postal savings and U. S. Savings stamps.	82.16	Interest date of certificate.
	METHODS OF OPENING ACCOUNTS	82.17	Procedure on receipt of deposit.
82.7	Application made in person.	82.18	Maximum balance not to be exceeded.
82.8	Application made through representative.	82.19	Recording and proving day's issues.
82.9	Application made by mail.	82.20	Correction of errors.
82.10	Numbering and filing of accounts.	82.21	Change in depositor's name.
82.11	Deposits by representative or mail in accounts previously opened.	82.22	Certificates lost, stolen, or destroyed.
		82.23	Issued certificates not to be accepted for safekeeping.

§ 82.1 Accounts—(a) Who may open. Accounts may be opened and deposits made * * * by any person of the age of ten years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall at the same time have more than one postal-savings account in his or her own right. (Sec. 4, 36 Stat. 815; 39 U. S. C. 754.)

(b) Only in name of individual. Deposits shall be accepted only in the name of individuals, and no account shall be opened in the name of any corporation, association, society, firm, or partnership, or in the names of two or more persons jointly. No account shall be opened in the name of one person in trust for or on behalf of another person or persons.

NOTE: See § 82.3 as to acceptance of bankrupt funds.

(c) Only one account to a person. Accounts may be opened and deposits accepted without regard to the residence of the depositor, but no person may at the same time have more than one postal-savings account either at the same office or at different offices.

NOTE: The Postal Savings System was instituted for the purposes of encouraging thrift and of providing a safe depository for the accumulation of savings. Accounts which persistently show a rapid turnover of deposits or are intended to serve as a safe place in which to leave funds for a few hours or which otherwise indicate an unreasonable use of postal savings facilities are considered nuisance accounts. Postmasters are not required to open or accept further deposits in nuisance accounts.

§ 82.2 Amount of deposit and limitation of balance—(a) Minimum deposit. At least \$1, or a larger amount in multiples

thereof, must be deposited before an account is opened * * * and \$1, or multiples thereof, may be deposited after such account has been opened. (Sec. 6, 36 Stat. 815, as amended; 39 U. S. C. 756.)

(b) **Maximum balance.** * * * the balance to the credit of any one person, upon which interest is payable, shall not exceed \$2,500, exclusive of accumulated interest, and non-interest-paying deposits shall not be accepted. * * *. (Sec. 6, 36 Stat. 815, as amended; 39 U. S. C. 756.)

§ 82.3 **Deposit of bankrupt funds—(a) Authorization.** In all bankruptcy proceedings the officers and agents in charge of the bankrupt funds are authorized to deposit the same without limit as to amount in the postal savings depositories at the prescribed interest rate in all cases where local banks are unable or unwilling to give the required security. Such deposit or any portion thereof may be withdrawn as required in the bankruptcy proceedings. (Sec. 3, 47 Stat. 1482; 11 U. S. C. 101a.)

(b) **Conditions.** When an officer or agent in charge of bankrupt funds applies at a depository post office to open a postal-savings account, the postmaster shall require evidence that (a) the funds involved are entitled to consideration under the above quoted amendment to the Bankruptcy Act, that (b) the officer or agent has been duly appointed, and that (c) local banks are unable or unwilling to give the required security. If satisfied, the postmaster shall accept the deposit in any amount of even dollars, issue certificates in the name and title of the officer or agent, together with the name of the bankrupt corporation, association, or individual, and deliver the certificates to such officer or agent, except that, if the deposit is by commercial check or draft, delivery of the certificates shall be withheld until collection has been made. If the postmaster is in doubt as to the acceptability of the deposit, he shall refer all the papers in the case to the Third Assistant Postmaster General, Division of Postal Savings, and await instructions.

§ 82.4 **Allotments of seaman's wages.** It shall be lawful for any seaman to stipulate in his shipping agreement * * * for deposits to be made in an account opened by him and maintained in his name * * * at * * * a United States postal savings depository subject to the governing regulations thereof. (53 Stat. 796; 46 U. S. C. 599b.)

§ 82.5 **Acceptance of other than legal tender.** The provisions of §§ 8.9 and 71.4 defining what may be accepted for the purchase of money orders shall be applicable to postal-savings deposits, subject to the provisions of §§ 82.6 and 83.2. The postmaster may accept Government paper not more than one full fiscal year old from responsible persons whose indorsement thereon the postmaster is willing to guarantee; and when such paper is accepted, the postmaster shall immediately issue the certificates and deliver them to the purchaser. Acceptance of a personal check, cashier's check, bank draft, or other commercial paper is at the risk of the postmaster; and when such paper is accepted, the purchaser shall be given a receipt on Form 929 or Form 929-S; but the certificates, which shall be issued immediately or at the earliest opportunity,

shall be retained by the postmaster with a copy of the receipt until ample time shall have elapsed to insure receipt of notice should the check or draft fail to clear, after which the certificates shall be delivered to the depositor, either in person or by ordinary mail. No funds are available to pay collection charges on checks or drafts accepted as postal-savings deposits, and where charges cannot be avoided, they shall be paid in advance by the depositor.

§ 82.6 Acceptance of postal savings and U. S. Savings stamps.

(a) The authority of the Postmaster General contained in section 756 of this title and section 757c (c) of title 31 to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States. (Sec. 5, 56 Stat. 189; 39 U. S. C., Sup., 756a.)

NOTE: Pursuant to Section 5 of the Public Debt Act of 1942 (quoted above), and by agreement between the Postmaster General and the Secretary of the Treasury, the liability for outstanding postal-savings stamps of all series, including the so-called Defense Savings stamps and War Savings stamps, and the accountability for unsold savings-stamp stock charged to postmasters, were transferred to the Treasury Department as of the close of business September 30, 1942. See § 9.31 for regulations as to United States Savings stamps.

(b) Postal-savings stamps outstanding, and any series of savings stamps issued by the Treasury Department under the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are exchangeable for postal-savings certificates. When a card or album with postal-savings or United States Savings stamps affixed is presented at any postal-savings depository, it shall be accepted as a deposit of equivalent value either in opening an account or in adding to an existing account. One certificate may be issued to cover a deposit made partly in cash and partly by means of savings stamps.

METHODS OF OPENING ACCOUNTS

§ 82.7 Application made in person—(a) Procedure. When a person applies to open an account, the postmaster or his representative shall question the applicant to obtain the necessary information and shall carefully fill out an application on depositor's card (Form PS 600).

(b) Information to be complete. Great care shall be taken to comply with all instructions printed in the Manual of Instructions for Postal Personnel relative to the depositor's card (Form PS 600) and no account shall be opened with any person until all the information called for by the application form has been furnished and the form signed by the intending depositor. When an applicant, though willing to do so, is unable to answer all the questions on the application form, a partly completed application, if properly signed, may be accepted,

provided other data are entered on the application which will assure subsequent identification of the depositor.

(c) **Signature of applicant.** The applicant shall personally sign his name or place his mark on the line marked "Signature or (x) mark of depositor." A married woman shall sign her Christian or given name and not that of her husband. At offices equipped to take finger impressions, such impressions should be taken of every person desiring to open an account unless the depositor persistently declines to comply, in which case that fact should be noted on Form PS 600. If the intending depositor signs by mark or characters not used by the English language, impressions must be insisted upon.

§ 82.8 **Application made through representative—(a) Procedure.** When any person because of infirmity or other good and sufficient reason is unable to appear personally to open an account, the postmaster shall furnish to the representative of such person a blank application card (Form PS 600) and shall instruct the representative as to the method to be observed in filling out the application.

(b) **Acceptance of deposits; exception.** When the application has been returned, properly filled out and signed by the depositor, the postmaster shall accept the deposit and issue the necessary certificates, delivering them to the representative. An intending depositor who signs by mark shall appear personally to open an account.

§ 82.9 **Application made by mail—(a) Provision for.** Postal-savings accounts may be opened by mail. A person eligible to open an account and desiring to do so may apply, for that purpose, at any post office, whether such office is a designated depository or not.

(b) **Forms.** If the applicant appears at a post office not designated as a postal-savings depository, the postmaster shall make request on the most convenient postal-savings depository office for an application blank (Form PS 300-B). If further applications to open accounts are anticipated, the postmaster shall request an adequate supply of application forms for subsequent use and shall notify the Third Assistant Postmaster General, Division of Postal Savings. The postmaster at a postal-savings depository office shall furnish copies of Form PS 300-B to any postmaster at a nondepository office who requests them.

(c) **Identification of applicant and certification of signature.** The postmaster where the intending depositor applies shall identify the applicant and carefully fill out the application (Form PS 300-B) in his presence. The postmaster shall write the applicant's name at the top of the form, and after questioning him shall enter thereon all required information. The applicant shall personally sign his name or place his mark on the line marked "Signature or (x) mark of the applicant." A married woman shall sign her own Christian or given name and not that of her husband. The postmaster shall execute the certificate at the foot of the form and then forward the application to the most convenient post office in the State which is shown by the Official Postal Guide to be a postal-savings depository office, unless the intending depositor specifically requests that the account be opened elsewhere, in which case the postmaster shall be governed by his wishes. The certificate to the application shall be signed by the postmaster at the office where the applicant appears.

(d) **Initial deposit not accepted with application.** No money shall be sent with the application, and the postmaster at the office where the application is prepared shall not accept deposits in any form. He shall, however, inform the applicant that he will be notified direct by the postmaster at the office where the account

is to be opened on approval of the application and instructed how to make deposits.

(e) **Approval of application; notification to depositor.** On receipt of an application on Form PS 300-B to open a postal-savings account by mail, the postmaster at a postal-savings depository office shall see that the application has been properly prepared as provided in this section and that the certificate of identification has been executed. If the application is approved, the postmaster at the depository office shall notify the intending depositor on Form PS 629 and authorize him to begin forwarding deposits direct to the office by money orders made payable to the depository postmaster or by registered mail.

(f) **Procedure upon receipt of initial deposit.** When the initial deposit is received at the depository office, the information furnished by the applicant on Form PS 300-B shall be copied on a depositor's card (Form PS 600) and the application filed therewith. In the space provided for the depositor's signature on Form PS 600 the name of the office through which the application was made shall be entered. The postmaster shall then issue the necessary certificates and mail them to the depositor. When deposits from patrons of an outlying office are frequent or numerous, the postmaster at the depository office shall notify the Third Assistant Postmaster General, Division of Postal Savings, in order that consideration may be given to the designation of the outlying office as a depository.

§ 82.10 **Numbering and filing of accounts.** (a) Accounts shall be numbered consecutively when opened, beginning with No. 1. The number shall be entered on the depositor's card and on all certificates issued in the name of the depositor to whom the account belongs. In no event shall a depositor have more than one account number at any one time. A new account opened by a former depositor shall receive a new number.

(b) Depositors' cards shall be filed numerically by account numbers. When the number of accounts is large, an alphabetical card index of depositors' names shall be maintained, showing the account number assigned to each.

§ 82.11 **Deposits by representative or mail in accounts previously opened.** When a person who has already opened an account is unable to appear in person to make a subsequent deposit, he may either send the amount through a representative or forward it to the post office by registered mail or money order. When a deposit is sent through a representative, the postmaster shall accept the deposit, issue necessary certificates, and deliver them to the representative. When a depositor forwards money by mail for deposit, the postmaster shall issue the necessary certificates and mail them to the depositor. The postmaster shall file the letter accompanying the remittance with the depositor's card (Form PS 600).

§ 82.12 **Money orders for deposit; money sent at depositor's risk.** Post-office money orders mailed for deposit shall be made payable to the postmaster. Money intended for deposit, when sent to the post office by mail or by representative, shall be at the risk of the depositor.

ISSUE OF CERTIFICATES

§ 82.13 **Form and denominations of certificates.** Postal-savings deposits shall be evidenced by nontransferable and nonnegotiable certificates of deposit, to be supplied, with stubs attached, to postmasters in fixed denominations of \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$200, and \$500, and each denomination bound in a separate

book. A separate numerical series of certificates of each denomination shall be supplied to post offices and stations having large deposits, with the name of the post office or station printed on the certificates. For other post offices a general numerical series of certificates of each denomination shall be supplied on which the name of the issuing office shall be written or stamped by the postmaster.

§ 82.14 **Issuance in consecutive order—(a) Numbers not to be changed.** Certificates shall be issued in consecutive order, beginning with the lowest serial number. Serial numbers shall not be changed under any circumstances.

(b) **When issued from wrong book.** (1) If, after certificates have been issued from a new book, the postmaster discovers that a book of lower serial numbers of that denomination is on hand from which no certificates have been issued, he shall continue to use the book of higher serial numbers until it is exhausted and then issue from the book of lower serial numbers.

(2) If, after certificates have been issued from a new book, the postmaster discovers that a book of lower serial numbers of that denomination is on hand from which certificates have been issued, he shall resume issuing certificates from the partly used book of lower numbers until that book is completed. When the certificates issued out of order are reached in the regular order of issue, they shall again be entered in Abstract A with a notation, "Issued and charged -----," showing the day, month, and year of issue.

§ 82.15 **Entries on certificates and stubs.** Certificates thus numbered when issued shall bear the name of the issuing office, the date of issue, the name of the depositor, the number of his account, and the date on which interest begins. (See leaflet Form PS 100.) To facilitate the issue of certificates a stamp, known as a certificate dater, may be furnished. The "Date of issue" shall be inserted in the upper slot of the stamp, and the "Date when interest begins" in the lower slot, the impression of the stamp to be made on each certificate in the spaces provided for such dates. The stub of each certificate besides the serial number shall show the depositor's account number, date of issue, and initials of the issuing clerk. In entering dates on certificates, the month, day, and year shall be written or stamped in the spaces provided, thus: August 1, 1948. The name of the month may be abbreviated, but should not be indicated by figures. The depositor's name shall be written as signed on the application (Form PS 600). No entries shall be made on certificates except as authorized by these regulations. (See §§ 82.20 and 82.21 for correction of errors.)

§ 82.16 **Interest date of certificate.** Certificates issued on any day of a month shall begin to bear interest on the first day of the next succeeding month, except under certain specified conditions, when issued in lieu of certificates surrendered for payment of interest or for part payment of principal (see leaflet Form PS 100).

§ 82.17 **Procedure on receipt of deposit.** (a) On receipt of a deposit the postmaster shall prepare a postal-savings certificate or certificates covering the amount of the deposit and enter on the depositor's card (Form PS 600) the date, serial number, and amount of each certificate, and the balance then to the depositor's credit.

(b) The certificates shall then be delivered to the depositor as evidence of his deposit.

(c) Each depositor shall be provided with an envelope (Form PS 301) bearing printed information for the depositor's guidance and in which he may preserve his certificates. At offices having many accounts, the depositor shall also be given

a numerical reference card (Form PS 301-A) to enable him to refer to his account by number when making deposits.

(d) Postmasters shall comply with reasonable requests of depositors as to the denominations of certificates to be issued.

§ 82.18 **Maximum balance not to be exceeded.** Before accepting a deposit from a person who has already opened an account the depositor's card (Form PS 600) shall be withdrawn from the files, and if the proposed deposit will not cause his balance to be more than \$2,500, exclusive of accumulated interest, certificates covering the deposit shall be issued and recorded.

§ 82.19 **Recording and proving day's issues.** The depositors' cards (Form PS 600), after the entry of transactions, shall not be returned to the files until all accounts for the day are in balance. At the close of each day the total value of certificates issued shall be entered in the daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices), and the inclusive serial numbers for each denomination of the certificates issued as shown by the retained stubs shall be entered on Abstract A, which is furnished in loose-leaf form (Form PS 705) for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708-T/F). The entries on the depositors' cards shall be proved daily by adding the deposits made during the day as shown thereon and comparing the total with the total issues shown by the abstract of issues, Form PS 705. Form PS 705 or Abstract A in the daily summary for third- and fourth-class offices (Form PS 708-T/F), as the case may be, shall be used at all depository offices to maintain a daily record of certificates issued.

§ 82.20 **Correction of errors—(a) In issuing certificates.** If an error made in issuing a certificate is discovered before the issue is recorded and the certificate delivered, the postmaster shall stamp both the certificate and the stub "Spoiled," and issue the certificate bearing the next serial number. He shall enter the serial numbers of all such spoiled certificates on Abstract A (see § 82.19) at the close of each day and transmit the spoiled certificates with his next monthly report.

(b) **Found in certificates after issue.** If an error is found in a certificate after issue, the depositor shall be requested to leave the certificate at the depository office, and the postmaster shall forward it to the Third Assistant Postmaster General, Division of Postal Savings, with a detailed description of the error made and the correction desired. The postmaster shall issue a receipt (Form PS 305—see § 84.10), in duplicate, for the certificate, give the original to the depositor, and place the duplicate as a memorandum with the depositor's card (Form PS 600). If necessary, the Third Assistant Postmaster General shall stamp the certificate "Spoiled" and issue and forward to the postmaster a new certificate bearing the same serial number, which he shall deliver to the depositor after destroying both the original receipt returned by the depositor and the retained duplicate. The spoiled certificate having been already entered on the depositor's card, the postmaster shall make no new entry of the certificate issued in lieu of it, but shall make such corrections as may be necessary by drawing lines through the erroneous entries and interlining the correct entries immediately above.

(c) **In records.** In case of error in making an entry in any postal-savings record of his office, the postmaster shall draw a line through the entry and initial it. The correct entry shall then be made on the line immediately below,

or if subsequent entries have been made, by interlining immediately above the erroneous entry.

(d) **In account current.** If the postmaster discovers an error after he has rendered his monthly account current which in any way affects its accuracy, he shall report the facts immediately to the Third Assistant Postmaster General, Division of Postal Savings.

(e) **No other changes allowed without authority.** The postmaster shall, under no circumstances, except as herein provided, erase or change an entry on any postal-savings certificate, or in any postal-savings record, without authority from the Third Assistant Postmaster General.

§ 82.21 **Change in depositor's name—(a) By marriage.** A woman who opens an account and afterwards marries shall present her postal-savings certificates to the postmaster, who shall note on the face of each certificate the new name of the depositor and affix his signature. The depositor shall be required to sign her new name on the depositor's card (Form PS 600). Until the depositor presents her certificates for proper notation, the postmaster, if aware of her marriage, shall receive no further deposits on her account nor make any partial or interest payments to her, but he may make full payment to close her account on being satisfied as to her identity.

(b) **By court order.** In the event of the change of a depositor's name by the order or decree of a court of competent jurisdiction, the procedure set forth in the next preceding paragraph shall be followed.

§ 82.22 **Certificates lost, stolen, or destroyed—(a) Application for reissue.** When notified by a depositor that his certificate or certificates have been lost, stolen, destroyed, or improperly withheld, the postmaster shall furnish an application (Form PS 607) for a certificate or certificates in lieu thereof. The detailed instructions on the application shall be carefully followed, and, when the application has been properly executed, the postmaster shall forward it to the Third Assistant Postmaster General, Division of Postal Savings.

(b) **Reissue.** If it is deemed proper, new certificates of the same denomination, date, and number, but distinguishable from the original, shall be issued by the Third Assistant Postmaster General, Division of Postal Savings, and forwarded to the postmaster, who shall verify all entries on the new certificates, giving particular attention to the "Date when interest begins." Certificates showing discrepancies shall be returned to the department. The postmaster shall record the reissue of the certificates on the depositor's card (Form PS 600) by writing "Reissued" in the "Remarks" column in line with the entry of issue and deliver the new certificates to the depositor.

(c) **If delivery delayed.** If, for any reason, a postmaster is unable to deliver the reissued certificates to the depositor promptly, he shall return the certificates to the Third Assistant Postmaster General, Division of Postal Savings, with a statement of the facts and a transcript of the depositor's card (Form PS 600).

(d) **If certificate reported lost is found.** If, after a new certificate has been issued to replace one lost, the depositor reports that he has found the old certificate, he shall be instructed to surrender the old certificate. The clerk to whom the certificate is surrendered shall write the word "Canceled" across the face thereof and deliver it promptly to the supervisory officer, who, after recording on the certificate the date on which it was received by him, shall transmit it promptly to the Third Assistant Postmaster General, Division of Postal Savings, with a statement of the facts.

(e) **Loss of deceased depositor's certificate.** When a postmaster is notified of the loss or destruction of a certificate or certificates issued to a depositor who has since died or become mentally incompetent, the provisions of § 84.6 shall be complied with in conjunction with this section.

§ 82.23 **Issued certificates not to be accepted for safekeeping.** Postmasters shall not accept issued postal-savings certificates for safekeeping.

NOTE: Certificates and accruing interest are valid obligations until paid, the yearly interest table on the back of old style certificates being merely for convenience.

PART 83—INTEREST

<p>Sec. 83.1 Legal rate of interest. 83.2 Classification of deposits; legal restrictions.</p>	<p>Sec. 83.3 Payment of interest and method of computation. 83.4 Compound interest not allowed.</p>
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§ 83.1 **Legal rate of interest.** Interest at the rate of 2 per centum per annum shall be allowed and entered to the credit of each depositor * * *, the same to be computed on such basis and under such rules and regulations as the Board of Trustees may prescribe; but interest shall not be computed or allowed on fractions of a dollar. (Sec. 7, 36 Stat. 816, as amended; 39 U. S. C. 757.)

§ 83.2 **Classification of deposits; legal restrictions.** Notwithstanding any other provision of law, (1) each deposit in a postal-savings depository office shall be a savings deposit, and interest thereon shall be allowed and entered to the credit of the depositor once for each quarter beginning with the first day of the month following the date of such deposit, but no interest shall be allowed to any such depositor with respect to the whole or any part of the funds to his or her credit for any period of less than three months; (2) no interest shall be paid on any such deposit at a rate in excess of that which may lawfully be paid on savings deposits under regulations prescribed by the Board of Governors of the Federal Reserve System pursuant to section 371b of Title 12, for member banks of the Federal Reserve System located in or nearest to the place where such depository office is situated; * * *. (Sec. 8, 36 Stat. 816, as amended; 39 U. S. C. 758.)

NOTE: *Mississippi.*—The maximum yearly interest rate payable on savings deposits by banks, trust companies, and savings banks in the State of Mississippi was reduced to 1 percent, effective January 1, 1945; and, accordingly, as required by the provisions of this section, the yearly rate on postal savings deposits in that State was reduced as of March 1, 1945, from 2 percent to 1 percent.

New Jersey.—The maximum yearly interest rate payable on savings deposits by banks, trust companies, and savings banks in the State of New Jersey was reduced to 1 percent, effective July 1, 1939; and, accordingly, as required by the provisions of this section, the yearly rate on postal savings deposits in that State was reduced as of the same date from 2 percent to 1 percent. The maximum yearly interest rate payable on savings deposits by banks, trust companies, and savings banks in New Jersey was increased from 1 to 1½ percent, effective July 1, 1946; and the yearly rate on postal savings deposits in that State was increased as of the same date from 1 to 1½ percent. The limit on the maximum rate of interest payable on savings deposits in New Jersey was removed May 16, 1947; and, accordingly, the 2 percent interest rate on postal savings deposits in that State was resumed as of May 17, 1947.

§ 83.3 **Payment of interest and method of computation.** Interest shall be paid only upon the surrender of the certificate evidencing the deposit. Complete instructions concerning the computation, payment, and recording of interest, and the taking of receipts therefor, found in leaflet, Form PS 100, shall be followed strictly; and on account of their extreme importance a copy of the leaflet, Form PS 100, and a copy of the interest tables, Form PS 100-B, shall always be kept available for ready reference.

§ 83.4 **Compound interest not allowed.** Compound interest shall not be allowed on an outstanding certificate, but a depositor, by surrendering the certificate, may withdraw the interest payable and use it in making a new deposit (interest date first day of following month), subject to the restrictions that deposits shall not be received for fractions of a dollar and that the balance to a depositor's credit shall not exceed \$2,500, exclusive of interest.

PART 84—PAYMENT OF CERTIFICATES AND INTEREST

Sec.		Sec.	
84.1	Payment made on demand.	84.10	Withholding of payment when in doubt; receipt for certificate.
84.2	Certificates to be presented at office of issue.	84.11	Leaflet of instructions.
84.3	Payment to depositor in person.	84.12	Certificates to be stamped "Paid" and initialed.
84.4	Payment through a representative.	84.13	Recording of payment on depositor's card.
84.5	Withdrawal by mail.	84.14	Custody of paid certificates.
84.6	Payment of accounts of deceased or incompetent depositors.	84.15	Office records of paid certificates.
84.7	Withdrawal of bankruptcy funds deposits.	84.16	Closed accounts.
84.8	(Section number reserved.)	84.17	Unclaimed and inactive accounts.
84.9	Payment from daily receipts.	84.18	Postal Savings bonds.

§ 84.1 **Payment made on demand.** Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, upon demand.

§ 84.2 **Certificates to be presented at office of issue.** (a) A depositor desiring to withdraw the whole or any part of the funds deposited to his credit, with the interest payable thereon, shall present at his depository office postal-savings certificates, covering the amount of the desired withdrawal.

(b) When a depositor desires to withdraw all or part of the amount represented by a certificate, together with the interest due thereon, or when he desires to withdraw only the interest due on a certificate, he shall present the certificate at the office of issue.

NOTE: See §§ 84.4 and 84.5 for information concerning withdrawals through a representative or by mail, and § 84.7 for special instructions concerning the withdrawal of bankrupt funds.

§ 84.3 **Payment to depositor in person—(a) Identification.** The postmaster shall withdraw from the files the depositor's card (Form PS 600). Unless the applicant for payment is personally known to be the depositor to whom the certificate was issued, the postmaster shall ask test questions as to all personal facts shown on the depositor's card, secure the applicant's signature on a separate slip of paper for comparison with the signature on the card, and take such other action as may be necessary to assure himself of the applicant's identity.

(b) **Finger impressions.** If an office is equipped to take finger impressions, the instructions contained in the pamphlet, Form PS 45, entitled "Instructions Concerning Finger Impressions," shall be followed.

(c) **Entry of interest due on receipt form.** The postmaster shall determine whether interest is payable on the certificate and, if any be due, shall write the amount of such interest in the receipt form on the certificate in ink.

NOTE: See the leaflet, Form PS 100, entitled "Instructions Concerning the Payment of Interest on Postal Savings Certificates," for detailed working instructions, and the tables, Form PS 100-B, for ascertaining the amount of interest due.

(d) **Indorsement by depositor—(1) By mark.** After the amount of interest, if any be due, has been written in the receipt form on the certificate in ink, the depositor shall indorse the certificate in the presence of the postmaster or his authorized representative and surrender it. If a depositor cannot write and signs by mark, his name shall be written and attested by a disinterested witness in the following manner:

His
John X Doe
mark
Richard Roe
Witness

(2) **In characters not used in English.** If a depositor signs his name in characters not used in the English language, his signature shall also be attested by a disinterested witness. The instructions in this paragraph and those in paragraph (d) (1) shall be observed even though finger impressions of the depositor are taken.

(3) **Witnessing of signatures.** Neither the postmaster nor any clerk employed on postal-savings work shall act as witness, but any other employee of the office not engaged on postal-savings work and having no interest in the transaction may witness signatures to postal-savings vouchers and documents.

(e) **Payment.** If the postmaster, after complying with the foregoing instructions, is satisfied that the applicant is the depositor, and if the certificate bears no evidence of alteration or erasure and corresponds in every particular with the record of its issue, the postmaster, in accordance with the demand made by the depositor, shall pay all or part of the amount represented by the certificate, together with all interest due thereon, or shall pay only the interest due on the certificate; otherwise payment shall be withheld until the postmaster is satisfied that it is proper.

§84.4 **Payment through a representative—(a) Conditions and authorization.** When it has been shown to the postmaster's satisfaction that a depositor, because of infirmity or for other good and sufficient reason, cannot appear in person to make a withdrawal, the postmaster shall furnish to the representative of such depositor a blank order for the purpose. Payment shall not be made on such an order unless the postmaster is satisfied as to the identity of both the depositor and the representative.

(b) **Procedure at depository office.** For the payment of a certificate to such a depositor, a blank order (Form PS 304) shall be furnished. When the order has been properly filled out and signed by the depositor, it shall be returned to the postmaster, together with the certificate or certificates properly indorsed by the depositor. The depositor shall give a receipt on the certificate in the following form: "Received the amount of this certificate and \$_____ interest due thereon." The amount of interest payable shall be inserted by the postmaster in the receipt

form on each certificate before the representative receipts on Form PS 304 for the total payment. The postmaster shall then make payment to the representative. The payment of the certificates and interest shall be recorded as provided in §§ 84.12 to 84.15, inclusive, and the leaflet, Form PS 100. The order on Form PS 304 shall be filed with the depositor's card (Form PS 600).

(c) Withdrawal of interest only. When such a depositor desires to withdraw only the interest payable on any certificate or certificates, he shall be furnished with a blank order (Form PS 302). When the order, properly filled out and signed by the depositor, is returned to the postmaster, together with the certificate or certificates properly indorsed by the depositor, the postmaster shall proceed as provided in the leaflet, Form PS 100, paying the interest due, and delivering to the representative the new certificates issued in the name of the depositor for the amount of the principal. The order on Form PS 302 shall be filed with the depositor's card (Form PS 600).

(d) Death of depositor after signing authorization. If the death of a depositor occurs after he has signed an order for a withdrawal and before it has been presented for payment, the postmaster, if aware of such death, shall defer payment and proceed as provided in § 84.6.

§ 84.5 **Withdrawal by mail—(a) Application form.** When a depositor desires to make a withdrawal by mail of all or any part of the amount of any of his certificates, the postmaster at any depository office shall furnish him application blanks, Form PS 315, for requesting payment of all or part of the principal and any interest due on such certificates by money order, less the usual fee, or by check.

(b) Completion and forwarding of application and certificates. The applicant shall indorse the certificates and complete the application form, in duplicate, in the presence of any postmaster, who shall affix his signature to the application, as witness, and date it with the office stamp. The postmaster shall retain the duplicate of Form PS 315 to assist in the identification of the depositor on presentation of the money order or check for payment. The depositor shall forward the endorsed certificates and the original Form PS 315, at his own expense, preferably by registered mail, to the postmaster at the office where the account is held.

(c) Receipt to depositor. The depositor shall give a receipt on the certificate in the following form: "Received the amount of this certificate and \$----- interest due thereon." If any interest is due, the amount shall be entered in the receipt form on the certificate by the postmaster at the paying office.

(d) Procedure at paying office. The postmaster at the office where the certificates were issued, if satisfied as to the applicant's identity, shall follow the directions of the depositor on Form PS 315 as to payment and shall forward the amount withdrawn and any new certificates issued in exchange to him at the stated address, making payment either by a money order, less the usual fee, or by a check on the postmaster's authorized money-order credit with the Treasurer of the United States and using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted a credit with the Treasurer of the United States, he shall send to his central accounting postmaster, with a completed Form PS 320, any new certificates issued in exchange, and a postal-savings draft, Form PS 316, for all of the interest and as much of the principal as is to be paid and shall request the central accounting postmaster by means of Form PS 320-A to forward a check for the amount due direct to the depositor. If the depositor has requested that the mailing be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails

the withdrawal to the depositor. The payment of the certificates and interest shall be recorded as provided in §§ 84.12 to 84.15, inclusive, and the leaflet, Form PS 100. The application on Form PS 315 shall be filed with the depositor's card, Form PS 600.

(e) **Withdrawal of interest only.** When such a depositor desires to withdraw only the interest payable on any certificate or certificates, he shall be furnished with a blank application, Form PS 315-A. When the order has been properly filled out and signed, the depositor shall forward it with the certificate or certificates properly indorsed to the postmaster at the office where the account is held, as provided in § 84.4 (c). If the depositor's identity is satisfactorily established, the postmaster at the latter office shall proceed as provided in the leaflet, Form PS 100, and shall forward the amount of interest due to the depositor at the stated address by money order, less the usual fee, or by check on the postmaster's authorized credit with the Treasurer of the United States, together with the new certificates issued in lieu of those surrendered, using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted an authorized credit with the Treasurer of the United States, the paying postmaster shall draw a postal-savings draft, Form PS 316, for the full amount of interest due and forward it to the central accounting postmaster with (1) the new certificates issued in exchange, (2) Form PS 320, and (3) a request on Form PS 320-A that he forward the check for the amount due direct to the depositor. If the depositor has requested that the payment be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails the payment to the depositor. The order on Form PS 315-A shall be filed with the depositor's card, Form PS 600.

§ 84.6 **Payment of accounts of deceased or incompetent depositors—(a) Specific authority required.** Payment of the amount on deposit, or any part thereof, to the credit of a deceased, insane, or otherwise legally incompetent depositor shall not be made until specific authority therefor has first been obtained from the Third Assistant Postmaster General. After the death of a depositor his account shall not be increased by further deposits.

(b) **Application forms.** Application forms for the use of the next of kin, undertaker, preferred creditor, or consul may be obtained from the Third Assistant Postmaster General, Division of Postal Savings. In reporting the death of a depositor, or in requesting these forms, the postmaster shall state the name of the depositor and the amount on deposit, the interest due thereon, and any other information that may assist in the settlement of the account.

(c) **Designation of beneficiary.** A depositor may not designate a beneficiary to receive payment except through the formality of a will, and payment shall be made only to the person or persons authorized.

(d) **Accounts requiring administration—(1) Payable only to legal representative.** When the amount on deposit is such that more than \$500 will be available for distribution to heirs after allowing for payment of preferred claims, the amount due a deceased depositor in the final settlement of his account will be payable only to the legal representative duly appointed under the laws of the State in which the money is deposited, unless administration is not required by such State laws.

(2) **Proof of authority of legal representative required.** In case administration has been granted on the estate of a deceased depositor, or a depositor has been adjudged legally incompetent to handle his own affairs, the postmaster

shall obtain from the executor, administrator, or other legal representative and forward to the Third Assistant Postmaster General a certified copy of an order of a court of competent jurisdiction, or a certificate, showing that the person demanding payment has been appointed and qualified as such executor, administrator, or other legal representative. If proper authority is shown, the Third Assistant Postmaster General shall then authorize the postmaster to pay such legal representative the amount standing to the credit of the depositor, together with all interest payable thereon, upon indorsement of the certificates, as provided by § 84.6 (g).

(3) When appointment of legal representative in force more than one year. When the appointment of the legal representative has been in force for a period exceeding one year, the legal representative shall be required to obtain an additional certification, dated not more than sixty days prior to its submission to the department, from the clerk of the court or other proper official showing that his appointment still remains in full force and effect.

(e) Accounts not requiring administration—(1) Payment to next of kin or person paying funeral expenses. If a depositor dies intestate and the amount on deposit is small (\$500 or less, except where the laws of the State in which the money is deposited provide, either specifically or by court decision, for the payment of a larger amount without administration), the postmaster shall obtain an application for payment on Form PS 114 from one of the next of kin or the person who paid the funeral expenses. This form shall be executed in accordance with the instructions printed thereon and forwarded to the Third Assistant Postmaster General, Division of Postal Savings, who, if the application is approved, may authorize payment of the amount standing to the depositor's credit, with all interest payable thereon, to the person or persons legally entitled to receive it, upon indorsement of the certificates, as provided by § 84.6 (g).

(2) Payment of funeral expenses or other preferred claims. If the funeral expenses and other preferred claims have not been paid and no exemptions are created by the laws of the State in which the money is deposited, or if existing exemptions do not equal the amount on deposit, the postmaster shall obtain an application for payment on Form PS 115 from the undertaker who buried the depositor or from the other preferred creditor or creditors. This application, accompanied by a certification on Form PS 115-A as to the correctness of the claim, shall be forwarded to the Third Assistant Postmaster General, Division of Postal Savings, who may authorize payment to the proper person or persons.

(3) Waiver of requirements as to funeral expenses. When a depositor dies and is buried abroad, is lost at sea, perishes in some catastrophe that makes interment impossible, or is buried by the United States Government, a statement to that effect shall be made in the application for payment, in which event the requirements as to the funeral expenses will be waived.

(4) Application of consular officer for payment to alien heirs. In the event of the death intestate of a depositor residing in the United States who is survived by alien heirs residing abroad entitled to the amount on deposit or a portion thereof, the postmaster shall obtain an application for payment on Form PS 112 from the consular officer having jurisdiction in the case. This application shall be forwarded to the Third Assistant Postmaster General, Division of Postal Savings, and payment to the proper persons may be authorized.

(f) Upon death intestate of depositor residing abroad. In case of the death intestate of any depositor while residing abroad, application shall be made to the Third Assistant Postmaster General, Division of Postal Savings, for special instructions.

(g) **Receipt to be obtained.** Before making payment the postmaster shall obtain the signature of the payee (each payee, if more than one) on each of the postal-savings certificates, and his receipt for all interest due (if payment of interest has been authorized by the department), in the following form: "John Doe, by Richard Roe" (executor, widower, guardian, or other proper title).

(h) **Payment to be made in entirety at one time.** Payment of the account of a deceased or incompetent depositor shall be made in its entirety, at one time, and without delay. If for any reason a postmaster is unable to effect such payment, he shall withhold payment of the entire amount on deposit and report the facts to the Third Assistant Postmaster General, Division of Postal Savings.

(i) **Payment by mail.** Whenever funds are to be remitted by mail a money order for the amount, less the usual fee, or a check drawn on the Treasurer of the United States, whichever is requested by the payee, shall be used.

(j) **Authority for payment to be attached to certificates.** After payment has been made a memorandum (Sec. C, Form PS 113) shall be affixed to the certificates stating that "payment was made in accordance with authority contained in the letter from the Third Assistant Postmaster General dated _____." The certificates shall then be treated as paid and forwarded by the postmaster with his next monthly account current.

§ 84.7 **Withdrawal of bankruptcy funds deposits.** When payment is demanded, the certificates shall be indorsed by the officer or agent (or his successor, whose appointment must be evidenced by a decree of court) and, in addition, may be countersigned by another individual in his representative court capacity if such be the requirement of the referee having jurisdiction over the funds in question. As the amount involved is invariably large, the postmaster shall request the officer or agent to give advance notice of contemplated withdrawals so that he will have time to requisition the necessary amount from the Third Assistant Postmaster General, Division of Postal Savings.

§ 84.8 (Section number reserved.)

§ 84.9 **Payment from daily receipts.** Postmasters shall, if practicable, pay out of daily postal-savings receipts amounts withdrawn by depositors, including both principal and interest due.

§ 84.10 **Withholding of payment when in doubt; receipt for certificate.** If the postmaster is unable to satisfy himself as to the propriety of any payment, he shall transmit the certificate with a statement of the facts to the Third Assistant Postmaster General, Division of Postal Savings, after giving the holder a receipt on Form PS 305 for the certificate surrendered. The supply of Form PS 305 shall be kept by the postmaster or a designated official and shall be delivered to window clerks in quantities estimated as a week's supply. Before being turned over to a window clerk they shall be numbered in duplicate, and the clerk shall be required to account for each form disposed of.

§ 84.11 **Leaflet of instructions.** A copy of the leaflet, Form PS 100, containing full information concerning the authorized method of taking receipts for payments of interest and recording such payments, shall be kept readily available at all times for reference.

NOTE: The special procedure involved when a certificate is surrendered for payment of only part of the principal or for payment of only the interest due on a certificate is fully explained in the leaflet, Form PS 100.

§ 84.12 **Certificates to be stamped "Paid" and initialed.** Certificates when paid, either in full or in part, or when surrendered for payment of only the interest due, shall be stamped on the face with the special "Paid" date stamp furnished for the purpose. The stamp shall be maintained in good working order, and the

imprint shall clearly show the month, day, and year of payment. If the date of payment is not legible, the certificate shall be stamped again on the back in such manner that the date can be read. The employee making the payment shall place his initials on the face of each certificate along the right margin.

§ 84.13 Recording of payment on depositor's card. The transaction shall be recorded on the depositor's card (Form PS 600) by entering the date (day, month, and year) thereof, the total amount of the certificates surrendered, and the new balance on the next unused line. On the same form the date of the transaction and the respective amount of interest paid, if any, shall be entered in line with the serial number of each surrendered certificate. Depositors' cards on which withdrawals have been entered shall not be returned to the files until all accounts for the day are in balance.

§ 84.14 Custody of paid certificates. Paid postal-savings certificates shall not remain in the custody of the postal-savings window clerk; they shall be delivered daily to the postmaster or some designated official or clerk (see § 86.3 (c)), who shall be responsible for the protection of the vouchers and who shall be charged with the duty of preparing the monthly reports (see §§ 86.1 to 86.9, inclusive).

§ 84.15 Office records of paid certificates. At the close of each day's business or at such time during the day as may be convenient the postmaster shall enter the date of payment and serial numbers of the certificates paid under the proper denominations in Abstract B, which is bound in a book (Form PS 706) separate from other forms for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708-T/F), and enter the total amount of principal and total amount of interest paid in the daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices). The entries on depositors' cards shall be proved by adding the withdrawals made during the day and comparing the total with the total withdrawals shown by Abstract B. At the close of the month Form PS 706-A (detailed instructions for the preparation of which appear thereon) and all paid certificates, properly arranged, shall be forwarded with the postmaster's monthly account current. Abstract B shall be retained and become a part of the permanent files of the post office.

§ 84.16 Closed accounts. Whenever all certificates issued to a depositor have been paid, the depositor's card (Form PS 600), bearing the record of the account, shall be marked "Account closed" and placed in a separate file with other closed accounts in numerical order.

§ 84.17 Unclaimed and inactive accounts. (a) The board of trustees shall submit a report to Congress at the beginning of each regular session showing by States and Territories (for the preceding fiscal year) * * * the number and amount of unclaimed deposits. (Sec. 1, 36 Stat. 814; 39 U. S. C. 751.)

(b) Postmasters shall investigate and report to the department all inactive accounts—that is, accounts which show no transactions either in principal or interest—and in making such investigation shall follow carefully instructions contained in leaflet Form PS 160.

NOTE: Accounts that have been inactive 20 years and whose owners cannot be located will be reported to Congress by the board of trustees as unclaimed.

§ 84.18 Postal Savings bonds—(a) No further issue. Section 10 of the act establishing the Postal Savings System (39 U. S. C. 760) permitted depositors

to surrender their certificates and receive in lieu postal savings bonds issued by the Secretary of the Treasury. The amendment of February 4, 1935, to the Second Liberty Bond Act provides that no further original issue of postal savings bonds shall be made after July 1, 1935.

(b) **Purchase by Board of Trustees; assignment.** On the application of any holder of postal-savings bonds, the Board of Trustees will purchase them at their par value and accrued interest to date of purchase. Registered bonds thus offered for purchase shall be assigned to the "Board of Trustees, Postal Savings System." Assignments of postal-savings bonds may be witnessed by postmasters designated to receive postal-savings deposits and, *in the case of bonds assigned to the Board of Trustees of the Postal Savings System*, by assistant postmasters, postal cashiers, and money-order cashiers at offices designated to receive postal-savings deposits. In all cases where the assignment is witnessed by a postal official other than the postmaster, the form of signature to the certificate of acknowledgment should be the following: "John Doe, Postmaster, by Robert Roe, Postal Cashier." When an assignment is acknowledged by a postmaster or other postal official, an impression of the shield-shaped postal-savings stamp shall be made on the bond in the space provided in the "Transfer" clause for a seal.

(c) **Cashing of interest checks and coupons.** Checks and coupons covering interest on postal-savings bonds may be cashed by postmasters from postal or money-order funds in the same manner as other Government paper. They may also be cashed out of postal-savings funds, as provided by § 81.3.

PART 85—POSTAL SAVINGS FUNDS

Sec.	DEPOSITS AND REMITTANCES	Sec.	FUNDS TO MEET WITHDRAWALS
85.1	Depository banks.	85.4	Use of other than postal-savings funds.
85.2	Remittances to central accounting office.	85.5	Repayment of borrowed funds.
85.3	Deposits by central accounting postmaster.	85.6	Drafts on central accounting postmaster.
		85.7	Funds at central accounting and Washington, D. C., offices.

DEPOSITS AND REMITTANCES

§ 85.1 **Depository banks—(a) Authority for deposit—(1) In qualified banks.** Postal savings funds * * * shall be deposited in solvent banks, whether organized under national or State laws, * * * being subject to national or State supervision and examination * * *. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by Act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand: *Provided*, That no such security shall be required in case of such part of the deposits as are

insured under section 264 of title 12. (Sec. 2, 39 Stat. 159, as amended; 39 U. S. C. 759.)

(2) **If no local bank qualified.** If no * * * qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of sections 751-767 of this title in the bank most convenient to such locality. (Sec. 2, 39 Stat. 159, as amended; 39 U. S. C. 759.)

(b) **Classification of deposits in banks.** Notwithstanding any other provision of law, * * * postal savings depositories may deposit funds on time in member banks of the Federal Reserve System subject to the provisions of section 371b of title 12, and the regulations of the Board of Governors of the Federal Reserve System, with respect to the payment of time deposits and interest thereon. (Sec. 8, 36 Stat. 816, as amended; 39 U. S. C. 758.)

(c) **Order of preference in banks.** * * * The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of sections 751-767 of this title and the regulations made by authority thereof. * * * [The law governing the deposit of postal savings funds in insured banks will be found in 12 U. S. C. 265.] (Sec. 2, 39 Stat. 159, as amended; 39 U. S. C. 759.)

NOTE: Banks receiving deposits of postal-savings funds are required to qualify for that purpose in accordance with the regulations adopted by the board of trustees of the Postal Savings System under authority of the Postal Savings Act, 39 U. S. C. 751.

(d) **Approval for bank deposits.** All deposits of postal-savings funds in banks qualified under the law shall be made by the Third Assistant Postmaster General or at his direction.

(e) **Apportionment of bank deposits.** When more than one bank in any locality has qualified to receive postal-savings funds, the Third Assistant Postmaster General will deposit or direct the deposit of available funds, apportioned substantially according to the capital and surplus of the banks, until the deposits reach the maximum balance authorized for any bank.

§ 85.2 **Remittances to central accounting office—(a) Funds required to be remitted.** (1) Postmasters shall remit each day to the central accounting postmaster all surplus postal-savings funds when the amount on hand equals or exceeds \$50. Where practicable, remittances may be made by official check as provided in § 7.19; however, bank drafts may be used for this purpose by the postmaster in a city where a bank has been designated as general depository for Government funds and authorized by the Treasury Department to furnish the drafts without cost to the postmaster. A postmaster who remits surplus funds by bank draft or official check is authorized to retain until the next business day funds accumulated after the regular daily deposit in the bank, provided the safeguarding facilities of his office are adequate. The funds so retained shall be included in the next regular remittance unless used in the meantime

to meet withdrawals of postal-savings certificates and interest. At offices where the safeguarding facilities are inadequate, the postmaster shall make a special registered remittance of accumulated funds if an authorized dispatch is available.

(2) Postmasters shall not be required to remit to their central accounting offices surplus postal-savings funds in any amount less than \$50, except on the last day of the month in closing the account when all postal-savings cash on hand shall be disposed of. To facilitate replacement in the event of loss, postmasters shall keep adequate records of checks or drafts included in remittances or deposits.

(b) **Receipting and recording at central accounting office.** The postmaster at the central accounting office to whom postal-savings funds are sent shall issue a receipt on Form 990 for each remittance. The receipt shall be numbered and the number recorded on the remittance letter, Form 990. The amounts received shall be debited in the daily summary (Form PS 708, or, in lieu of the summary at the larger offices, Forms PS 630-A and PS 630-C/A) and the funds included with the next deposit to the credit of the Board of Trustees. The postmaster may use such funds to meet withdrawals by depositors at his own office. At a central accounting office equipped with cash accounting machine, the postmaster shall list remittances received on the monthly schedule of deposits, Form 989, using a separate form for each office. At the end of the month the total of the remittances received shall be listed alphabetically, by offices, on Form 991. At a central accounting office not equipped with cash accounting machine, the postmaster shall enter the amount of each remittance and the total for each office on Form 991. The total of the remittances received from all offices shall be shown by a debit entry on the monthly account current, Form PS 704.

(c) **Recording and reporting by remitting office.** The amount of funds remitted shall be credited by the remitting postmaster in his daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices) on the date of remittance and as business of the month in which the funds were received. The total of each month's remittances, which shall account for all of the surplus funds, shall be shown as a credit entry on the monthly account current (Form PS 704), and the date, amount, and receipt number of each such remittance shall be entered in Abstract C on the back of said form. The monthly account current shall not be delayed because all receipts on Forms 990 covering remittances for the month have not been received, but the report shall be forwarded promptly at the close of the month and the numbers of the missing receipts omitted.

(d) **Methods of making remittances.** If one or more local banks have been designated limited depositories for public funds by the Secretary of the Treasury, the postmaster shall deposit his surplus postal-savings receipts temporarily in such bank, as provided in § 7.19, and remit by official check, avoiding, so far as practicable, the purchase of bank drafts and cashier's checks. Where no bank has been designated as a depository for public funds, the postmaster shall remit in one of the following ways: (a) by drawing checks upon an account maintained with a local bank under § 7.19; (b) by purchasing a bank draft or cashier's check; or (c) by mailing funds, using registered mail if currency or coin is included. With the first and second methods, preference should be given to banks which are members of the Federal Deposit Insurance Corporation. Postmasters whose

official use of local banks in accordance with the above instructions is restricted or prevented because of service charges and central depository postmasters who are unable to negotiate without expense, or obtain immediate credit for, checks or drafts received as remittances, shall promptly inform the Third Assistant Postmaster General, Division of Postal Savings. Postmasters shall not use personal checks for the purpose of making remittances and they shall be held liable on their official bonds for any losses of postal-savings funds resulting from fault or negligence on their part.

(e) **Letter of transmittal.** All remittances of postal-savings funds to other post offices shall be accompanied by a letter of transmittal, Form 990, on which the remitting postmaster shall indicate the month in which the remittance will be credited. If the remittance includes currency, coin, or canceled savings stamps, it shall be made by registered mail and shall be prepared and dispatched in the manner required by § 7.10 for remittance of postal funds.

§ 85.3 **Deposits by central accounting postmaster.** The postmaster at a central accounting office in a city or town where a Federal Reserve bank, branch Federal Reserve bank, or general depository for public funds is located shall deposit his surplus receipts daily in such depository in the general account of the Treasurer of the United States to the credit of the board of trustees, Postal-Savings System, on account of miscellaneous deposits Symbol 42001, using certificate of deposit, Form 6549. The amount of funds deposited shall be credited by the postmaster in his daily records and the total of such deposits for each month shall be shown as a credit entry on the monthly account current (Form PS 704), and the date, amount, and receipt number of each such deposit shall be entered in Abstract C on the back of said form. The Postmaster at Washington, D. C., shall deposit his surplus receipts daily with the Treasurer of the United States.

FUNDS TO MEET WITHDRAWALS

§ 85.4 **Use of other than postal-savings funds.** In order to obtain funds to meet withdrawals of principal or interest in excess of his daily receipts, the postmaster shall borrow from the money order or postal account or from the postage stamp fixed credit, or shall check on the money-order credit with the Treasurer of the United States, if a credit has been granted. Memoranda (Form PS 622-A) to cover such temporary advances to the postal-savings account shall be placed with the money-order funds or postal funds or postage stamp fixed credit, as the case may be, and held until reimbursement shall have been made.

§ 85.5 **Repayment of borrowed funds.** The postmaster shall repay such advances from surplus postal-savings funds subsequently received, and, except at Washington, D. C., and central accounting offices, at the end of each month shall draw a postal-savings draft, Form PS 316, for any amount still due and forward it to the central accounting office as surplus money-order or postal funds, or in adjustment of the postage stamp fixed credit. The money order or postal account or postage stamp fixed credit shall always be completely reimbursed at the end of each month. The postmaster shall debit in the daily summary (Form PS 708, or, in lieu of the summary, Form PS 630-A and Form PS 630-C/A at the larger offices) the total amount of funds borrowed each day and shall credit in that record the total amount repaid but shall not reflect such temporary advances and the repayments thereof on his reports to the department.

§ 85.6 **Drafts on central accounting postmaster—(a) Method of drawing.** If no money-order funds, including an authorized credit, postal funds, or postage

stamp fixed credit funds are available, the postmaster shall draw a draft, Form PS 316, on his central accounting postmaster to obtain the necessary funds. The postmaster shall send the draft direct to the central accounting postmaster for cash or a check, as desired, or shall cash it at a local bank or business house, if accepted without charge for exchange. When an office is transferred, the outgoing postmaster shall draw a draft, Form PS 316, to complete the reimbursement of the money-order or postal account or postage stamp fixed credit for any amount advanced.

(b) **Recording and reporting of drafts drawn.** When a postmaster draws a draft (Form PS 316) on the designated central accounting postmaster, he shall debit the amount of the draft on the line provided in his daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices). A similar debit entry shall be shown on the monthly account current, Form PS 704, and the date, number, and amount shall be entered in Abstract D on the back of said form. The stubs of drafts, Form PS 316, shall be retained on file.

(c) **Payment at central accounting office—(1) Treatment of drafts.** The postmaster at a central accounting post office, on receiving with a postal, money-order, or postage stamp fixed credit remittance a postal-savings draft properly signed and endorsed by a postmaster authorized to draw on him, shall transfer postal-savings funds in the amount of the draft to the account to be credited with the remittance. On receiving through banking channels or direct from a drawing postmaster a draft properly signed and endorsed by a postmaster authorized by § 85.6 (a) to draw postal-savings drafts for the purpose of obtaining funds to meet postal-savings withdrawals, the central accounting postmaster shall pay the draft from his current postal-savings receipts or, if they are insufficient, from money-order or postal funds as provided in § 85.7. He shall use transmittal letter, Form PS 319, in transmitting funds to the drawing postmaster, and if currency or coin is included, the funds shall be sent by registered mail and the remittance shall be prepared and dispatched in the manner provided in § 7.10. (See § 84.5 for the use of drafts in withdrawals by mail.)

(2) **Recording of payments.** When a postmaster at a central accounting office honors drafts drawn by other postmasters, he shall credit the total amount of such drafts on the line provided in his daily summary (Form PS 708 or, in lieu of the summary at the larger offices, Forms PS 630-A and PS 630-C/A). The total of all drafts honored each month shall be shown by a credit entry on the monthly account current, Form PS 704. Each draft shall be described on the monthly schedule of deposits, Form 989, and the total for each office shall be entered on the schedule of deposits and withdrawals, Form 991. At central accounting offices not equipped with cash accounting machines, the postmaster shall enter the amount of each draft and the total for each office on Form 991. Form 991, together with the Forms 989 and all drafts paid during the month, shall be forwarded in envelope Form 908 promptly after all business for the month has been recorded to the Third Assistant Postmaster General, Division of Postal Savings. This report shall not be enclosed with the monthly account current.

§ 85.7 **Funds at central accounting and Washington, D. C., offices.** The postmaster at Washington, D. C., or at a central accounting post office, shall use money order or postal funds, as provided in § 85.4, when sufficient postal-savings funds are not on hand to meet withdrawals by depositors. He shall obtain funds

needed to reimburse the money order or postal account from the Third Assistant Postmaster General and shall requisition such funds in ample time to insure complete reimbursement of the money order or postal account at the end of each month, and in sufficient amount to meet the estimated needs of his office. Any excess over the amount immediately needed for reimbursing purposes shall be held as cash in the post office or shall be deposited, wholly or in part, in a temporary checking account as provided in § 7.19. The postmaster at Washington, D. C., or at a central accounting office may hold as cash or deposit in such temporary checking account the current postal-savings receipts in reasonable anticipation of early needs.

PART 86—SUPPLIES, RECORDS, REPORTS, AND MISCELLANEOUS

Sec.	SUPPLIES	Sec.	
86.1	Supplies furnished only to designated depositaries.	86.6	Monthly reports.
86.2	Requisitions and communications.	86.7	Statistical reports.
86.3	Verification of shipment and accountability.	86.8	Change of postmasters.
86.4	Lost, damaged, or destroyed certificates.	86.9	Loss of records by fire, burglary, or otherwise.
	RECORDS AND REPORTS	86.10	At branches and stations.
86.5	Daily summary of transactions.		MISCELLANEOUS
		86.11	Disputed ownership of postal savings accounts.
		86.12	Privacy of accounts.

SUPPLIES

§ 86.1 **Supplies furnished only to designated depositaries.** No postmaster shall be furnished with postal-savings supplies of any kind until his office shall have been designated as a postal-savings depository.

§ 86.2 **Requisitions and communications.** (a) All requisitions for postal-savings certificates shall be made on Form 4620, addressed to the Fourth Assistant Postmaster General, Division of Equipment and Supplies. Requisitions for general stock supplies shall be made on the designated supply office in accordance with instructions issued by the department.

(b) Postmasters shall keep on hand a sufficient quantity of postal-savings certificates to meet the public demand, and of such other supplies as may be necessary to enable them to transact all postal-savings business promptly.

(c) In each communication relating to postal-savings supplies received the postmaster shall refer to the date of the invoice.

(d) Requisitions to replace postal-savings certificates which have been stolen, destroyed, or rendered unserviceable from any cause shall be made in the usual manner, except that the requisition shall be plainly marked "to replace stock lost or damaged."

§ 86.3 **Verification of shipment and accountability—(a) Opening and counting upon receipt.** Packages of the general numerical series of postal-savings certificates shall, on receipt, be opened and counted by the postmaster or his authorized

representative. If the shipment is not in agreement with the accompanying invoice, Form PS 325, the postmaster shall immediately make a report of the discrepancy, with the invoice attached, to the Fourth Assistant Postmaster General, Division of Equipment and Supplies, and hold the shipment for instructions. Shipments of certificates of a separate numerical series with the name of the post office or station printed thereon shall, on receipt, be checked against the invoice, Form PS 560, for number of books of certificates and correctness of inclusive serial numbers. When a book of certificates is delivered to a clerk for use at a window, the clerk shall count the individual certificates and examine them for sequence of serial numbers and agreement with the inclusive numbers on the cover. The postmaster shall inform the Third Assistant Postmaster General, Division of Postal Savings, promptly of any discrepancies in such shipments of this special numerical sequence of certificates.

(b) **Charge regardless of condition.** Upon receipt of postal-savings certificates the postmaster shall immediately charge himself with the face value thereof, regardless of their condition, on the lines provided in the postal-savings certificate-form account of his daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices) and make similar entries in his next monthly account current.

(c) **Accountability.** Postmasters shall be held accountable for all postal-savings certificates sent them for issue. Ordinarily not more than one book of blank certificates of any series shall be furnished at one time to the postal-savings clerk for use at the window unless the issues of any series in a week usually exceed one book, in which event the postmaster shall furnish an additional book or books as needed. The postmaster shall retain in his personal custody the supply of blank certificates not in use at the window or shall designate some official or clerk, other than the clerk engaged in postal-savings window work, who shall be responsible for the safeguarding of the blank certificates. (See § 84.14.) Postal-savings certificates shall not be loaned or sold by one postmaster to another. They shall in all cases be obtained by requisition as provided in § 86.2 (a).

(d) **Protection of stock and records.** Postal-savings certificates and record books shall be well protected and kept in good condition.

§ 86.4 **Lost, damaged, or destroyed certificates—(a) Treatment if damaged.** If postal-savings certificates are received in a damaged condition, or become damaged by fire or otherwise while in the possession of a postmaster, they shall be treated as "spoiled" and sent to the Third Assistant Postmaster General, Division of Postal Savings, with the next monthly account current (Form PS 704). An itemized statement of the quantity returned, giving the serial numbers and containing a full explanation of the damage, shall accompany the certificates. Credit shall be claimed in the account with which the certificates are forwarded.

(b) **Report if stolen or destroyed.** When blank postal-savings certificates are stolen or destroyed, the postmaster shall report the serial numbers at once to the post office inspector in charge of the division in which the post office is located, and to the Third Assistant Postmaster General, Division of Postal Savings, who shall furnish the postmaster with a form for use in certifying to the loss, and on return of such certification the postmaster shall claim credit for the loss in his accounts if such action is found to be proper.

RECORDS AND REPORTS

§86.5 **Daily summary of transactions—(a) Forms.** The postmaster at a depository office shall keep a daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices) in which he shall enter daily all postal-savings funds received and disbursed, all postal-savings certificates received, issued, and otherwise disposed of, and other information concerning the postal-savings transactions at his office required by these regulations.

(b) **Certificates issued.** Certificates as issued shall be entered individually on the depositors' cards (Form PS 600), as provided by § 82.17. The inclusive serial numbers of certificates issued shall be entered daily on Abstract A, which is furnished in loose-leaf form (Form PS 705) for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708-T/F), as required by § 82.19.

(c) **Certificates paid.** Certificates paid shall be entered on the depositors' cards (Form PS 600) and on Abstract B, which is bound in a book (Form PS 706) separate from other forms for first- and second-class offices, but which at third- and fourth-class offices is in the daily summary (Form PS 708-T/F), as provided by § 84.15.

(d) **Interest paid.** Interest payments on certificates shall be entered on the depositors' cards and the total payments carried daily to the daily summary or, at the larger offices, to Forms PS 630-A and PS 630-C/A, as provided in § 84.13.

(e) **Proved totals of daily transactions.** The value of certificates issued and paid shall be proved daily and the totals carried to the daily summary or, at the larger offices, to Forms PS 630-A and PS 630-C/A, as provided by §§ 82.19 and 84.15.

(f) **Balance to be proved.** The daily summary shall be closed daily, all items of receipt and disbursement verified, and all balances proved. No entry need be made on days when no postal-savings business is transacted, but at the top of the page on which subsequent business is recorded the dates on which no business was transacted shall be noted. When no business is transacted for several consecutive days, the inclusive dates shall be shown. When no business is transacted during a calendar month, the entry of such dates indicating no business shall be omitted. (See instructions on the inside cover of the form.)

§86.6 **Monthly reports—(a) Requirements.** At the close of business on the last day of each month the postmaster shall prepare an account current on Form PS 704 by combining items shown in his daily summary (Form PS 708 at first- and second-class offices; Form PS 708-T/F at third- and fourth-class offices; but, in lieu of the summary, Forms PS 630-A and PS 630-C/A at the larger offices). The number of certificate forms of each denomination on hand at the close of the month and their value shall be verified by an actual count of the stock before the report is rendered. The balance in the summary of depositors' accounts shall be verified at least once every 6 months by adding the balances to the credit of the individual depositors, as shown by the depositors' cards (Form PS 600). After preparation the account current shall be carefully checked and promptly forwarded with abstract of certificate transactions (Form PS 706-A), all paid certificates, special interest vouchers, spoiled certificates, and other supporting vouchers to the Third Assistant Postmaster General, Division of Postal Savings, by ordinary mail, in the special envelope (Form PS

331) provided for that purpose. The Third Assistant Postmaster General may modify the requirements concerning postal-savings records and reports with respect to the larger post offices.

(b) Discovery of errors. If the total of balances to the credit of the individual depositors, as shown by the depositors' cards (Form PS 600), does not agree with the amount shown by item No. 39 of the summary of depositors' accounts, the following action shall be taken at once to discover the errors:

(1) Examine depositors' cards (Form PS 600) to see that no errors in addition or subtraction have been made. If the error is not discovered in this operation, then—

(2) Check the entries on depositors' cards (Form PS 600) with the records of certificates issued and paid.

(3) If the two items are not brought into balance within a reasonable time, that fact shall be reported to the Third Assistant Postmaster General, Division of Postal Savings, who shall furnish additional instructions.

(c) When no transactions. If no business is transacted during any month, an account current (Form PS 704), showing the cash, stock, and depositors' balances, shall be forwarded, and the words "No business transacted" written across the face of the cash account.

(d) Signing of account current. The account current shall be signed in ink by the postmaster, or in his absence by the assistant postmaster or other representative designated in accordance with §§ 24.9 and 24.10.

§ 86.7 Statistical reports—(a) Instructions. Promptly after the close of business each month the postmaster shall mail to the Third Assistant Postmaster General, Division of Postal Savings, a card (Form PS 541) containing statistical information concerning the postal-savings transactions of his office. This report shall be prepared in accordance with the instructions printed thereon.

(b) When no transactions. If there have been no transactions during any month, a report on form PS 541 shall be forwarded showing the total number of accounts remaining open and the balance to the credit of depositors. The words "No business transacted" shall be written across the face of the card.

§ 86.8 Change of postmasters—(a) Receipt of new postmaster for stock and cash transferred. When a change of postmasters occurs, the retiring postmaster shall deliver all unissued postal-savings certificates and cash on hand to his successor, who shall make a careful inventory thereof and deliver to the retiring postmaster a receipt in duplicate (form furnished by department with instructions) for the stock and cash actually received by him. The receipt shall be dated as of the day on which the retiring postmaster relinquished charge of the office. The incoming postmaster shall also check the amounts received for with the balances shown in the daily summary, Forms PS 708 or PS 708-T/F (Forms PS 630-A and PS 630-C/A at the larger offices) and the retiring postmaster's final account current (Form PS 704), and if a discrepancy is found which cannot be reconciled, the matter shall be reported at once to the Third Assistant Postmaster General, Division of Postal Savings.

NOTE: See § 85.5 as to replacement of borrowed funds.

(b) Final report and action of retiring postmaster. The retiring postmaster shall forward the original receipt with his final report to the Third Assistant Postmaster General, Division of Postal Savings. He shall deliver to his successor

all postal-savings records, blank forms, dating stamps, and instructions which have been received from the department.

(c) **Separate reports for part months.** When a change occurs during the month, each postmaster shall render a separate report covering that part of the month for which he has served.

(d) **When postmaster succeeds self or is recommissioned.** If a postmaster is commissioned to succeed himself as acting postmaster or if a postmaster is recommissioned under a new bond, a receipt (form furnished by department with instructions), in duplicate, shall be prepared by the postmaster as of the date on which he assumed charge under the new commission, which date shall not be prior to the day on which the new commission is received from the department. If a postmaster or acting postmaster continues under a renewal bond, a receipt, in duplicate, shall be prepared as of a date not prior to the day on which notice of the acceptance of the new bond is received from the department. If, in any case, such change occurs during a month, separate reports (see § 86.8 (a)) shall be rendered covering the respective parts of the month in which the old and the new commissions or bonds were operative. The original receipt shall be forwarded to the Third Assistant Postmaster General, Division of Postal Savings, with the final report submitted under the old commission or bond, and the duplicate receipt shall be retained.

§ 86.9 **Loss of records by fire, burglary, or otherwise.** (a) The postmaster shall report promptly to the Third Assistant Postmaster General, Division of Postal Savings, any loss of postal-savings records by fire or burglary or in any other manner.

NOTE: See § 25.12 as to reporting losses.

(b) The postmaster shall keep on file in his office copies of all reports and accompanying abstracts.

§ 86.10 **At branches and stations—**(a) Usual postal-savings records to be maintained. The usual records of postal-savings transactions shall be kept at each branch and station designated as a postal-savings depository except that, in the case of offices operating under the two-division plan, the postmaster may authorize the station or branch superintendent to dispense with the daily summary (Form PS 708), provided satisfactory arrangements are made to retain permanently duplicate copies of the daily report (Form PS 621). The superintendent of each station and branch shall submit a report to the postmaster on Form PS 621 for each work day, but the postmaster may authorize the superintendent to use Form PS 621-B on days when no business is transacted. The report on Form PS 621 shall be accompanied by the net postal-savings receipts of the day and all vouchers covering the day's transactions, and shall be dispatched in time to permit the funds remitted to be included in the postmaster's deposit or remittance on the following day. If accompanied by a remittance containing currency or coin, the report shall be sent by registered mail, properly witnessed as to count, sealing, and dispatch.

(b) **Daily reports to main office.** The postmaster shall prepare a daily report on Form PS 621 covering postal-savings business at the main office. The day's business for the entire postal district shall be summarized at the main office, and the daily summary, Form PS 708, kept at the main office (Forms PS 630-A and PS 630-C/A at the larger offices), shall be a record of the business transacted there and at stations and branches. At the close of each month the postmaster shall prepare and forward to the Third Assistant Postmaster General, Division of Postal Savings, a consolidated account current (Form PS 704) covering the

business of the main office and all stations and branches, as shown by the daily summary (Form PS 708) or, at the larger offices, by the daily report of the auditor (Form PS 630-C/A). Individual abstracts of certificate transactions (Form PS 706-A), with supporting vouchers, for the main office and for each station and branch, shall be submitted with the consolidated report on Form PS 704. The postmaster may require superintendents at stations and branches to prepare this abstract and submit it to him for transmission.

(c) **Funds to meet withdrawals and daily remittances.** (1) The superintendent of a station or branch may be authorized by the postmaster to use postal or money-order funds in paying postal-savings certificates and to submit to the main office as a part of the daily remittance of postal or money-order funds a memorandum slip (Form PS 622) debiting postal-savings funds to the amount of other funds used. On receipt of this memorandum at the main office the necessary adjustment shall be made between the funds involved. Remittances from a station or branch to the main office may, with the approval of the postmaster, be made in the form of checks or drafts, as provided by § 85.2 (d).

(2) The postmaster shall arrange to transmit to the station or branch such postal-savings cash as may be needed to meet withdrawals in excess of its available funds.

(d) **Supplies and certificates—(1) Furnishing of by main office.** Stations and branches shall be furnished from the main office with postal-savings certificates and other supplies, and a separate account shall be kept at the main office showing the distribution of all certificates to the main office, stations, and branches. Postal-savings certificates transferred to or returned by a station or branch shall be accounted for at the station or branch by appropriate entries in the postal-savings-certificate form account of the daily summary. Superintendents of stations or branches shall use Form PS 311 when requisitioning postal-savings certificates from the main office. Stock shipped from the main office to stations or branches shall be accompanied with an invoice, Form PS 312.

(2) **Control of certificate blanks.** The supply of postal-savings certificates furnished stations or branches shall be held at the main office until such certificates are actually needed, record of the stock for each station or branch being kept on Form PS 310. Certificates furnished on requisition to stations or branches shall ordinarily consist of not more than one book of any series, except in cases where the issues in a month usually exceed one book. In such cases the postmaster is authorized to furnish an additional book or books, as needed. The clerk in charge of the supply of certificates at the main office and the clerk receipting for the certificates at the station or branch shall each make a careful examination of each book to see that there are no missing certificates.

(e) **Qualification of local banks for deposits.** Local banks in a town served by a branch post office transacting postal-savings business may qualify for the deposits. (See § 85.1 (d).)

(f) **Statistical reports.** A single statistical report on card Form PS 541 shall be forwarded showing the consolidated business of the main office, stations, and branches.

MISCELLANEOUS

§ 86.11 **Disputed ownership of postal savings accounts—(a) Adjudication by courts.** The final judgment, order, or decree of any court of competent jurisdiction adjudicating any right or interest in

the credit of any sums deposited by any person with a postal savings depository if the same shall not have been appealed from and the time for appeal has expired shall, upon submission to the Postmaster General of a copy of the same, duly authenticated in the manner provided by the laws of the United States for the authentication of the records and judicial proceedings of the courts of any State or Territory or of any possession subject to the jurisdiction of the United States, when the same are proved or admitted within any other court within the United States, be accepted and pursued by the board of trustees as conclusive of the title, right, interest, or possession so adjudicated, and any payment of said sum in accordance with such order, judgment, or decree shall operate as a full and complete discharge of the United States from the claim or demand of any person or persons to the same. (Sec. 17, 36 Stat. 819; 39 U. S. C. 767.)

NOTE: This law is held to provide for recognizing the judicial determination of cases involving the disputed ownership of postal-savings deposits, but since moneys accepted by the Government under the postal-savings act assume the nature of public funds they are not subject to ordinary proceedings of attachment, garnishment, or execution. (*Buchanan v. Alexander*, 4 Howard U. S. 19; 14 Am. & Eng. Ency. Law 814; Shinn, Attachment and Garnishment, sec. 505; *Bell-Dowlen Mills v. Draper*, 296 U. S. 633.) In order to be recognized as affecting the title to postal-savings deposits, the judgment, order, or decree of the court must establish specifically the ownership of the postal-savings deposits in controversy.

(b) **Legal proceedings to be reported.** Postmasters shall promptly report to the Third Assistant Postmaster General, Division of Postal Savings, any claim made or legal proceedings instituted for the purpose of affecting the payment of postal-savings deposits, forwarding at the same time any legal papers served upon them in connection therewith. Payment of withdrawals involving disputed accounts shall be withheld pending instructions from the department. (See § 41.9.)

§ 86.12 Privacy of accounts. (a) No person connected with the Post Office Department shall disclose to any person other than the depositor the amount of any deposits, unless directed so to do by the Postmaster General. (Sec. 12, 36 Stat. 818; 39 U. S. C. 762.)

(b) Postmasters and postal employees shall not disclose the name of any postal-savings depositor, nor give any information concerning a particular account, to any person other than the depositor himself, unless specially authorized to do so by the Third Assistant Postmaster General, except when a depositor is deceased or has been adjudged mentally incompetent in which case information relative to the amount on deposit may be furnished to the duly appointed legal representative or the next of kin: *Provided*, That nothing in this regulation shall prohibit the giving of such information to post office inspectors.

NOTE: See § 41.4 as to giving information about mail matter, etc.

Title Ten

TRANSPORTATION OF THE MAILS

Part	Part
90 Post roads and establishment of mail service	95 Service by pneumatic tubes or similar devices
91 Government monopoly of mail transportation	96 Airmail service
92 Transportation of mails by railroads	97 Star, steamship, and steamboat routes, and vehicle service in cities
93 Transportation of mails by urban and interurban electric railway common carriers	98 Examination of reports of service performed; deductions and fines
94 Mail-messenger service	99 Mail equipment

PART 90—POST ROADS AND ESTABLISHMENT OF MAIL SERVICE

Sec.	Sec.
90.1 Post roads.	90.6 Mail retarded or endangered by bulk.
90.2 Provisions for carrying mail on post roads.	90.7 Discontinuance of mail service on any post road.
90.3 County seats to be supplied with mail.	90.8 Persons not permitted to become contractors.
90.4 Transportation of mail to and from post offices.	90.9 Display of weather signals on vehicles transporting mail.
90.5 Transportation of domestic mail through foreign countries.	

§ 90.1 Post roads. (a) The following are established post roads: All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads and all air routes which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank roads, during the time the mail is carried thereon.

The road on which the mail is carried to supply any courthouse which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster General for extending the line of posts to supply mails to post offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. (R. S. 3964, as amended; 39 U. S. C. 481.)

(b) All public roads and highways while kept up and maintained as such are post routes. (23 Stat. 3; 39 U. S. C. 482.)

NOTE: Prior to the act of March 1, 1884, all post roads were established by specific acts of Congress; but inasmuch as all public roads and highways, while kept up and maintained as such, are now post routes, this is no longer necessary.

§ 90.2 Provisions for carrying mail on post roads. The Postmaster General shall provide for carrying the mail on all post roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper. (R. S. 3965; 39 U. S. C. 483.)

NOTE: As under the act of March 1, 1884 (§ 90.1 (b)), all public roads while kept up and maintained as such are now post roads, the statute must be read in the light of this fact. The statutes under this chapter authorizing contracts for mail service apply to the various classes of transportation.

§ 90.3 County seats to be supplied with mail. The Postmaster General shall cause a mail to be carried from the nearest post office on any established post road to the courthouse of any county in the United States which is without a mail. (R. S. 3966; 39 U. S. C. 484.)

§ 90.4 Transportation of mail to and from post offices. The Postmaster General may, when he deems it advisable, contract for the transportation of the mails to and from any post office. * * * (R. S. 3975; 39 U. S. C. 493.)

§ 90.5 Transportation of domestic mail through foreign countries. The Postmaster General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor. (R. S. 4006; 39 U. S. C. 651.)

§ 90.6 Mail retarded or endangered by bulk. When the amount of mail matter to be carried on any mail route is so great as to seriously retard the progress or endanger the security of the letter mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster General may provide for the separate carriage of the letter mail at the usual rate of speed; but the other mail matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for effecting the same. (R. S. 3994, as amended; 39 U. S. C. 501.)

§ 90.7 Discontinuance of mail service on any post road. Whenever, in the opinion of the Postmaster General, the postal service cannot be safely continued, the revenues collected, or the laws main-

tained on any post road, he may discontinue the service on such road or any part thereof until the same can be safely restored. (R. S. 3974; 39 U. S. C. 492.)

§ 90.8 Persons not permitted to become contractors. (a) No postmaster, assistant postmaster, or clerk employed in any post office shall be a contractor or concerned in any contract for carrying the mail. (R. S. 3850, as amended; 39 U. S. C. 52.)

NOTE: See § 6.5 (f) for exception.

(b) No postmaster, assistant postmaster, or clerk in a post office, nor any member of the immediate family of a postmaster or assistant postmaster, shall be permitted to become a bidder, or contractor, or subcontractor, or to receive compensation for carrying the mails. (See §§ 4.5 and 92.44.)

NOTE: See § 94.6 (a) (2) as to contracts by employees of the postal service and special-delivery messengers for mail-messenger service; § 130.36 as to penalty for being interested in contract or acting as agent for contractor.

§ 90.9 Display of weather signals on vehicles transporting mail. The Secretary of Commerce, in cooperation with the Postmaster General, may arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, and so forth, to be furnished by the Chief of the Weather Bureau. (29 Stat. 108, as amended; 15 U. S. C. 318.)

PART 91—GOVERNMENT MONOPOLY OF MAIL TRANSPORTATION

Sec.	PRIVATE EXPRESS: CARRYING OF LETTERS OUTSIDE OF MAIL BY COMMON CARRIERS, VESSELS, MAIL CARRIERS, ETC.	Sec.	
		91.8	Conveyance of newspapers out of mail.
		91.9	Receipt by carrier of matter for mailing.
91.1	Government monopoly of mail transportation.	91.10	Carrying of letters out of mail on vessels.
91.2	When conveyance of mail by private persons is lawful.	91.11	Report of illegal carrying of mail.
91.3	Requirements when letters are carried out of mail.	91.12	Authorization to make searches for illegally transported mail.
91.4	Transportation of persons unlawfully conveying mail.	91.13	Authorization for search of vessels and seizure of letters.
91.5	Sending of letters by private express.	91.14	Seizure and detention of letters illegally carried.
91.6	Carrying of letters out of mail over post roads.	91.15	Forfeiture to United States of seized packages containing unlawfully concealed letters.
91.7	Illegal carrying of mail by persons in mail service.		

PRIVATE EXPRESS: CARRYING OF LETTERS OUTSIDE OF MAIL BY COMMON CARRIERS, VESSELS, MAIL CARRIERS, ETC.

§ 91.1 Government monopoly of mail transportation—(a) Conveyance of mail by private express. Whoever establishes any pri-

vate express for the conveyance of letters or packets, or in any manner causes or provides for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place to any other city, town, or place, between which the mail is regularly carried, shall be fined not more than \$500 or imprisoned not more than six months, or both.

This section shall not prohibit any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter any mail matter properly stamped. (62 Stat. 777; 18 U. S. C. 1696.)

(b) Letters delivered to post offices in bulk for mailing. Postmasters may accept for mailing letters delivered to them in bulk by freight, express, mail, or messenger: provided that each of such letters bears the return card of a person or firm located within the delivery limits of their offices: and provided further, that each of such letters is duly directed and properly sealed and bears the proper postage, which should be purchased at the office of mailing.

NOTE: The Congress, under authority of the Constitution (sec. 1), has vested in the Post Office Department an absolute monopoly of the transportation of letters and packets by regular trips or at stated periods over all post routes. The above proviso and section make certain exceptions to the general statute. The term "packet" now has only historical significance. At one time a correspondence limited to a single sheet was called a single letter; two sheets a double letter; and three sheets a triple letter. All such communications composed of four or more sheets were called a packet. (*Williams v. Wells Fargo & Co. Express*, 177 Fed. 352.) The Government monopoly does not extend to all matter admitted to the mails but only to letters. Letter-carrier routes are post routes. (See § 90.1.)

See § 130.58 as to penalty for obstruction and detention of mails; § 130.57 as to penalty for use of sign "U. S. Mail," etc.; § 18.47 as to recovery of penalties.

§ 91.2 When conveyance of mail by private persons is lawful.

This chapter shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. Whenever more than twenty-five such letters or packets are conveyed or transmitted by such special messenger, the requirements of section 500 of Title 39, shall be observed as to each piece. (62 Stat. 777; 18 U. S. C. 1696.)

§ 91.3 Requirements when letters are carried out of mail. All letters enclosed in envelopes with embossed postage thereon, or with postage stamp or stamps affixed thereto, by the sender, or with the metered indicia showing that the postage has been prepaid, if the postage thereon is of an amount sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope, and that where stamps are affixed they be canceled with ink by the sender. But the Postmaster

General may suspend the operation of this section or any part thereof upon any mail route where the public interest may require such suspension. (R. S. 3993, as amended; 39 U. S. C. 500.)

NOTE: See § 35.4 for conditions governing metered mail.

§ 91.4 Transportation of persons unlawfully conveying mail.

Whoever, having charge or control of any conveyance operating by land, air, or water, knowingly conveys or knowingly permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them contrary to law, shall be fined not more than \$150. (62 Stat. 777; 18 U. S. C. 1697.)

§ 91.5 Sending of letters by private express. Whoever transmits by private express or other unlawful means, or delivers to any agent thereof, or deposits at any appointed place, for the purpose of being so transmitted any letter or packet, shall be fined not more than \$50. (62 Stat. 777; 18 U. S. C. 1696.)

§ 91.6 Carrying of letters out of mail over post roads—(a) Penalty. Whoever, having charge or control of any conveyance operating by land, air, or water, which regularly performs trips at stated periods on any post route, or from one place to another between which the mail is regularly carried, carries, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such conveyance, or to the current business of the carrier, or to some article carried at the same time by the same conveyance, shall, except as otherwise provided by law, be fined not more than \$50. (62 Stat. 776; 18 U. S. C. 1694.)

NOTE: See § 91.3 as to transportation outside of mail of letters inclosed in stamped envelopes; § 91.1 as to ship letters; § 18.47 as to recovery of penalties.

(b) Letters which may be carried by common carrier outside mails. A railroad or steamboat company or other common carrier may carry outside of the mails letters written and sent by its officers and agents which relate to its business only, without inclosing the same in stamped envelopes. Such letters may be to other of such carriers' officers and agents, to those of connecting lines, or to anyone else, so long as no other carrier intervenes.

(c) Letters for connecting line. Letters of a company or carrier addressed to officers or agents of a connecting line on business relating to such company or carrier and delivered to an agent of the latter at the point of connection may be carried, and such carriage continued by the connecting company or carrier.

(d) Letters for eating house. Letters written by a railroad company and addressed to the manager of an eating house operated by such company, or written by him and addressed to the company, may be carried.

(e) Letters which cannot be carried outside mails. No company or carrier, or any officer or employee thereof, may carry outside of the mails letters which are neither written by the company or carrier nor addressed to it. The fact that letters relate to through business over the lines of all companies or carriers

transporting the same shall not warrant a company in carrying such letters from one of its connecting lines to another.

(f) Right of individual railroads to carry letters outside mails is not extended to system. Where companies or corporations operating railroads are united as a system of railways, the right to carry letters outside of the mail without payment of postage shall remain as an appurtenant of the individual companies or corporations composing the system, and shall not by reason of the union into a system become the right of the system.

§ 91.7 Illegal carrying of mail by persons in mail service. Whoever, being concerned in carrying the mail, collects, receives, or carries any letter or packet, contrary to law, shall be fined not more than \$50 or imprisoned not more than thirty days, or both. (62 Stat. 776; 18 U. S. C. 1693.)

§ 91.8 Conveyance of newspapers out of mail. Contractors or mail carriers may convey, out of the mail, newspapers for sale or distribution to subscribers. (R. S. 3888; 39 U. S. C. 254.)

NOTE: Postage on such newspapers when placed in post office must be paid by stamps affixed or by money under the permit system at the transient second-class rate. (See § 34.42.) The United States only assumes a monopoly of the transportation of letters and packets. (See § 91.1.)

§ 91.9 Receipt by carrier of matter for mailing. Every railway postal clerk or other carrier of the mail shall receive any mail matter presented to him if properly prepaid by stamps, and deliver the same for mailing at the next post office at which he arrives; but no fees shall be allowed him therefor. (R. S. 3980, as amended; 39 U. S. C. 495.)

NOTE: All railway post-office cars and all mail apartments in cars and steamboats are post offices for the distribution of mail in transit, and mail matter placed therein is deposited in a post office.

See § 108.2 as to acceptance of mail from public by railway postal clerks.

§ 91.10 Carrying of letters out of mail on vessels. Whoever carries any letter or packet on board any vessel which carries the mail, otherwise than in such mail, shall, except as otherwise provided by law, be fined not more than \$50 or imprisoned not more than thirty days, or both. (62 Stat. 777; 18 U. S. C. 1695.)

§ 91.11 Report of illegal carrying of mail. Whenever a postmaster, or other officer of the Postal Service, receives information or has good reason to believe that letters are illegally brought to or sent from any city, town, landing, station, or place, whether by steamboat, railroad, private carrier for hire, or any other mode of conveyance, or in any way in violation of law, he shall immediately report such violation to the proper inspector in charge with all the facts concerning it in his possession. If in doubt whether matter comes within the classification of letters or whether it may be lawfully transported and delivered other than by the Post Office Department unless postage is affixed, samples, or a complete description of the matter, should be submitted to the Solicitor for a ruling.

§ 91.12 Authorization to make searches for illegally transported mail. The Postmaster General may, by a letter of authorization under his hand, to be filed among the records of his department,

empower any post-office inspector or other officer of the Post Office Establishment to make searches for mailable matter transported in violation of law; and the inspector or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such inspector or officer has reason to believe that mailable matter, transported contrary to law, may therein be found. (R. S. 4026, as amended; 39 U. S. C. 700.)

§ 91.13 Authorization for search of vessels and seizure of letters. Any post-office inspector, when instructed by the Postmaster General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (R. S. 3989, as amended; 39 U. S. C. 497.)

§ 91.14 Seizure and detention of letters illegally carried. Any post-office inspector, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel, or on any post route, and convey the same to the nearest post office, or may, by the direction of the Postmaster General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (R. S. 3990, as amended; 39 U. S. C. 498.)

§ 91.15 Forfeiture to United States of seized packages containing unlawfully concealed letters. Every package or parcel seized by any post-office inspector, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. (R. S. 3991, as amended; 39 U. S. C. 499.)

NOTE: See § 45.16 as to return to sender of letters or other matter seized or detained for violation of law; § 18.46 as to disposition of penalties and forfeitures.

PART 92—TRANSPORTATION OF MAILS BY RAILROADS

Sec.	AUTHORIZATION, RATES, AND REQUIREMENTS OF SERVICE	Sec.	DUTIES OF RAILROAD COMPANIES
92.1	Adjustment of compensation to railroads.	92.29	Transfer of mail in emergency.
92.2	Mail routes and classes of mail service.	92.30	Maintenance of transfer offices by railroads.
92.3	Non-standard cars and apartments.	92.31	Pouch records to be kept by railroads.
92.4	Increase, reduction, and discontinuance of service.	92.32	Railroads to furnish timetables.
92.5	Carrying also of mail equipment, supplies, and employees.	92.33	Advance deliveries by railroads.
92.6	Return to the mails of equipment and supplies.	92.34	Arrival of mail late at night.
92.7	Services connected with mail transportation.	92.35	Dispatch of mail late at night.
92.8	Construction and maintenance of mail cars.	92.36	Loading of mails.
92.9	Selection of trains for mail service.	92.37	Holding of trains for loading of mail.
92.10	Failure to provide and maintain R. P. O. cars or apartments.	92.38	Exchange of mails at nonstop points.
92.11	Refusal to perform mail service.	92.39	Side, terminal, or transfer service.
92.12	Deficient service and delinquencies.		RECEIPT AND DELIVERY OF MAILS
92.13	Proof of performance of service.	92.40	Carriage of mail between post offices and railroad stations.
92.14	Service performed by one carrier over property of another.	92.41	Railroad employees handling mails regarded as agents of railroads.
92.15	Combined railroad and steamboat service.	92.42	Transfer of mails between connecting trains.
92.16	Freight service.	92.43	Duties of mail messenger and railroad representative.
92.17	Transportation of non-first-class mail.		TEMPORARY SERVICE
92.18	Authority of Postmaster General to regulate service.	92.44	Temporary service when railroad service fails.
92.19	Determination of rates and compensation for service.		MISCELLANEOUS PROVISIONS
92.20	Powers of the Commission.	92.45	Official matter may be transported over any railroad or express company.
92.21	Statistical studies authorized.	92.46	Shipment of second-class matter by freight; publisher may apply for hearings of objection.
92.22	Contracts for service at lower rates.	92.47	Transportation of postal personnel.
92.23	Round-trip provisions.	92.48	Railroads to furnish Department with data as basis for compensation.
92.24	Special contracts with railroads.	92.49	General superintendents to notify railroads of changes in pouch list.
92.25	Contracts without advertising for bids.	92.50	Letter boxes in railroad depots.
92.26	Substitution of motor vehicle for rail transportation.	92.51	Mail-messenger service for airports.
92.27	Recommendations by R. M. S. for establishment or extension of service.	92.52	Additional regulations to be published separately.
92.28	Mails not to be carried until ordered by Department.		

AUTHORIZATION, RATES, AND REQUIREMENTS OF SERVICE

§ 92.1 **Adjustment of compensation to railroads.** The Postmaster General is authorized and directed to adjust the compensation to be paid to railroad companies for the transportation and handling

of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided. (Sec. 5, 39 Stat. 425; 39 U. S. C. 524.)

§ 92.2 Mail routes and classes of mail service—(a) Authorization of. The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service. (Sec. 5, 39 Stat. 425; 39 U. S. C. 525.)

(b) Full R. P. O. car. Full railway post-office car mail service shall be service by cars forty feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars sixty feet in length, inside measurement, except as hereinafter provided. (Sec. 5, 39 Stat. 425; 39 U. S. C. 526.)

(c) Apartment R. P. O. car. Apartment railway post-office car mail service shall be service by apartments less than forty feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments fifteen feet and thirty feet in length, inside measurement, except as hereinafter provided. (Sec. 5, 39 Stat. 425; 39 U. S. C. 527.)

(d) Storage car. Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars sixty feet in length, inside measurement, except as hereinafter provided. Storage space in units of three feet, seven feet, fifteen feet, and thirty feet, both sides of car, may be authorized in baggage cars at not exceeding pro rata of the rates hereinafter named for sixty-foot storage cars. (Sec. 5, 39 Stat. 425; 39 U. S. C. 528.)

(e) Closed-pouch service. Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided. The authorizations for closed-pouch service shall be for units of seven feet and three feet in length, both sides of car. (Sec. 5, 39 Stat. 426; 39 U. S. C. 530.)

§ 92.3 Non-standard cars and apartments. Where authorizations are made for cars of the standard lengths of sixty, thirty, and fifteen feet, as provided by this section [Part 92, P. L. & R.], and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but

which are determined by the Department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that * * * for the standard length so authorized. The Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths. (Sec. 5, 39 Stat. 426; 39 U. S. C. 532.)

§ 92.4 Increase, reduction, and discontinuance of service. New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require. No additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General. (Sec. 5, 39 Stat. 427; 39 U. S. C. 564.)

§ 92.5 Carrying also of mail equipment, supplies, and employees. Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried. (Sec. 5, 39 Stat. 426; 39 U. S. C. 529.)

§ 92.6 Return to the mails of equipment and supplies—(a) For utilization of car space. The Postmaster General may return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service. (Sec. 5, 39 Stat. 429; 39 U. S. C. 560.)

(b) In emergencies. The Postmaster General, in cases of emergency between October first and April first of any year, may return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space, pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes. (Sec. 5, 39 Stat. 429; 39 U. S. C. 561.)

§ 92.7 Services connected with mail transportation—(a) Station and terminal services. The initial and terminal rates * * * shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. * * * (Sec. 5, 39 Stat. 426; 39 U. S. C. 533.)

(b) **Facilities for protection and handling of mails.** Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, storing, and transfer of mails in transit, including the separation thereof, by packages for connecting lines, and such distribution of registered mail in transit as may be necessary, and for offices for the employees of the Railway Mail Service engaged in such station work when required by the Postmaster General, in which mail from station boxes may be distributed if it does not require additional space. (Sec. 5, 39 Stat. 427; 39 U. S. C. 538.)

§ 92.8 Construction and maintenance of mail cars. All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. * * * the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies shall be constructed of steel. * * * (Sec. 5, 39 Stat. 427; 39 U. S. C. 537.)

NOTE: See § 109.1 as to the character of construction of full and apartment railway post-office cars.

§ 92.9 Selection of trains for mail service. The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper. (Sec. 5, 39 Stat. 428; 39 U. S. C. 539.)

§ 92.10 Failure to provide and maintain R. P. O. cars or apartments. If any railroad company carrying the mails shall fail or refuse

to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper. (Sec. 5, 39 Stat. 428; 39 U. S. C. 567.)

§ 92.11 Refusal to perform mail service. It shall be unlawful for any railroad company to refuse to perform mail service at the rates or methods of compensation provided by law when required by the Postmaster General so to do, and for such offense shall be fined \$1,000. Each day of refusal shall constitute a separate offense. (Sec. 5, 39 Stat. 431; 39 U. S. C. 563.)

§ 92.12 Deficient service and delinquencies. The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this section [Part 92, P. L. & R.] for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company. (Sec. 5, 39 Stat. 428; 39 U. S. C. 568.)

§ 92.13 Proof of performance of service. Railroad companies carrying the mails shall submit, under oath when and in such form as may be required by the Postmaster General, evidence as to the performance of service. (Sec. 5, 39 Stat. 428; 39 U. S. C. 556.)

§ 92.14 Service performed by one carrier over property of another. Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company. Service over land-grant road shall be paid for as provided [herein] * * *. (Sec. 5, 39 Stat. 427; 39 U. S. C. 566.)

NOTE: Transportation Act of 1940, Public, 785, Seventy-sixth Congress.

§ 92.15 Combined railroad and steamboat service. The provisions of this section [Part 92, P. L. & R.] shall apply to service operated by railroad companies partly by railroad and partly by steamboats. (Sec. 5, 39 Stat. 428; 39 U. S. C. 540.)

§ 92.16 Freight service. The provisions of this section [Part 92, P. L. & R.] respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in

accordance with the classifications and tariffs approved by the Interstate Commerce Commission. (Sec. 5, 39 Stat. 428; 39 U. S. C. 555.)

§ 92.17 Transportation of non-first-class mail—(a) At rates not exceeding those paid by express. The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General. (Sec. 5, 39 Stat. 428; 39 U. S. C. 557.)

(b) At carload or l. c. l. rates. The Postmaster General may, in his discretion, petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General. (Sec. 5, 39 Stat. 428; 39 U. S. C. 558.)

(c) Less frequent dispatches. The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service. (Sec. 5, 39 Stat. 428; 39 U. S. C. 559.)

§ 92.18 Authority of Postmaster General to regulate service. All railway common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith. (Sec. 5, 39 Stat. 429; 39 U. S. C. 541.)

§ 92.19 Determination of rates and compensation for service—

(a) By Interstate Commerce Commission. The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter by railway common carriers and the service connected therewith, prescribing the method or methods by weight, or space, or both, or otherwise, for ascertaining such rate or compensation, and to publish the same, and orders so made and pub-

lished shall continue in force until changed by the commission after due notice and hearing. (Sec. 5, 39 Stat. 429; 39 U. S. C. 542.)

(b) Relations and nature of mail service as rate-fixing principle. In fixing and determining the fair and reasonable rates for such service the commission shall consider the relation existing between the railroads as public-service corporations and the Government, and the nature of such service as distinguished, if there be a distinction, from the ordinary transportation business of the railroads. (Sec. 5, 39 Stat. 429; 39 U. S. C. 543.)

(c) Procedure. The procedure for ascertainment of said rates and compensation shall be as follows: (Sec. 5, 39 Stat. 429; 39 U. S. C. 544.)

(d) Filing of statement of mail transportation requirements.
* * * the Postmaster General shall file with the commission a statement showing the transportation required of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission. (Sec. 5, 39 Stat. 429; 39 U. S. C. 545.)

(e) Filing of comprehensive plan for transportation of mails. The Postmaster General may employ such clerical and other assistance as shall be necessary to carry out the provisions of this section [Part 92, P. L. and R.], and may rent quarters in Washington, District of Columbia, if necessary, for the clerical force engaged thereon, and pay for the same out of the appropriation for inland transportation by railroad routes. The Postmaster General shall file with the commission a comprehensive plan for the transportation of the mails on said railways and shall embody therein what he believes to be the reasonable rate or compensation the said railway carriers should receive. (Sec. 5, 39 Stat. 430; 39 U. S. C. 546.)

(f) Notice to and answer of carriers; hearings. Thereupon the commission shall give notice of not less than thirty days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission, not later than thirty days after the expiration of the notice herein required, each of said carriers shall make answer and the commission shall proceed with the hearing as provided by law for other hearings between carriers and shippers or associations. (Sec. 5, 39 Stat. 430; 39 U. S. C. 547.)

(g) **Evidence.** All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable. (Sec. 5, 39 Stat. 430; 39 U. S. C. 548.)

(h) **Classification of carriers for rate purposes.** For the purpose of determining and fixing rates or compensation hereunder the commission is authorized to make such classification of carriers as may be just and reasonable and, where just and equitable, fix general rates applicable to all carriers in the same classification. (Sec. 5, 39 Stat. 430; 39 U. S. C. 549.)

(i) **Establishment of rate or compensation by order of Commission.** At the conclusion of the hearing the commission shall establish by order a fair, reasonable rate or compensation to be received, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation for inland transportation by railroad routes such rate or compensation. (Sec. 5, 39 Stat. 430; 39 U. S. C. 551.)

(j) **Reexamination proceedings.** Either the Postmaster General or any such carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had with respect to the rate or rates for service covered by said application, provided said carrier or carriers have an interest therein. (Sec. 5, 39 Stat. 430; 39 U. S. C. 553.)

§ 92.20 **Powers of the Commission.** For the purposes of this section [Part 92, P. L. and R.] the Interstate Commerce Commission is hereby vested with all the powers which it is now authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers. (Sec. 5, 39 Stat. 430; 39 U. S. C. 554.)

§ 92.21 **Statistical studies authorized.** The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes. (Sec. 5, 39 Stat. 429; 39 U. S. C. 562.)

§ 92.22 **Contracts for service at lower rates.** Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, and the rate de-

terminated by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however*, That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided, further*, That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed. (Sec. 321, 54 Stat. 954, as amended; 49 U. S. C. 65 (a).)

NOTE: The amendment made by section 1 of this Act shall take effect October 1, 1946: *Provided, however*, That any travel or transportation specifically contracted for prior to such effective date shall be paid for at the rate, fare, or charge in effect at the time of entering into such contract of carriage or shipment. (Sec. 2, 59 Stat. 606; 49 U. S. C. 65.)

§ 92.23 Round-trip provisions—(a) Full and apartment R. P. O. cars. In computing the car miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon. (Sec. 5, 39 Stat. 427; 39 U. S. C. 534.)

(b) Storage cars. In computing the car miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car to be used by the company in the return movement, or otherwise mutually agreed upon. (Sec. 5, 39 Stat. 427; 39 U. S. C. 535.)

§ 92.24 Special contracts with railroads. The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those herein specified * * * [Sec. 5, 39 Stat. 426; 39 U. S. C. 531]. (Sec. 5, 39 Stat. 427, as amended; 39 U. S. C. 565.)

§ 92.25 Contracts without advertising for bids. The Postmaster General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor. (R. S. 3942; 39 U. S. C. 571.)

§ 92.26 Substitution of motor vehicle for rail transportation—(a) Railroads and electric-car companies. The Postmaster General is hereby authorized, in his discretion, to permit railroad and electric-car companies to provide mail transportation by motor vehicle over highways in lieu of service by train, the compensation for such service to be at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation

and mail-messenger service or electric- and cable-car service. (47 Stat. 809; 39 U. S. C. 541a.)

(b) Highway Post Office Service. (1) Wherever it is found that adequate railroad facilities are not available, the Postmaster General is authorized to contract for carrying the mails and railway postal clerks on routes between points where, in his judgment, the conditions justify the operation of such service in motor vehicles especially designed and equipped for the distribution of mail en route: *Provided*, That such vehicles shall be constructed, fitted up, maintained, and operated in accordance with such specifications, rules, and regulations as he may prescribe: *Provided further*, That the Postmaster General is authorized, within his discretion, to transport and provide for the distribution of mails in Government-owned motor vehicles on such routes between points where in his judgment the conditions justify the operation of such service: *Provided further*, That all laws and regulations governing Star Route Service, not in conflict with this Act, shall be applicable to contracts made under the authority of this Act: *And provided further*, That no contract shall be awarded for a period of less than two years nor in excess of four years, and that payment for such service shall be from the appropriations for inland transportation by star routes. (Sec. 1, 54 Stat. 756; 39 U. S. C. 505.)

(2) The Postmaster General may, in his discretion, and in the interest of the Postal Service, and under such rules and regulations as he may prescribe, provide for the distribution of mail on motor-vehicle routes in motor vehicles specially designed and equipped for that purpose and provided for in section 1 (subparagraph (a)) of this Act: *Provided*, That the supervision and distribution of mails in motor-vehicle service, as herein provided, shall be under the jurisdiction of the Second Assistant Postmaster General, and the personnel therein shall be a part of the Railway Mail Service under the same working conditions, rates of pay, travel allowance, and other benefits applicable to railway postal clerks: *And provided further*, That payment for such service shall be from the appropriations for Railway Mail Service salaries and railway postal clerks' travel allowance. (Sec. 2, 54 Stat. 756; 39 U. S. C. 506.)

(3) Every individual or company carrying the mails shall carry on any vehicle it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials. (Sec. 3, 54 Stat. 757; 39 U. S. C. 507.)

(4) The Postmaster General is authorized to promulgate such specifications, rules, and regulations as may be necessary to carry out the provisions of this Act. (Sec. 4, 54 Stat. 757; 39 U. S. C. 508.)

§ 92.27 **Recommendations by R. M. S. for establishment or extension of service.** General superintendents of the Railway Mail Service shall report to the Deputy Second Assistant Postmaster General, Surface Postal Transport, with recommendations and facts upon which they are based, all cases for establishment of service on new railroads and extension of service on existing routes, and all cases for increase and decrease of space on all routes necessary to conform properly to the mails carried.

§ 92.28 **Mails not to be carried until ordered by Department.** Mails shall not be carried on any new railroad, or other railroad or part thereof on which mail service has not been authorized, either regularly or under waivers, until ordered by the Second Assistant Postmaster General.

DUTIES OF RAILROAD COMPANIES

§ 92.29 **Transfer of mail in emergency—(a) At place of wreck or washout.** Whenever a railroad company finds it necessary to transfer at the place of a wreck or washout, its officials and employees shall see that the mails and railway postal clerks are promptly transferred and every possible convenience furnished the clerks for working their mails.

(b) **When necessary to set out car containing mail.** Whenever a railroad company finds it necessary to set out a car containing mail on account of bad order, or other operating conditions, its employees shall see that all mails in the car are transferred to vacant space in other cars in the train, or to an additional car if available: *Provided*, That where the train involved is an important passenger train and the transfer of all of the mails would result in a protracted delay to the train, the transfer may be limited to first-class and registered mails, daily newspapers, and special delivery, and special handling matter, and also to such other classes of mail as can be handled during the time of such transfer: *Provided further*, That where a following train will secure substantially the same connections and deliveries as would have been made by the train from which the car was set out, the mails may be held for such following train. Where the car set out is a distributing unit, the railway postal clerks will render all possible assistance in the transfer of the mails.

§ 92.30 **Maintenance of transfer offices by railroads.** Offices at stations for the employees of the Railway Mail Service engaged in station work shall be lighted, heated, furnished, supplied with ice water, provided with toilet facilities (where such facilities are not easily accessible), and kept in order by the railroad company.

§ 92.31 **Pouch records to be kept by railroads—(a) Recording and checking.** Railroad companies shall require their employees who handle the mails on trains to keep a record of all pouches due to be received or dispatched by them, and to check the pouches at the time they are received or dispatched.

(b) **Reporting of irregularities.** Every irregularity in the receipt and dispatch of mail shall be reported by the employee to his superintendent promptly, and if a probable loss of or damage to mail is involved, or if the cause of failure to receive a pouch is not known, the report should be made by wire, and the superintendent shall notify the proper general superintendent of Railway Mail Service

without delay. A copy of the employee's report shall be attached to and become a part of the permanent pouch record.

(c) **Filing of train pouch records.** Train pouch records shall be kept on file at the headquarters of division superintendents of railroad companies for at least one year immediately following the date the mail covered by them was handled, and shall be accessible there to post office inspectors and other agents of the Post Office Department. Where a baggageman performs service over two or more railroad divisions on a single trip, pouch records may be filed at the headquarters of the one division superintendent of the railroad company agreed upon by the general superintendents of the Railway Mail Service concerned.

(d) **Subject to examination.** Railroad companies shall require their employees to submit pouch records for examination to post office inspectors and other duly accredited agents of the Post Office Department upon their request and exhibition of credentials to such employees.

NOTE: See §§ 42.38 and 43.5 as to record of pouches at post offices; § 94.14, by mail messengers; § 108.3, by railway postal clerks.

§ 92.32 **Railroads to furnish timetables—(a) R. M. S. to be kept informed on train service.** Railroad companies shall forward timetables, not less than 72 hours before taking effect, to the general and district superintendents of the Railway Mail Service having supervision over the mail service on their lines. If for any reason it becomes necessary to temporarily annul, curtail, or suspend train service, immediate telegraphic notice thereof shall be given the same officials.

(b) **Postmasters to be notified of changes in train schedules.** At places where railroad companies have agents, such agents shall notify the postmasters as soon as possible after receipt of any notice of change in schedule of mail trains.

§ 92.33 **Advance deliveries by railroads.** When it is desirable to have mails taken from the post office or postal station to a train, at a point where the service devolves upon the company, in advance of the regular time of closing mails, the company shall be required to make such advance delivery as becomes necessary by the requirements of the service.

§ 92.34 **Arrival of mail late at night—(a) Care of mail by railroad.** Whenever the mail on any railroad route arrives at a late hour of the night or at a time when the Government messenger is not on hand to receive it, the railroad company shall, if a representative is on duty, retain custody thereof by placing the mail in a secure and safe room or apartment of the depot or station until called for or until the following morning, when it shall be delivered at the post office, or to the Government messenger, at as early an hour as the necessities of the post office may require. The Department reserves the right, however, to require such service of the railroad company at times when the regular representative may not be on duty.

(b) **Provision of safekeeping facilities by railroad.** At points where there is no railroad representative employed or on duty and there is a railroad station or depot, and mail trains pass late at night, the railroad company shall, if deemed necessary by the Railway Mail Service, provide exchange of mails through use of a safe room in the depot or by means of a safe and suitable locked box at the station.

§ 92.35 **Dispatch of mail late at night—(a) In charge of railroad.**—When a train departs from a railroad station between 9 p. m. and 6 a. m., and it is deemed necessary to have the mail dispatched by such train, the general superintendent of the Railway Mail Service shall request the railroad company to take

the mail to the railroad station at such time as will best serve the interests of the service. Where a mail messenger or carrier is employed by the Post Office Department, the postmaster shall be directed to require the mail messenger or carrier to perform this service. Such mail shall be taken in charge by the agent or other representative of the railroad company, who shall be required to keep it in some secure place until the train arrives and then see that it is properly dispatched.

(b) **Instruction of railroad representative.** The general superintendent of Railway Mail Service shall give reasonable advance notice to the proper officer of the railroad company in order that the agent or representatives of the company may be properly instructed. (See § 92.34.)

§ 92.36 **Loading of mails—(a) When mail cars not accessible.** Where mail cars are not placed at points accessible to the vehicle of mail messengers or other departmental carriers, the railroad company shall be required to receive the mails from and deliver them to the messengers or other carriers at points accessible to their vehicles, except as provided in § 92.43.

(b) **Necessary help to be furnished by railroad.** Railroad companies shall furnish the men necessary to handle the mails, to load them into and receive them from the doors of railway post office cars, and to load and pile the mails in and unload them from storage and baggage cars, except as provided in § 92.43. Mails intended for delivery to a railway postal clerk shall never be placed in a railway post-office car unless there is a clerk on duty to receive and care for them.

§ 92.37 **Holding of trains for loading of mail—(a) Regulations.** A train shall not depart from a station and leave mails which are being loaded, or are being trucked from vehicles or some part of the station to the train, or are aboard a connecting train that has come to a stop in the same station: *Provided*, That where holding an important train for mails from a delayed connection would cause serious delay and there is subsequent available train service within a reasonable length of time, the Department may authorize a time limit beyond which such train may not be held excepting to load first-class mail, daily newspapers, and foreign mail if necessary to insure steamer connection. If the application of this provision to any train is desired by a railroad company, a request therefor should be made to the general superintendent of the Railway Mail Service, specifying the reasons and the length of time beyond which it is thought impracticable to hold the train in question. Where such requests are approved by the general superintendent of the Railway Mail Service, any delayed mail involved under such authority shall be carried on the subsequent train to the extent of any unused space thereon, in lieu of service authorized on the first train. No additional pay will be allowed the company unless the quantity of mail carried in both trains is in excess of that which could have been carried in the space authorized.

(b) **Trains not to be held for local mails.** Mail trains shall not be held beyond their scheduled time of departure for mail originating in local post offices, terminal railway post offices, or offices of publication. The Railway Mail Service shall fix and enforce an ample time limit in which mails shall be delivered to the railroad companies for dispatch.

(c) **Responsibility for transfer of mails at joint stations.** At joint stations where mails are due to be transferred from a train of one railroad company to a train of another, the mail after being unloaded from the incoming train shall be held to be in the custody of the company operating the train to which the

mail is due to be dispatched, and the responsibility for the transfer shall then rest with that company.

(d) **Mails to be accorded transfer with other traffic.** Whenever necessary to transfer passengers, baggage, or express from one train to another, for any reason, all mails shall be included in the transfer unless such transfer is a regular connection coming within the provisions of § 92.37 (a).

(e) **Classes of mail that may be withheld from important trains.** General superintendents of Railway Mail Service may cause to be withheld catalog, circular, parcel post, and ordinary paper mails, in the order named, from dispatch to important trains if necessary and advisable to prevent delay to such trains, and forward such mails in other trains in regular or emergency space.

§ 92.38 **Exchange of mails at nonstop points—(a) Mail cranes.** At all points at which trains do not stop where the Post Office Department deems the exchange of mails necessary, a device for the receipt and delivery of mails satisfactory to the Department shall be erected and maintained by the railroad company; and pending the erection of such device the speed of trains shall be slackened so as to permit the exchange to be made with safety.

(b) **Reduction of train speed, or stoppage.** Where the Department deems it necessary to the safe exchange of the mails, the railroad company shall be required to reduce the speed or stop the train.

(c) **Lights on cranes.** When mails are caught at night from a crane, the railroad company shall furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed, and lighted; also the light shall be so kept and displayed for the guidance of the clerks when delivery only is made. However, if the company has no agent or other employee at the station, the company shall furnish the light, which shall be cared for and placed by the Department's carrier.

(d) **Approaching train to whistle or signal.** The engineer or motorman of a train in which railway post-office service is operated shall give timely notice, by whistle or other signal, of its approach to a nonstop point at which mails are delivered or are taken from a mail crane, or both.

NOTE: See §§ 42.44 and 42.45 as to use of mail cranes and catcher pouches.

§ 92.39 **Side, terminal, or transfer service—(a) Railroads to be separately compensated therefor.** Where the railroad companies are required by the Department to perform side, terminal, or transfer service, they shall be separately compensated for such service, unless the service is performed in or directly contiguous to railway terminals and depots. The amount to be paid therefor shall be measured by the amount paid by the railroad to contractors plus 3 percent; and where the service is performed by agents or employees of the railroad companies the payment shall be for the value of the pro rata time of such railway agents or employees while engaged in rendering the service, including cost of vehicular service that may be necessary, with the addition of 3 percent. (Order of Interstate Commerce Commission of December 23, 1919; 56 I. C. C. 1.)

(b) **When railroads contract for such service.** Where the railroad companies contract for such service, contracts shall be let to the lowest responsible bidder upon advertisement. Readjustment for such service shall be made annually. The railroad companies shall submit certified copies of each contract to the Postmaster General on or before July 1 of each year showing the rate of payment for the ensuing year, and the amounts specified in such contracts plus 3 percent shall be accepted as the basis of payment by the Postmaster General heretofore prescribed. The railroad companies shall also furnish the Postmaster General

each year, on or before July 1, a detailed statement of the daily time consumed in handling the mails by their agents or employees at each point where side, terminal, or transfer service is performed, which statement shall be verified by a responsible official of the company conversant with the facts. Such verified statement shall compute the pro rata payment of the agent or employee performing the service, based on the time actually consumed, and the amount named in the statement plus 3 percent shall constitute the basis of payment for the next ensuing year. In special cases, and for good cause, the Postmaster General may require further statements and verifications from any particular railroad company at other periods of the year. (Order of Interstate Commerce Commission of December 23, 1919; 56 I. C. C. 1.)

RECEIPT AND DELIVERY OF MAILS

§92.40 Carriage of mail between post offices and railroad stations—(a) By railroads. Every railroad company shall take the mails from and deliver them into all post offices and postal stations located 80 rods or less from a railroad station at which the company has an agent or other representative, where required by the Post Office Department, the company to be separately compensated for such service unless it is performed in or directly contiguous to railway terminals and depots.

(b) Railroad to give notice of discontinuance of agency or removal of station. The railroad company shall give 30 days' advance notice to the Department at Washington, D. C., of the discontinuance of an agency where mails are handled, or the removal of a station to a point outside the 80-rod limit, and the company shall not be relieved of the duty of handling the mails unless such notice is given.

(c) By Department. The Department will provide for the carriage of mails to and from post offices and postal stations located more than 80 rods from the nearest railroad station and also to and from post offices and postal stations located 80 rods or less from the nearest railroad station when the company has no agent or other representative employed at such station. The Department may also provide for such service at any post office or postal station and relieve the company of the performance of the service whenever such action is deemed advisable.

(d) Distance and route between railroad station and post office. In all cases the distance between the railroad station and the post office or postal station shall be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the post-office building where the receipt and delivery of the mails is practicable. In case there is no baggage room or station the measurement shall be made from the middle of the station platform where mails are exchanged. The route need not be a way regularly dedicated to public use; and if it be over private property, no prohibition against the Government shall be recognized which shall not also have been made and enforced against the general public.

(e) Definition of "agent" or "representative." Any person acting for an advantage to himself or another by authority or consent of the railroad company, and representing in any manner the interests of the company or railroad in its business transactions with the public, shall be regarded as the company's agent or representative.

NOTE: See part 94, this title, as to mail-messenger service.

§92.41 Railroad employees handling mails regarded as agents of railroads. At places where railroad companies are required to take the mails from and

deliver them into post offices or postal stations or to transfer them to connecting railroads the persons employed to perform such service shall be regarded as agents of the companies and not employees of the postal service, and need not be sworn; but such persons shall be more than 16 years of age and of suitable intelligence and character. Postmasters shall promptly report any violation of this requirement to the Deputy Second Assistant Postmaster General, Surface Postal Transport.

§ 92.42 Transfer of mails between connecting trains. At connecting points where railroad stations are not over 80 rods apart the company having mails on its trains to be forwarded by a connecting train shall be required to transfer such mails and deliver them into the connecting train (unless relieved of the service by the Department); first, where the two companies have agents or representatives employed; and, second, where the company having the mails for dispatch makes transfer of baggage or passengers. However, if the connection is not immediate, the company bringing mails on its trains may deliver them to the agent of the company due to dispatch the mail for proper dispatch by the trains of the latter company. Transfers of mail between connecting trains of steam-railroad routes and cars of electric-railway routes shall be required to be made by the respective companies operating the routes where the railroad company employs an agent and its station is adjacent and readily accessible to the tracks of the electric-railway company and the connection is immediate, except where other provision for the service may be made by the Post Office Department. Companies shall be separately compensated for any such transfer service performed by them unless it is performed in or directly contiguous to railway terminals and depots. Where the tracks of electric-car routes are contiguous, transfers of mail between the cars shall be required of the operating companies when practicable and the connection is immediate.

§ 92.43 Duties of mail messenger and railroad representative—(a) In varying circumstances. Where a mail messenger is employed by the Department and a railroad representative is on duty, the railroad company shall not be required to receive mails from and deliver them into the mail cars or place the mail on mail cranes if the volume of mail is relatively small and can be readily handled by the department messenger by hand on one trip. At such a point where mail trains arrive at times when there is no railroad representative on duty, the railroad company shall not be required to place the mails on or take them from trains, and if trucking is necessary under such circumstances the railroad company shall provide and render accessible to the messenger the necessary trucks. The Department reserves the right, however, in both cases to require the performance of this service by railroad employees at any time during the 24-hour period. (See §§ 92.34 and 94.10.)

(b) When mail messenger cannot wait for delayed train. When the department mail messenger cannot wait for the delayed train without delaying the other mails, the railroad company shall be required to take charge of and dispatch the mails for the delayed train and shall be responsible for the inward mail until it is delivered to the messenger or other authorized representative of the Department.

(c) When trains are late. In cases where the company's agent cannot give the mail messenger or other carrier of the mail advance information as to the time the train will arrive, the messenger need not wait for the train beyond its scheduled time of arrival. Where the train is reported as being more than two hours late, the messenger need not wait for the arrival of the train. In such

cases the messenger may deliver the mail to the company's agent, or other representative, whose duty it shall be to dispatch the mail by proper train and to retain custody of the incoming mail, if any, until it is called for by the messenger. Where the train is reported to arrive within two hours of scheduled time, the messenger should wait for the arrival of the train, but need not wait more than two hours, at the expiration of which time he may turn the mails over to the agent, whose duty shall be the same as in the other cases. At a point where there is no railroad representative on duty and the mail messenger has no means of ascertaining when a delayed train will arrive, it is the duty of the mail messenger to wait at least two hours beyond the scheduled time of arrival of the train, after which time he may return the mail to the post office to be included in the next regular dispatch. In all cases where mail is turned over to the company's agent for dispatch, the company shall be responsible for its proper handling, and the messenger shall call for and deliver the incoming mail to the post office as soon as practicable after the arrival of the train unless the train arrives at a late hour of the night and the post office is closed, when the incoming mails may be disposed of as provided for in § 92.34.

TEMPORARY SERVICE

§ 92.44 Temporary service when railroad service fails—(a) Report by postmaster of need for. When a postmaster at a post office dependent on a railroad for its mail supply deems temporary mail service necessary because of a failure of the railroad service, he shall ascertain from persons eligible to perform the service the lowest rate at which he can obtain such temporary service and immediately report the facts, by telegraph, if necessary, to the general superintendent of Railway Mail Service in whose division the office is located, stating the cause and probable duration of the failure, the point from which temporary service is desired, and the lowest obtainable rate for such service.

(b) General superintendent's duty. The general superintendent of Railway Mail Service shall endeavor to have the railroad company resume regular service. If not resumed, such temporary service as may be necessary shall be employed. In cases where all regular supply for an office is suspended, the general superintendent may employ temporary service, if a reasonable bid therefor is obtained, before submitting the case to the Department. In cases where temporary service is recommended to supplement other supply, the Second Assistant Postmaster General may authorize the employment of temporary service. The facts in all cases shall be reported promptly to the Department.

(c) Must be authorized by R. M. S. No temporary service rendered necessary by the failure of railroad service shall be employed by a postmaster until he has first obtained authority therefor from the Railway Mail Service.

(d) Persons ineligible to bid or receive pay. Postmasters, assistant postmasters, clerks in post offices, and members of the immediate families of postmasters and assistant postmasters shall not be permitted to bid or receive pay for temporary railroad service.

MISCELLANEOUS PROVISIONS

§ 92.45 Official matter may be transported over any railroad or express company. The Postmaster General may provide for the transportation of official matter of any department of the Govern-

ment over any railroad or express company whenever he can do so at a saving to the Government and without detriment to the public service: *Provided*, That nothing in this section shall apply to official matter franked by Members of Congress. (Sec. 5, 27 Stat. 148; 39 U. S. C. 522.)

§ 92.46 Shipment of second-class matter by freight; publisher may apply for hearings of objection. No publication shall be sent by freight if such method of transportation results in unfair discrimination. Whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is unfairly discriminated against, he may apply to the Post Office Department for an opportunity to be heard; and upon such application being duly filed in writing, the owner of such publication shall have opportunity for a full and fair hearing before said Department, and pending final determination no change shall be made in the method of transportation of such publication as ordered by the Department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. Upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of twenty days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States Court of Appeals for the District of Columbia, for a review of such order by said Court of Appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department and thereupon the said Department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside or modify the order of the Department. The jurisdiction of the United States Court of Appeals for the District of Columbia to affirm, set aside or modify such orders of the Post Office Department shall be exclusive. Such proceedings in the United States Court of Appeals for the District of Columbia shall be given precedence over other cases pending therein and shall be in every way expedited. (Sec. 2, 39 Stat. 424, as amended; 39 U. S. C. 576.)

§ 92.47 Transportation of postal personnel. Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway

Mail Service and Post Office inspectors while traveling on official business, upon the exhibition of their credentials. (Sec. 1, 39 Stat. 419; 39 U. S. C. 523.)

§ 92.48 **Railroads to furnish Department with data as basis for compensation.** The Postmaster General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts, and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable. (Sec. 6, 20 Stat. 358; 5 U. S. C. 389.)

§ 92.49 **General superintendents to notify railroads of changes in pouch list.** General superintendents of the Railway Mail Service shall promptly notify the proper officers of railroad companies of any changes in the list of closed pouches to be handled by railroad employees.

§ 92.50 **Letter boxes in railroad depots.** When it appears that the public convenience will be subserved, the Deputy Second Assistant Postmaster General, Surface Postal Transport, may authorize railroad companies to place letter boxes in their depots for the receipt of mail matter other than that for local delivery.

§ 92.51 **Mail-messenger service for airports.** Where a mail messenger is employed for duty between the post office or other postal units and airports, he will be required to be on hand to meet planes when they arrive for the receipt and dispatch of mails, regardless of schedule.

§ 92.52 **Additional regulations to be published separately.** Additional regulations of the Postmaster General relating to the transportation of United States mail by railroads will be published in a separate document.

PART 93—TRANSPORTATION OF MAILS BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

Sec.		Sec.	
93.1	Transportation of mails by urban and interurban electric lines.	93.8	Side, terminal, and transfer service.
93.2	Payment for side, terminal, or transfer service.	93.9	Responsibility for safety of the mail.
93.3	Service authorized only by Department.	93.10	Designation of stopping points for safe exchange of mail.
93.4	Railroad employees handling mail regarded as agents of railroad.	93.11	Use of sign "U. S. Mail."
93.5	Compensation for transportation of mails covers transportation of postal employees and agents.	93.12	Letter boxes on cars.
93.6	Construction and equipment of R. P. O. cars.	93.13	Power for canceling machines in cars.
93.7	Restriction of use of and admission to mail space in cars.	93.14	Failure of service.
		93.15	Evidence of performance to be submitted by transportation companies.
		93.16	Additional regulations to be published separately.

§ 93.1 Transportation of mails by urban and interurban electric lines. The Interstate Commerce Commission is empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. It shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined \$100. Each day of refusal shall constitute a separate offense. (Sec. 1, 40 Stat. 748; 39 U. S. C. 570.)

NOTE: See § 92.25 (a).

§ 93.2 Payment for side, terminal, or transfer service—(a) Separate compensation for. Where the railroad companies are required by the Department to perform side, terminal, or transfer service they shall be separately compensated for such service, unless the service is performed directly contiguous to railway terminals and depots. The amount to be paid therefor shall be measured by the amount paid by the railroad to contractors, plus 3 percent; and where the service is performed by agents or employees of the railroad companies the payment shall be for the value of the pro rata time of such agents or employees while engaged in rendering the service, including cost of vehicular service that may be necessary, with the addition of 3 percent. (Order of Interstate Commerce Commission of August 7, 1920; Docket No. 10227, Electric Railway Mail Pay.)

(b) When railroads contract for such service. Where the railroad companies contract for such service, contracts shall be let to the lowest bidder upon advertisement. Readjustments for such service shall be made annually. The railroad companies shall submit certified copies of each contract to the Postmaster General on or before July 1 of each year showing the rate of payment for the ensuing year, and the amounts specified in such contracts plus 3 percent shall be accepted as the basis of payment by the Postmaster General heretofore prescribed. The railroad companies shall also furnish the Postmaster General each year, on or before July 1, a detailed statement of the daily time consumed in handling the mails by their agents or employees at each point where side, terminal, or transfer service is performed, which statement shall be verified by a responsible official of the company conversant with the facts. Such verified statement shall compute the pro rata payment of the agent or employee performing the service, based on the time actually consumed, and the amount named in the statement plus 3 percent shall constitute the basis of payment for the next ensuing year. In special cases, and for good cause, the Postmaster General may require further statements and verifications from any particular railroad company at other periods of the year. (Order of Interstate Commerce Commission of August 7, 1920; Docket No. 10227, Electric Railway Mail Pay.)

§ 93.3 **Service authorized only by Department.** Mail service on electric and cable car lines shall be established only by direct order of the Post Office Department, and no increase, decrease, or change in the service, as ordered, shall be made without first securing authority therefor from the Second Assistant Postmaster General.

§ 93.4 **Railroad employees handling mail regarded as agents of railroad.** Any person employed by an electric or cable car company and designated by such company to handle the mail shall be considered an agent of the company and not an employee of the postal service and need not be sworn as an employee of the postal service.

§ 93.5 **Compensation for transportation of mails covers transportation of postal employees and agents.** The compensation for transportation of the mails by electric and cable cars shall include the transportation, in cars carrying the mails or on trips designated by the Post Office Department, of employees of the postal service who accompany the mails or are necessary for and actually engaged in distributing the same, and also post-office inspectors and other duly accredited agents of the Department in the discharge of their duties.

§ 93.6 **Construction and equipment of R. P. O. cars.** All independent and trailer cars, or apartments in the same, used in the transportation of the mails on electric and cable car routes shall be of such style and so constructed, painted, lettered, equipped, furnished, heated, lighted, and maintained by the companies performing such service as required by the Second Assistant Postmaster General and without expense to the Post Office Department.

§ 93.7 **Restriction of use of and admission to mail space in cars.** No part of the space authorized in a full car or a mail apartment of a car, on an electric or cable car line, shall be used for other than mail purposes. No person other than the duly authorized clerks, carriers, messengers, inspectors, or officers and agents of the Post Office Department shall be admitted thereto; and these shall be admitted only upon exhibition of their credentials.

§ 93.8 **Side, terminal, and transfer service—(a) When performed by company.** Every electric and cable car company over whose line the transportation of mails is authorized, shall take the mails from and deliver them into each post office, mail station, or other point of exchange, when required to do so by the Post Office Department, the company to receive separate compensation for such service unless it is performed directly contiguous to the line. (See § 93.2.)

(b) **When performed by Department.** At any point where service is not required to be performed by the company, the postmaster (if of the fourth class) may be required, where the distance to be traveled is slight, to provide for the service between the cars and the post office without expense to the Department. Where the post office or mail station is located a considerable distance from the point of exchange with the cars, the Department will make provision for the carriage of the mails, but where the conditions as to train service, agency, etc., are similar to those found in the railroad service the provisions of § 92.40 relative to the exchange of mails shall, where practicable, apply.

§ 93.9 **Responsibility for safety of the mail.** Every electric or cable car company on whose line mail service is authorized shall be held responsible for the safety and security of the mail while in the care of its employees.

§ 93.10 **Designation of stopping points for safe exchange of mail.** Where necessary for a safe exchange of the mails, electric and cable car companies carrying the mails shall be required to stop their cars at such points as may be designated by the Post Office Department.

§ 93.11 Use of sign "U. S. Mail." The use of the sign "U. S. Mail" or "United States Mail" shall be permitted on cars only when they are actually carrying the mails. Such sign shall be painted on cars used exclusively in the transportation of the mails. Removable signs bearing the words "United States Mail," or letters or characters of like import, shall be displayed on cars only when United States mail is being actually transported thereon.

NOTE: See § 130.57 as to penalty for unlawful use of sign "U. S. Mail."

§ 93.12 Letter boxes on cars. The use of letter boxes and the carriage of mails therein on electric or cable cars shall not be considered such mail transportation as is contemplated by the law providing for mail service on electric and cable car lines.

§ 93.13 Power for canceling machines in cars. Where canceling machines are used in postal cars on electric lines, the company furnishing the cars shall provide, without additional expense to the Post Office Department, such power as may be necessary to properly operate them.

§ 93.14 Failure of service. (a) In case of failure on the part of an electric or cable car company to provide for the carriage of the mails in accordance with the requirements of the Department, temporary mail service, by some other mode of conveyance, shall be authorized by the Second Assistant Postmaster General.

(b) In case of failure in such service postmasters shall be governed by the provisions of § 92.44, applying to failure of service on steam railroads.

§ 93.15 Evidence of performance to be submitted by transportation companies. Evidence of the performance of service by electric or cable car companies shall be submitted monthly, under oath, by the companies through the Railway Mail Service, in the form prescribed by the Post Office Department.

§ 93.16 Additional regulations to be published separately. Additional regulations of the Postmaster General relating to the transportation of United States mail by urban and interurban electric railway common carriers will be published in a separate document.

PART 94—MAIL-MESSENGER SERVICE

Sec.		Sec.	
94.1	Authority for employment of mail-messenger service.	94.8	Duties of postmasters in connection with mail-messenger service.
94.2	Advertisement for proposals for mail-messenger service.	94.9	Qualifications and requirements of mail messengers.
94.3	Specified equipment service.	94.10	Duties of mail messengers.
94.4	Postmaster to forward bids to Department.	94.11	Temporary mail-messenger service.
94.5	Designation of mail messengers.	94.12	Payment of mail messengers.
94.6	Contracting by postmasters and employees at third-and fourth-class offices.	94.13	Report and certification by postmasters of mail-messenger service.
94.7	Extension of service forbidden without authority.	94.14	Pouch record to be kept by mail messengers.

§ 94.1 Authority for employment of mail-messenger service. The Postmaster General may employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over

bridges or ferries, between post offices, post offices and branch offices or stations, in cases where by the laws and regulations of the Post Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post offices the mails carried on their lines or vessels. (See § 90.4.) (24 Stat. 492; 39 U. S. C. 578.)

§ 94.2 Advertisement for proposals for mail-messenger service. Where mail-messenger service is deemed necessary by the Post Office Department, the postmaster at the office to be supplied shall be instructed to advertise for ten days for sealed proposals to perform the service in accordance with the specifications prepared by the Department. The postmaster shall post the advertisements in the most conspicuous places in the post office, and at such other public points as will bring the matter to the attention of those likely to bid for the service. He shall give wide publicity to the advertisement.

§ 94.3 Specified equipment service. When deemed advisable, the transportation of the mails in covered, screened or paneled, and locked vehicles furnishing complete protection to the mails may be authorized in cities and towns without formal written contract and bond, under the rules and regulations governing ordinary mail-messenger service.

§ 94.4 Postmaster to forward bids to Department. (a) The postmaster shall receive all bids offered and, when the time of advertisement has expired, forward all of them UNOPENED and inclosed in one envelope, together with a copy of the notice posted, and a statement of the manner of giving it publicity, to the Second Assistant Postmaster General, Surface Postal Transport.

(b) The postmaster shall also forward at the time he transmits the bids a specific statement of the service required and a report as to the character and suitability of the bidders on Form 2638. Bidders may forward bids direct to Post Office Department, but should inform the postmaster so that he may make proper report. (See § 97.22.)

§ 94.5 Designation of mail messengers—(a) Consideration of bids. Proposals for mail-messenger service shall be opened in the office of the Second Assistant Postmaster General, and the lowest bidder, if in all other respects acceptable, shall be designated as mail messenger. The right is reserved to reject any and all bids. A formal written contract, with bond, is not required.

(b) **Postmaster to notify party designated.** Notice of the designation of a mail messenger shall be sent to the postmaster, who, on its receipt, shall immediately notify the party designated to begin service on the date mentioned in the notice, and the retiring messenger of the date he is to be released.

(c) **Mail messenger not designated for fixed period.** A mail messenger shall be expected to continue the performance of service indefinitely at the compensation specified or until his employment is terminated by proper notice or order. No increase of pay under the designation shall be allowed for additional trips performed, increase in distance, or for increase in the weight of mails carried between the points named in the order designating the mail messenger. (See § 94.9.)

§ 94.6 Contracting by postmasters and employees at third- and fourth-class offices—(a) Limitation of pay. (1) In the discretion of the Postmaster General, postmasters, assistant postmasters, and

clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service. The total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed \$300 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. [See par. 2.] (Sec. 1, 39 Stat. 418, as amended; 39 U. S. C. 579.)

(2) Post office employees at post offices of all classes not named in the preceding paragraph may also, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service provided the total amount paid under such contract shall not exceed \$300 in any one year, except that special-delivery carriers paid on a fee basis may receive in excess of \$300 for mail-messenger service in any one year.

NOTE: See 39 U. S. C. 136, as amended by the acts of June 11, 1942, and December 23, 1944, and see Public Law 134, approved July 6, 1945, as amended; also see § 137.23, P. L. & R.

(b) **Members of immediate families may contract.** Members of the immediate families of postmasters, assistant postmasters, and clerks at third- and fourth-class post offices may, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service provided the total amount paid under such contract shall not exceed \$300 in any one fiscal year.

NOTE: The words "immediate family" as used in the section are construed to mean persons who are members of the same household, or where one person is dependent upon the other for support. Under other circumstances blood relatives are not held to be members of the same immediate family.

(c) **When postmasters may be required to transport mails without additional pay.** In exceptional cases, postmasters at offices of the fourth class may be required, without additional compensation, to transport the mails between their offices and railroad stations or other points of exchange where the distance between the post office and point of exchange is not greater than 80 rods and the mails are not of such volume or character as to require the use of a motor or horse-drawn vehicle for their carriage.

NOTE: See § 137.23 as to extra duties; §§ 4.5 and 137.28 as to employees interested in mail contracts; § 90.8 as to restriction upon postmasters and postal employees with regard to mail contracts; § 130.86 as to penalty for being interested in contract or acting as agent for contractor.

§ 94.7 **Extension of service forbidden without authority.** The postmaster shall not extend the service of a mail messenger beyond the limits of that named in the advertisement and notice of designation without express authorization from the Post Office Department.

§ 94.8 **Duties of postmasters in connection with mail-messenger service—(a) Instructing of messengers; scheduling of service.** The postmaster shall instruct the mail messenger in regard to the performance of his duties, prescribe schedules of arrivals and departures for the service (allowing reasonable running time for the trips), and require the messenger to receive and deliver the mails in case of delayed incoming or outgoing planes, trains, or boats. (See §§ 92.34, 92.35, and 92.43.)

(b) **Reporting of failures, delinquencies, etc.** The postmaster shall keep accurate record of all failures to perform trips and of all other delinquencies or

irregularities, and the resulting delays or injuries therefrom, and report the same, stating the cause or causes therefor accompanied by the mail messenger's explanation thereof, to the Second Assistant Postmaster General, Surface Postal Transport. No fines shall be imposed without authority from the Second Assistant Postmaster General.

(c) Report when service ceases to be necessary or when cost can be reduced. Postmasters shall report promptly to the Second Assistant Postmaster General, Surface Postal Transport, when mail-messenger service ceases to be necessary or when the cost of service can be reduced by a readvertisement of the route. When a change in the location of the post office or the railroad station materially affects the performance of mail-messenger service, postmasters shall promptly report all the facts and ask for any necessary instructions and shall not, because of any such a change, discontinue mail-messenger service without instructions to do so from the Second Assistant Postmaster General.

(d) Reporting of cessation of service by messenger. If a mail messenger dies, resigns, or abandons the service for any reason, the postmaster shall at once report the facts to the Second Assistant Postmaster General, Surface Postal Transport.

NOTE: See § 94.11 (b) as to employment of temporary service.

§ 94.9 Qualifications and requirements of mail messengers—(a) Age. Mail messengers shall be not under 16 years of age, and shall be suitable to be intrusted with the care and custody of the mails.

(b) Must reside on or contiguous to route. No bid for carrying the mail on a mail-messenger route shall be considered unless the bidder resides on or contiguous to the route on which the service is to be performed, or shall file with his bid an agreement that in the event of the service being awarded to him he will reside on or contiguous to said route. Mail messengers shall give personal attention to the performance of the service.

(c) Employment of assistants. When necessary, the mail messenger may employ at his own expense assistant mail messengers, who shall conform in all respects to the requirements applying to the mail messenger himself. All assistant messengers must meet with the approval of the postmaster having jurisdiction over the service and take the oath required by § 135.4. When a mail messenger is absent from duty for short periods, and an assistant messenger is employed, the assistant's services shall be paid for by the regular messenger.

(d) Oath. The postmaster shall at once forward to the Second Assistant Postmaster General, Surface Postal Transport, the certificate of oath required by § 4.1 of all regular and assistant messengers.

(e) Payment only for service previously authorized. No person shall be paid by the Post Office Department for mail-messenger service unless the employment of such service has been previously authorized. (See §§ 90.8 and 94.7.)

(f) Notice of resignation. A mail messenger may resign at any time by giving the Second Assistant Postmaster General written notice 45 days before the time he intends to cease service. (See §§ 94.11 and 94.12.)

(g) Cannot assign or sublet. A mail messenger shall not assign or sublet the service.

§ 94.10 Duties of mail messengers—(a) Outline of. Mail messengers shall receive the mails from and deliver them into post offices and from and into mail cars and on board steamboats when such cars or boats are accessible. They shall also deliver and receive mails at mail cars though not accessible to the messenger's vehicle where mail trains arrive at times when there is no railroad

representative on duty, the railroad company to furnish the trucks if trucking is necessary. They shall deliver and receive mail at the mail cars though not accessible to the messenger's vehicle or place them on cranes where a railroad representative is on duty if the volume of mail is relatively small and can be readily handled by the messenger by hand on one trip. Otherwise when cars or boats are not accessible to the messenger's vehicle, the mails shall be delivered to and received from the railroad or steamboat employees at the nearest accessible point. The service shall be performed in accordance with the schedules of arrivals and departures prescribed by the postmaster. (See §§ 92.36 and 92.43.)

(b) **Guard mail and observe instructions.** The mail messenger shall guard the pouches and other mail in his custody from theft or injury. He shall obey all orders and regulations or special instructions from the Post Office Department or the postmaster affecting the mail-messenger service.

(c) **Mail failing of dispatch to be returned to post office.** When for any reason the mail messenger is unable to make proper dispatch of mails in his custody, or there is a failure to catch pouch from crane, the mail messenger shall return and deliver the mails into the post office and notify the postmaster. Mail messengers shall not be permitted to retain mails in their homes.

§ 94.11 **Temporary mail-messenger service—(a) Authorization of new service.** Where temporary service becomes necessary prior to the establishment of mail-messenger service, the postmaster shall apply to the Second Assistant Postmaster General, Surface Postal Transport, for authority to employ such service, stating the necessity for the same and the lowest obtainable rate per annum at which it can be secured. The Second Assistant Postmaster General, if he deems it necessary, shall issue instructions to the postmaster authorizing the employment of such service. No payment shall be made for such service unless it has been previously authorized by the Second Assistant Postmaster General. (See § 94.9.)

(b) **When messenger on established route fails to give service.** In the event a mail messenger, for any reason, fails to provide service on an established route, the postmaster may employ such temporary service as may be necessary, *at not exceeding the rate at which service on the route was authorized.* If the necessary temporary service on the route cannot be secured at such rate, the postmaster shall ascertain the lowest obtainable rate for such service and report the same at once by wire if necessary, with a statement of its necessity, to the Second Assistant Postmaster General, Surface Postal Transport, and await instructions.

(c) **Report of employment of.** The postmaster shall immediately report the employment of temporary service to the Second Assistant Postmaster General, Surface Postal Transport.

§ 94.12 **Payment of mail messengers—(a) Designation of postmasters as disbursing officers.** Postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails. * * * (Sec. 1, 22 Stat. 54, as amended; 39 U. S. C. 50.)

(b) **Monthly payment.** Mail messengers shall be paid monthly by the postmaster having supervision over the service. When the services of a mail messenger terminate for any reason, final payment shall be deferred until notification is received from the Second Assistant Postmaster General authorizing such payment.

§ 94.13 Report and certification by postmasters of mail-messenger service. Postmasters shall report and certify to the performance of mail-messenger service upon Form 2242, furnished by the department, strictly in accordance with instructions printed thereon. (See §§ 98.4 and 98.5.)

§ 94.14 Pouch record to be kept by mail messengers. Mail messengers shall keep lists of all pouches due to be received and dispatched by them, and verify all pouches by the lists at the time of receipt or dispatch, except where the only pouches handled are in exchange between the post office and a train or a boat and not more than one pouch is involved in either direction at a time. If any regular pouch is not received and the cause of the failure is not known, the general or district superintendent of Railway Mail Service shall be notified by telegraph. A copy of the report shall be attached to and become a part of the permanent pouch record.

NOTE: See §§ 42.38 and 43.5 as to record of pouches to be kept at post offices; § 92.31, by railroad companies; § 107.3, by railway postal clerks.

PART 95—SERVICE BY PNEUMATIC TUBES OR SIMILAR DEVICES

Sec.	95.1 Pneumatic tubes and similar devices.	Sec. 95.2	General contract provisions applicable.
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§ 95.1 Pneumatic tubes and similar devices—(a) Authorization. The Postmaster General may enter into contracts not exceeding in the aggregate \$1,388,759 for the transmission of mail by pneumatic tubes or other similar devices for a period not exceeding ten years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. Contracts for this service shall be subject to the provisions of the Postal Laws and Regulations relating to the letting of mail contracts, except as herein otherwise provided, and no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster General the needs of the Postal Service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

(b) Awarding of contract. The Postmaster General shall have the right to reject any and all bids; no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster General, of his ability

to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

(c) **Limit of annual expenditure as related to revenue.** No contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of four per centum of the gross postal revenue of said city for the last preceding fiscal year.

(d) **Service in New York City and Brooklyn.** (1) In the city of New York, including the borough of Brooklyn, the annual rate of expenditure for the transmission of mail by such tubes or devices, including power, labor, and all operating expenses, shall not exceed \$18,500 per mile of double line of tubes or such other sum not exceeding \$19,500 per mile as may have been prescribed by the Interstate Commerce Commission under the act of June 19, 1922, chapter 227, § 5, 42 Stat. 661. (Sec. 1, 32 Stat. 114, as amended; 39 U. S. C. 423.)

(2) The provisions of the Acts of April 21, 1902; May 27, 1908; and June 19, 1922 (39 U. S. C. 423), relating to contracts for transmission of mail by pneumatic tubes in New York, New York, including the borough of Brooklyn, are hereby amended to provide that the annual rental contract payment rate for the use of the twenty-six and nine hundred and sixty-nine thousandths miles of double-line pneumatic-tube facilities shall not exceed \$12,000 per mile: *Provided, however,* That the rate shall be inclusive of maintenance expenses but shall be exclusive of all operating expenses. (62 Stat. 1163; 39 U. S. C. 423, note.)

(e) **Limit of expenditure per mile, including operating expenses.** No contract shall be made in any other city providing for three miles or more of double lines of tube which shall involve an expenditure in excess of seventeen thousand dollars per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

(f) **Extension of service.** Only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the Postal Service. Said service shall not be extended in any cities other than those in which the service was under contract under authority of Congress on March 2, 1907, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Maryland; Cincinnati, Ohio; Kansas City, Missouri; Pittsburgh, Pennsylvania; and San Francisco, California. (Sec. 1, 32 Stat. 114, as amended; 39 U. S. C. 423.)

§ 95.2 **General contract provisions applicable.** The general provisions relating to contract service, part 97, this title, shall apply, so far as pertinent, to the pneumatic-tube service.

PART 96—AIR MAIL SERVICE

Sec.		Sec.	
96.1	"Air transportation" defined.	96.13	Emergency air mail service.
96.2	Certificate required.	96.14	Statutory provisions.
96.3	Terms and conditions of certificate.	96.15	Free travel for postal personnel.
96.4	Requirements as to carriage of mail.	96.16	Fixing of rates of compensation for transportation of mail by aircraft.
96.5	Certification by Postmaster General for additional service.	96.17	Availability of appropriations.
96.6	Continuation and termination of mail contract.	96.18	Penalty for violations.
96.7	Termination of bonds.	96.19	Effectiveness of existing orders, regulations, etc.
96.8	Rules and regulations.	96.20	Transportation of foreign mail.
96.9	Mail schedules.	96.21	Foreign postal arrangements.
96.10	Maximum mail load.	96.22	Leasing of quarters at airports.
96.11	Tender of mail.	96.23	Transportation of mail between airports and post offices.
96.12	Evidence of performance to be submitted by air carriers.	96.24	Records and reports.
		96.25	Additional provisions.

§ 96.1 **"Air transportation" defined.** "Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft. (Sec. 1, 52 Stat. 977; 49 U. S. C. 401.)

§ 96.2 **Certificate required.** No air carrier shall engage in any air transportation unless there is in force a certificate issued by the Board [Civil Aeronautics Board] authorizing such carrier to engage in such transportation: *Provided*, That if an air carrier is engaged in such transportation on the date of the enactment of this Act, such air carrier may continue so to engage between the same terminal and intermediate points for one hundred and twenty days after said date, and thereafter until such time as the Board shall pass upon an application for a certificate for such transportation if within said one hundred and twenty days such air carrier files such application as provided herein. * * * (Sec. 401, 52 Stat. 987; 49 U. S. C. 481.)

§ 96.3 **Terms and conditions of certificate.** Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require. A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Board shall

deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States. No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency, under regulations which may be prescribed by the Board, between terminal and intermediate points other than those specified in its certificate. Any air carrier may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the Board. (Sec. 401, 52 Stat. 987, as amended; 49 U. S. C. 481.)

§ 96.4 Requirements as to carriage of mail. Whenever so authorized by its certificate, any air carrier shall provide necessary and adequate facilities and service for the transportation of mail, and shall transport mail whenever required by the Postmaster General. Such air carrier shall be entitled to receive reasonable compensation therefor as hereinafter provided. (Sec. 401, 52 Stat. 987, as amended; 49 U. S. C. 481.)

§ 96.5 Certification by Postmaster General for additional service. Whenever, from time to time, the Postmaster General shall find that the needs of the Postal Service require the transportation of mail by aircraft between any points within the United States or between the United States and foreign countries, in addition to the transportation of mail authorized in certificates then currently effective, the Postmaster General shall certify such finding to the Board and file therewith a statement showing such additional service and the facilities necessary in connection therewith, and a copy of such certification and statement shall be posted for at least twenty days in the office of the secretary of the Board. The Board shall, after notice and hearing, and if found by it to be required by the public convenience and necessity, make provision for such additional service, and the facilities necessary in connection therewith, by issuing a new certificate or certificates or by amending an existing certificate or certificates in accordance with the provisions of this section. (Sec. 401, 52 Stat. 987, as amended; 49 U. S. C. 481.)

§ 96.6 Continuation and termination of mail contract—(a) Domestic. Each contract between the United States and any person

for the carriage of mail, entered into or continued under the provisions of secs. 469–469s of Title 39, and each contract for the carriage of mail by aircraft in Alaska, shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance to the holder of such contract of a certificate of public convenience and necessity authorizing the transportation of mail by aircraft between the points covered by such contract, or upon the failure of the holder of such contract to apply for such certificate within one hundred and twenty days after June 23, 1938, or upon a determination by the Board that such certificate should not be issued. Until the Board fixes rates under section 486 of this title, the Postmaster General shall pay compensation for the transportation of mail by aircraft at the rates provided by each such contract or, where rates have been heretofore or shall hereafter be fixed by orders of the Interstate Commerce Commission, pursuant to proceedings instituted prior to June 23, 1938, shall pay compensation for such transportation in accordance with such orders as if this chapter had not been enacted.

(b) Foreign. Each contract between the United States and any person heretofore entered into under the provisions of secs. 465a and 465b of Title 39 shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance of a certificate of public convenience and necessity to the holder of such contract authorizing the transportation of mail by aircraft between the points covered by such contract, or upon the effective date of any order of the Board hereunder fixing a fair and reasonable rate of compensation for the transportation of mail by aircraft between the points covered by such contract, whichever is later, or upon the failure of the holder of such contract to apply for such certificate within one hundred and twenty days after June 23, 1938, or upon a determination by the Board that such certificate should not be issued. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.7 Termination of bonds. Upon the cancellation, pursuant to the provisions of this chapter, of any contract for the transportation of mail by aircraft, the bond or bonds required from the holder thereof shall terminate and cease to be effective, and such holder and his or its surety or sureties thereon shall be released and discharged from all obligations thereunder, and all securities deposited with such bond or bonds shall forthwith be returned to such holder: *Provided*, That the foregoing provision shall not be construed to terminate or make ineffective any bond or bonds of such holder, or to release or discharge from any obligation thereunder such holder or his or its surety or sureties thereon, in respect of any matter arising prior to the date of the cancellation of such contract, and such holder or his or its surety or sureties

thereon shall not be released or discharged prior to disposition of any such matter: *Provided further*, That nothing in this chapter shall be construed to affect any right which may have accrued to any air carrier prior to the date of the cancellation, pursuant to the provisions of this chapter, of any contract for the transportation of mail by aircraft. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.8 Rules and regulations—(a) Authority to make. The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this chapter, or any order, rule, or regulation made by the Board thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

(b) Regulations. Following is a digest of regulations issued by the Postmaster General pursuant to the above law:

(1) Carriers will transport the mail on the route specified in the certificate of public convenience and necessity issued by the Civil Aeronautics Board and on the schedules designated by the Postmaster General pursuant to section 405 (e) of the Civil Aeronautics Act.

(2) In case of cancellation, or extended delay, carriers will be held responsible for the prompt transfer of mail to other routes or trips or transportation of the mail to the nearest post office or train where it can be given the most expeditious dispatch to destination.

(3) Unless and until otherwise provided by the Department, carriers will furnish adequate and suitable quarters at such air-mail stops on the routes as may be necessary to receive, transfer, dispatch, and distribute mail; such quarters will conform to specifications approved by the Department.

(4) Carriers will truck the mail between such points as may be necessary in emergencies caused by unscheduled stops, unscheduled operation, or extended delay, including cancellations of trips either en route or at termini. Compensation for this service is included in the mail rate prescribed by the Civil Aeronautics Board.

(5) Carriers will keep postal officials and employees concerned fully informed regarding irregularities in the operation of service on their routes.

(6) Carriers will be required to maintain approved schedules except where prevented from doing so by weather and providential causes. They will make the connections between planes of other routes as required and will observe such holding orders as may be prescribed by authorized officials of the Post Office Department.

(7) Carriers will answer promptly all official correspondence from officials of the Post Office Department.

(8) Carriers will keep such records and transmit such reports as may be necessary for the Postmaster General to make prompt and proper accounting for the transportation of the mail on air routes and for other services connected therewith. They will utilize standard forms issued by the Department and will promptly transmit same to the Department or to the authorized field representative.

(9) The Post Office Department will pay the rates prescribed by the Civil Aeronautics Board for the transportation of air mail. The mileage on which payment is based will be that prescribed by the Civil Aeronautics Board.

(10) Carriers will be held responsible for the proper handling and protection of mails in their custody, both as to safety and damage.

(11) In case of accident involving possible damage to or loss of mails, the carrier will promptly notify designated postal officials by telephone or telegraph.

(12) Mail will be given priority over all other forms of traffic, not only in the matter of transportation, but also in unloading and transfer to the connecting airline, and delivery to the designated postal representative, or the air mail field post office.

(13) All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties.

(14) Carriers who transport mail will carefully observe all rules and regulations issued by the Post Office Department and will be required to take cognizance of and comply with all postal laws and regulations covering the transportation of mail and to be guided by such portions thereof as are not inconsistent with the provisions of the Civil Aeronautics Act or the interpretation made thereof and the rulings made thereunder by the Civil Aeronautics Board. They may be subject to fines and deductions for failure to do so.

§ 96.9 Mail schedules. Each air carrier shall, from time to time, file with the Board and the Postmaster General a statement showing the points between which such air carrier is authorized to engage in air transportation, and all schedules, and all changes therein, of aircraft regularly operated by the carrier between such points, setting forth in respect of each such schedule the points served thereby and the time of arrival and departure at each such point. The Postmaster General may designate any such schedule for the transportation of mail between the points between which the air carrier is authorized by its certificate to transport mail, and may, by order, require the air carrier to establish additional schedules for the transportation of mail between such points. No change shall be made in any schedules designated or ordered to be established by the Postmaster General except upon ten days' notice thereof filed as herein provided. The Postmaster General may by order disapprove any such change or alter, amend, or modify any such schedule or change. No order of the Postmaster General under this subsection shall become effective until ten days after its issuance. Any person who would be aggrieved by any such order of the Postmaster General under this subsection may, before the expiration of such ten-day period, apply to the Board, under such regulations as it may prescribe, for a review of such order. The Board may review, and, if the public convenience and necessity so require, amend, revise, suspend, or cancel such order; and, pending such review and the determination thereof, may postpone the effective date of such order. The Board shall give preference to proceedings under this subsection over all proceedings pending before it. No air carrier shall transport mail in accordance with

any schedule other than a schedule designated or ordered to be established under this subsection for the transportation of mail. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.10 Maximum mail load. The Board may fix the maximum mail load for any schedule or for any aircraft or any type of aircraft; but, in the event that mail in excess of the maximum load is tendered by the Postmaster General for transportation by any air carrier in accordance with any schedule designated or ordered to be established by the Postmaster General under subsection (e) of this section for the transportation of mail, such air carrier shall, to the extent such air carrier is reasonably able as determined by the Board, furnish facilities sufficient to transport, and shall transport, such mail as nearly in accordance with such schedule as the Board shall determine to be possible. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.11 Tender of mail. From and after the issuance of any certificate authorizing the transportation of mail by aircraft, the Postmaster General shall tender mail to the holder thereof, to the extent required by the Postal Service, for transportation between the points named in such certificate for the transportation of mail, and such mail shall be transported by the air carrier holding such certificate in accordance with such rules, regulations, and requirements as may be promulgated by the Postmaster General under this section. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.12 Evidence of performance to be submitted by air carriers. Air carriers transporting or handling United States mail shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the amount of such mails transported or handled, and the compensation payable and received therefor. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.13 Emergency air mail service. In the event of emergency caused by flood, fire, or other calamitous visitation, the Postmaster General is authorized to contract, without advertising, for the transportation by aircraft of any or all classes of mail to or from localities affected by such calamity, where available facilities of persons authorized to transport mail to or from such localities are inadequate to meet the requirements of the Postal Service during such emergency. Such contracts may be only for such periods as may be necessitated, for the maintenance of mail service, by the inadequacy of such other facilities. No operation pursuant to any such contract, for such

period, shall be air transportation within the purview of this act. Payment of compensation for service performed under such contracts shall be made, at rates provided in such contracts, from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.14 Statutory provisions. Nothing contained in this chapter shall be construed to repeal in whole or in part the provisions of section 470 of Title 39. The transportation of mail under contracts entered into under such section shall not, except for sections 481 (1) and 496 (b), be deemed to be "air transportation" as used in this chapter, and the rates of compensation for such transportation of mail shall not be fixed under this chapter. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

NOTE: See § 97.2 as to contracts for inaccessible routes; § 97.27 as to difficult or emergency service in Alaska (39 U. S. C. 488); and § 97.27 as to authority of Postmaster General to make special arrangements for the transportation of mail in Alaska (39 U. S. C. 488).

§ 96.15 Free travel for postal personnel. Every air carrier carrying the mails shall carry on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and such duly accredited agents and officers of the Post Office Department, and post office inspectors, while traveling on official business relating to the transportation of mail by aircraft, as the Board may by regulation prescribe, upon the exhibition of their credentials. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.)

§ 96.16 Fixing of rates of compensation for transportation of mail by aircraft—(a) Authority for. The Board is empowered and directed, upon its own initiative or upon petition of the Postmaster General or an air carrier, (1) to fix and determine from time to time, after notice and hearing, the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith (including the transportation of mail by an air carrier by other means than aircraft whenever such transportation is incidental to the transportation of mail by aircraft or is made necessary by conditions of emergency arising from aircraft operation), by each holder of a certificate authorizing the transportation of mail by aircraft, and to make such rates effective from such date as it shall determine to be proper; (2) to prescribe the method or methods, by aircraft-mile, pound-mile, weight, space, or any combination thereof, or otherwise, for ascertaining such rates of compensation for each air carrier or class of air carriers; and (3) to publish the same; and the rates so fixed and determined shall be paid by the Postmaster General from appropriations for the transportation of mail by aircraft.

(b) **Rate-making elements.** In fixing and determining fair and reasonable rates of compensation under this section, the Board, considering the conditions peculiar to transportation by aircraft and to the particular air carrier or class of air carriers, may fix different rates for different air carriers or classes of air carriers, and different classes of service. In determining the rate in each case, the Board shall take into consideration, among other factors, the condition that such air carriers may hold and operate under certificates authorizing the carriage of mail only by providing necessary and adequate facilities and service for the transportation of mail; such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law; and the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense.

(c) **Statements of Postmaster General and carrier.** Any petition for the fixing of fair and reasonable rates of compensation under this section shall include a statement of the rate the petitioner believes to be fair and reasonable. The Postmaster General shall introduce as part of the record in all proceedings under this section a comprehensive statement of all service to be required of the air carrier and such other information in his possession as may be deemed by the Board to be material to the inquiry.

(d) **Weighing of mail.** The Postmaster General may weigh the mail transported by aircraft and make such computations for statistical and administrative purposes as may be required in the interest of the mail service. The Postmaster General is authorized to employ such clerical and other assistance as may be required in connection with proceedings under this chapter. If the Board shall determine that it is necessary or advisable, in order to carry out the provisions of this chapter, to have additional and more frequent weighing of the mails, the Postmaster General, upon request of the Board, shall provide therefor in like manner, but such weighing need not be for continuous periods of more than thirty days. (Sec. 406, 52 Stat. 998, as amended; 49 U. S. C. 486.)

§ 96.17 **Availability of appropriations.** Except as otherwise provided in section 485 (k) of this title, the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under sections 469-469s of Title 39, and the

unexpended balances of all appropriations available for the transportation of mail by aircraft in Alaska, shall be available, in addition to the purposes stated in such appropriations, for the payment of compensation by the Postmaster General, as provided in this chapter, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the continental United States or between points in Hawaii or in Alaska or between points in the continental United States and points in Canada within one hundred and fifty miles of the international boundary line. Except as otherwise provided in section 485 (*k*) of this title, the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under sections 465a and 465b of Title 39, shall be available, in addition to the purposes stated in such appropriations, for payment to be made by the Postmaster General, as provided by this chapter, in respect of the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the United States and points outside thereof, or between points in the continental United States and Territories or possessions of the United States, or between Territories or possessions of the United States. (Sec. 406, 52 Stat. 998, as amended; 49 U. S. C. 486.)

§ 96.18 Penalty for violations—(a) Amount and determination. Any person who violates (1) any provision of subchapters V, VI, and VII of this chapter, or any provision of subsection (*a*) (1) of section 181 of this title, or (2) any rule or regulation issued by the Postmaster General under this chapter, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation. Any such penalty may be compromised by the Board or the Postmaster General, as the case may be. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(b) Liens. In case an aircraft is involved in such violation and the violation is by the owner or person in command of the aircraft, such aircraft shall be subject to lien for the penalty: *Provided*, That this subsection shall not apply to a violation of a rule or regulation of the Postmaster General. (Sec. 901, 52 Stat. 1015, as amended; 49 U. S. C. 621.)

§ 96.19 Effectiveness of existing orders, regulations, etc. All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Department of Commerce, or the Postmaster General, or any court of competent jurisdiction, under any provision of law repealed or amended by this chap-

ter, or in the exercise of duties, powers, or functions transferred to the Board by this chapter, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Board, or by any court of competent jurisdiction, or by operation of law. (Sec. 1108, 52 Stat. 1029, as amended; 49 U. S. C. 678.)

§ 96.20 Transportation of foreign mail. * * * Any air carrier holding a certificate to engage in foreign air transportation and transporting mails of foreign countries shall transport such mails subject to control and regulation by the United States. The Postmaster General shall from time to time fix the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements between any such air carrier and any foreign country covering the transportation of mails of such country, under which mails of such country have been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mails at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may authorize any such air carrier, under such limitations as the Postmaster General may prescribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country. * * * (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485 (i) (1).)

§ 96.21 Foreign postal arrangements. (a) * * * Nothing in this chapter shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country.

(b) The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the mail for a foreign country, make arrangements, without advertising, with such person for transporting

mail by aircraft to or within any foreign country. * * * (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485 (h) (1), (2).)

§ 96.22 Leasing of quarters at airports. The Postmaster General is hereby authorized, in the disbursement of the appropriation for domestic air-mail service, to apply a part thereof to the purpose of leasing suitable quarters at public airports for use in the handling and distribution of air mail at a reasonable rental to be paid quarterly or monthly, for a term not exceeding twenty years. (62 Stat. 1098; 39 U. S. C. 476.)

§ 96.23 Transportation of mail between airports and post offices. (a) All mail consigned from an airport to a post office at which there is established a Government-owned motor-vehicle service operated by driver-mechanics in the motor-vehicle service of the Post Office Department or from such a post office to an airport, shall, if possible, be transported by such Government-owned motor vehicle: *Provided*, That such mails need not be so transported when the distance between the post office and the airport is in excess of thirty-five miles.

(b) Nothing in this Act shall be construed as prohibiting the delivery of such mails by helicopter or similar aircraft. (62 Stat. 576; 39 U. S. C. 473, 474.)

§ 96.24 Records and reports. Postmasters and other postal officials shall keep such records and shall submit such reports as may be required for the transaction of air-mail business.

§ 96.25 Additional provisions. Such other definitions, sections, or subsections, or any part thereof, of the Civil Aeronautics Act of 1938, directly or indirectly applicable to the Air Mail Service, are hereby incorporated as a part of the Postal Laws and Regulations by this reference, and will be observed accordingly.

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

Sec.	ESTABLISHMENT OF SERVICE	Sec.	
97.1	Contracts for carrying mails on plank roads.	97.7	Contracts for service on domestic water routes where service previously performed.
97.2	Contracts for service by air because of impracticability of surface transportation.	97.8	Contract for Alaska service requiring boat adequate for mail, passengers, and freight.
97.3	Contracts for carrying mail on canals.	97.9	Combined inland and foreign steamboat service.
97.4	Special offices not on established routes.	97.10	Mails carried as freight or express.
97.5	Carriage of mails by steamboat or other vessel.	97.11	Transportation of mails by screen-vehicle service.
97.6	Contracts for service on domestic water routes where service is new.	ADVERTISEMENTS AND PROPOSALS FOR CONTRACT SERVICE	
		97.12	Four contract sections of United States.

Sec.		Sec.	
97.13	General mail lettings.		PERFORMANCE OF SERVICE
97.14	Miscellaneous mail lettings.	97.44	"Star route" defined.
97.15	Proposals to be accompanied with bond.	97.45	Official head of route.
97.16	Sureties on bonds of bidders.	97.46	Qualifications of carriers.
97.17	Forms for proposals.	97.47	Additional duties of star route contractors.
97.18	Delivery and opening of proposals.	97.48	Box delivery and collection service on star routes.
97.19	When proposals not to be considered; transfer or assignment not permitted.	97.49	Transportation of intoxicating liquors.
97.20	Suspension of award; rejection of bids.	97.50	Service required of mail contractors.
97.21	Record of proposals.	97.51	Employment of special carrier.
97.22	Amounts of proposals not to be divulged.	97.52	Boats used in mail service.
97.23	Approval of sureties by postmaster personally.	97.53	Letters on mail boats.
97.24	No extra pay because of mistakes.	97.54	Delivery of letters by master of vessel.
97.25	No extra pay for serving additional offices unless distance increased.	97.55	"Ship letters and packages" defined.
97.26	Consolidated or combined bids.	97.56	Compensation for carriage of ship letters.
97.27	Difficult or emergency service in Alaska.	97.57	Certificate for ship letters; payment of shipmaster.
	CONTRACTS FOR SERVICE	97.58	When fees on ship letters not allowed.
97.28	Contracts for carrying the mail.		CHANGES IN SERVICE: ADDITIONAL SERVICE
97.29	New contracts.	97.59	Extension of service on route under contract.
97.30	Time limit of contracts.	97.60	Compensation for additional service.
97.31	Combinations to prevent bidding.	97.61	Extra allowance for increase of expedition in service.
97.32	Failure of bidder to enter into contract or of contractor to commence service.	97.62	When necessary to increase speed on route.
97.33	Failure of contractor to continue performing satisfactory service.	97.63	Change of schedules.
97.34	Duplicate of contract to be delivered to Bureau of Accounts.	97.64	Gratuitous exchange of mails.
97.35	Change in terms of contract.	97.65	Additional service.
97.36	Acceptance or requirement of new sureties on contracts.	97.66	Unnecessary service not to be required of contractor.
97.37	Payment on contracts.	97.67	Reduction or discontinuance of service.
	ASSIGNMENT OF CONTRACTS FOR SERVICES: SUBLETTING OF CONTRACTS		TEMPORARY SERVICE
97.38	Assignment of contracts prohibited.	97.68	Temporary contracts.
97.39	Subletting or transfer of contracts.	97.69	Temporary service employed without advertisement.
97.40	When sublet for less than contract price.	97.70	When contractor fails to begin or continue service.
97.41	Manner of subletting contracts.	97.71	Report of postmaster.
97.42	Subcontracts.	97.72	Service in lieu of railroad or electric service which failed.
97.43	Liens upon pay of contractors and subcontractors.	97.73	Employment of service after expiration of contract.

ESTABLISHMENT OF SERVICE

§ 97.1 **Contracts for carrying mails on plank roads.** The Postmaster General may contract for carrying the mail on any plank road

in the United States, when the public interest or convenience requires it. (R. S. 3968; 39 U. S. C. 486.)

§ 97.2 Contracts for service by air because of impracticability of surface transportation. Whenever he shall find it to be in the public interest, because of the nature of the terrain and the impracticability of surface transportation, the Postmaster General may award contracts for the transportation of any or all classes of mail by airplane upon star routes not over two hundred airplane-miles in length by direct flight between termini, payment for such service to be made from the appropriation for inland transportation by star routes: *Provided*, That all laws and regulations not in conflict with this section governing star routes shall be applicable to contracts made under the authority of this section: *Provided further*, That the base rate of pay which may be allowed in awarding such contracts shall not exceed 20 cents per airplane-mile for a load not exceeding two hundred and fifty pounds of mail, and not exceeding 1 cent per airplane-mile for each twenty pounds of mail carried in excess of the two hundred and fifty-pound limit, except that in the discretion of the Postmaster General a higher base rate of pay may be allowed in awarding contract for carrying mail over circuitous routes of less than seventy-five miles in length: *And provided further*, That the provisions of secs. 463, 469, 469f of this title, shall not apply to the transportation of mail under this section: *And provided further*, That the Postmaster General shall not award more than five contracts for the transportation of mail under the authority of this section. (Sec. 6, 52 Stat. 219; 39 U. S. C. 470.)

§ 97.3 Contracts for carrying mail on canals. The Postmaster General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it. (R. S. 3967; 39 U. S. C. 485.)

§ 97.4 Special offices not on established routes. The Postmaster General may enter into contracts for extending the line of posts to supply mails to post offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices. (R. S. 3971; 39 U. S. C. 489.)

NOTE: See § 97.51 as to employment of special service.

§ 97.5. Carriage of mails by steamboat or other vessel. The Postmaster General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States. (R. S. 3969; 39 U. S. C. 487.)

§ 97.6 Contracts for service on domestic water routes where service is new. * * * The Postmaster General may contract with

the owners or masters of steamships, steamboats, or other vessels plying upon the waters or between ports of the United States for carrying the mails upon such routes where no mail service has previously been performed, without advertising for proposals therefor; but no contract for such new service shall be for a longer time than one year. (R. S. 3943, as amended; 39 U. S. C. 449.)

§ 97.7 Contracts for service on domestic water routes where service previously performed. When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between the ports of the United States, upon which mail service has previously been performed, the Postmaster General may contract with the owner or master of any steamship, steamboat, or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted; but the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract upon the same route. * * * (R. S. 3943, as amended; 39 U. S. C. 449.)

§ 97.8 Contract for Alaska service requiring boat adequate for mail, passengers, and freight. The Postmaster General may, in his discretion, contract for a period of not exceeding four years, without advertisement therefor, for the carriage of all classes of mail, by steamboat or other powerboat of United States registry, on the route from Seward, by points on Kenai Peninsula, Kodiak Island, Alaska Peninsula, the Aleutian Islands to Umnak Island, and points on Bristol Bay, Alaska, and vicinity, and back, by a schedule and under the conditions prescribed by the Postmaster General; the contractor to furnish and use in the service a safe and seaworthy boat of sufficient size to provide adequate space for mail, passengers, and freight, the annual cost not to exceed \$250,000, payment therefor to be made from the appropriation for powerboat service. (53 Stat. 1338, as amended; 39 U. S. C. 487a.)

§ 97.9 Combined inland and foreign steamboat service. The Postmaster General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. (Sec. 1, 23 Stat. 386; 39 U. S. C. 424.)

§ 97.10 Mails carried as freight or express. When there is no competition on a route and the rate of compensation asked is excessive, or no proposal is received, the Postmaster General may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of \$500. Each day of refusal shall constitute a separate offense. (Sec. 1, 40 Stat. 747; 39 U. S. C. 450.)

§ 97.11 Transportation of mails by screen-vehicle service—(a) Contracts for. Formal written contracts may be entered into for transporting the mails in cities in regulation screen vehicles between post offices; between post offices and railroad stations; between the post office and terminal railway post offices; between the post office and steamboat landings; between the post office and mail stations; between the post office and points of exchange with electric or cable cars or like points, and between the several post offices, railroad stations, terminal railway post offices, steamboat landings, mail stations, or points of exchange with electric or cable cars in cities and towns, and may also be entered into for furnishing specified equipments for use in the delivery and collection of mail, for use in the delivery, collection, and transportation of mail, and for the delivery and collection of mail in combination with contracts for ordinary regulation screen-vehicle service.

NOTE: This class of service is usually performed under a formal written contract, with bond, and in accordance with specifications prescribing the equipment and the requirements of the service. Such mail-messenger and transfer service as is herein indicated is distinguished from the "mail-messenger service" provided for in part 94 of this title in the foregoing particular.

(b) Advertisement for bids. Vehicle service under formal contract in cities shall be authorized after public advertisement in which special instructions with regard to the requirements of the service, the style and character of the equipment to be used, and the general provisions of the contract shall be stated.

ADVERTISEMENTS AND PROPOSALS FOR CONTRACT SERVICE

§ 97.12 Four contract sections of United States. The United States shall be divided into four contract sections. A general letting for one of these sections shall occur every year, and contracts may be made for four consecutive years, commencing on the first day of July. The sections are:

First. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

Second. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Puerto Rico, and Virgin Islands.

Third. Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, and Oklahoma.

Fourth. Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Alaska, and Hawaii.

§ 97.13 General mail lettings. The Postmaster General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post office named in said

advertisements for at least sixty days before the time of such general lettings, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings. (Sec. 1, 21 Stat. 374, as amended; 39 U. S. C. 421.)

NOTE: See § 97.10 for provision for requiring carriage as freight or express where there is no competition, or the compensation asked is excessive, or no proposal is received.

§ 97.14 Miscellaneous mail lettings—(a) Advertisement for; terms. After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest responsible bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service. (Sec. 1, 27 Stat. 268, as amended; 39 U. S. C. 422.)

NOTE: See §§ 97.68 and 97.69 as to temporary service.

(b) Definition of "Miscellaneous mail lettings." The lettings of service upon new mail routes, established pursuant to law in any contract division of the United States during a contract term, and upon routes where the contractor has failed or abandoned his contract, shall be denominated "miscellaneous mail lettings." The lettings shall be made under bulletin advertisement to cover the mail service on such routes until the expiration of the contract term, when the service, if continued, shall be embraced in the general advertisement.

§ 97.15 Proposals to be accompanied with bond. Every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds five thousand dollars, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform

the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted. (R. S. 3945, as amended; 39 U. S. C. 426.)

NOTE: When a bond is executed by a surety company acceptable on bonds to the United States, the approval of a postmaster is not required. (See § 135.8.)

A proposal bond given by a bidder for a contract for carrying the mails is an absolute undertaking to pay the amount named therein as liquidated damages in case of condition broken, and not one of indemnity or security to the Government against loss or damage for breach of contract, and in an action thereon the actual damages cannot be inquired into. (145 Federal Reporter, 995; 151 Id., 534.)

See § 130.61 as to penalty for false approval of bond by postmaster.

§ 97.16 Sureties on bonds of bidders. Before the bond of a bidder, (for carrying the mail) * * * is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury. (See 18 U. S. C. 1621 and 1622.) (R. S. 3946, as amended; 39 U. S. C. 427.)

NOTE: When a bond is executed by a surety company acceptable on bonds to the United States, the above oath and interrogatories are not required. (See § 135.8.)

§ 97.17 Forms for proposals. Proposals for carrying the mails shall be made on the forms prescribed by the Postmaster General, and bidders for service on star and steamboat or other powerboat routes shall propose to transport the mails with "celerity, certainty, and security." (See § 97.28.)

§ 97.18 Delivery and opening of proposals. Proposals for carrying the mail shall be delivered sealed, and so kept until the bidding is closed, and shall then be opened and marked in the presence of the Postmaster General, and one of the Assistant Postmasters General, or of two of the Assistant Postmasters General, or of any other two officers of the Department, to be designated by the Postmaster General; and

any bidder may withdraw his bid at any time before twenty-four hours previous to the time fixed for the opening of proposals, by serving upon the Postmaster General notice in writing of such withdrawal. (R. S. 3944, as amended; 39 U. S. C. 425.)

§ 97.19 **When proposals not to be considered; transfer or assignment not permitted.** Proposals submitted in response to a general or miscellaneous advertisement, received at the Post Office Department after the limit of time fixed in such advertisement for the receipt of bids, shall not be considered in competition with bids received within the prescribed time: *Provided, however,* That when a bid arrives by mail after the time fixed and it is shown that the nonarrival on time was due solely to the delay in the mails for which the bidder was not responsible, such bid may be considered as having arrived on time. No transfer or assignment shall be made of a bid or any interest therein.

§ 97.20 **Suspension of award; rejection of bids.** The award of contract under a general advertisement for service on any route may be suspended by the Postmaster General for a period not exceeding 60 days after the date stated in such advertisement for the announcement of award, with a corresponding allowance of time for the execution of the contract; all bids on any route may be rejected whenever in the judgment of the Postmaster General the interest of the service requires it, and bids accompanied with bonds on which there appears as surety the name of any person who is barred from bidding by reason of being a falling bidder or contractor, or for any other reason, may be disregarded.

§ 97.21 **Record of proposals.** The Postmaster General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals until the end of the contract term to which they relate after which the proposals that were not accepted may be destroyed or disposed of as waste paper.
* * * (R. S. 3948, as amended; 39 U. S. C. 428.)

§ 97.22 **Amounts of proposals not to be divulged.** No postmaster or other employee of the Postal Service shall disclose to anyone the amount of any proposal of which he may have knowledge. Doing so will be considered sufficient cause for removal from the service.

§ 97.23 **Approval of sureties by postmaster personally.** The approval of the sureties shall be by a postmaster or duly appointed acting postmaster, and the certificate shall be signed in person by such official, and not by an assistant postmaster or clerk either in his own name or in the name of the postmaster.

§ 97.24 **No extra pay because of mistakes.** No extra pay shall be allowed a contractor for mail service on account of alleged mistakes or misapprehension as to the amount of service required, nor shall additional pay be allowed should it be shown that the actual distance is greater than that stated in the advertisement, if the points to be supplied are correctly stated.

§ 97.25 **No extra pay for serving additional offices unless distance increased.** Post offices in operation and those established during a contract term, as well as railroad stations and junction points, which may be included for supply, shall be visited by the contractor or carrier without allowance of additional pay

if the distance be not thereby increased, and for pro rata additional pay if the distance be increased.

§ 97.26 **Consolidated or combined bids.** Consolidated or combined bids for mail service (proposing one sum for two or more routes) shall not be considered.

§ 97.27 **Difficult or emergency service in Alaska.** (a) The Postmaster General may provide difficult or emergency mail service in Alaska, at a total annual cost of not exceeding \$25,000, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor: *Provided*, That the Postmaster General, in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce, or 15 cents per half ounce, notwithstanding the domestic air-mail rate authorized by section 463 of this title. (43 Stat. 960, as amended; 39 U. S. C. 488.)

(b) That whenever required by the Postmaster General, any air carrier authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938 to engage in the transportation of mail in the Territory of Alaska shall, within the limits of such authorization, transport, in addition to mail on which postage shall have been paid at the rate provided by the Act of June 12, 1934 (48 Stat. 933), as amended, any other classes of mail bearing the appropriate postage for its respective class, and the Postmaster General is authorized to require such transportation. The rates of compensation to be paid such carrier for the transportation of all mail shall be fixed by the Civil Aeronautics Authority in accordance with the provisions of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973). When in the opinion of the Postmaster General the needs of the Postal Service require the transportation of mail by aircraft in the Territory of Alaska, where no transportation of mail by aircraft has been authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938, the Postmaster General, notwithstanding any other provision of law, is authorized to contract for the carriage of all classes of mail bearing the appropriate postage for its respective class by aircraft after advertisement in accordance with law. The transportation of mail under contracts entered into under this Act shall not, except for sections 401 (l) and 416 (b) of the Civil Aeronautics Act of 1938, be deemed to be "air transportation" as that term is defined in the Civil Aeronautics Act of 1938, and the rates of compensation for such transportation of mail shall not be fixed under that Act. The Postmaster General shall transmit a copy of each contract made pursuant to this Act to the Civil Aeronautics Authority at the time it is let. Any such contract

shall be canceled upon the issuance by the Civil Aeronautics Authority of an authorization under said title IV of the Civil Aeronautics Act of 1938 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in such contract. That the Postmaster General in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law. (Sec. 1, 54 Stat. 1175; 39 U. S. C. 488a.)

(c) Payment for services pursuant to contracts entered into by the Postmaster General under authority of this Act shall be made from the appropriation for star route service in Alaska. (Sec. 2, 54 Stat. 1176; 39 U. S. C. 488b.)

CONTRACTS FOR SERVICE

§ 97.28 Contracts for carrying the mail—(a) Awarding of. All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract. (R. S. 3949, as amended; 39 U. S. C. 429.)

(b) When bids for star routes are exorbitant or unreasonable. Whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General may, out of the appropriation for inland transportation by star routes, employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies. (Sec. 7, 39 Stat. 161; 39 U. S. C. 433.)

(c) Restriction of appropriation where star route and rural delivery services are involved. No part of the appropriation for inland transportation by star routes shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served by Rural Delivery Service, unless

the services of a qualified rural carrier cannot be secured. (Sec. 1, 40 Stat. 751; 39 U. S. C. 451.)

(d) Residence of bidder. No proposal for a contract for Star Route Service shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or counties; except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence: *And provided further*, That the term "county," as used herein, shall include parish or other similar primary subdivision of a State. (Sec. 3, 54 Stat. 228; 39 U. S. C. 425a.)

(e) Contractor to reside on or contiguous to route. A contractor for service on star, screen, or regulation wagon route shall live on or contiguous to the route, and shall give his personal supervision to the performance of service thereon.

§ 97.29 New contracts—(a) For purpose of releasing contractors and sureties. The Postmaster General may, in his discretion and in the interest of the postal service, readvertise and award new contracts for the purpose of releasing contractors and their sureties under the following conditions: (a) Where a change is ordered in the service involving a material increase or decrease in the amount of service required to such extent as to impose undue hardship on the contractor; (b) where an abnormal or sustained increase in the quantity of mail develops during a contract period or after a bid has been submitted, necessitating larger capacity equipment to maintain the service; (c) where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer or an excessively shorter period than was required in the advertised schedule; (d) where it is found after full investigation that the compensation of such contractors is wholly inadequate and that the continuation of the contract would impose undue hardship upon the contractor: *Provided*, That provision (d) shall be effective only upon the giving by the contractor of ninety days' advance notice of his desire to be released: *Provided further*, That such contractor shall waive the one month's extra pay authorized by law where contracts are canceled under clause (d) of this section.

(b) With present contractors. The Postmaster General may, in his discretion and in the interest of the postal service, notwithstanding the provisions of section 3949 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 39, sec. 429) [§ 97.28], by mutual agreement with the holder of any star-route contract, renew such contract

at the rate prevailing at the end of the contract term, for additional terms of four years with such bond as may be required by the Postmaster General. Any such contract may be terminated at the end of any four-year term at the option of the Postmaster General or the contractor or terminated at any time by operation of any existing law.

The Postmaster General may, in his discretion and under such regulations as he may prescribe, with the consent of the contractor, and without regard to the provisions of sections 3958 and 3961 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 39, secs. 438 and 441) [§§ 97.35 and 97.61], readjust the compensation of a star-route contractor for increased or decreased costs occasioned by changed conditions occurring during the contract term which could not reasonably have been anticipated at the time of making his original proposal or executing his bond for a renewed contract as provided herein. (R. S. 3951, as amended; 39 U. S. C. 434.)

§ 97.30 Time limit of contracts. (a) Except as otherwise provided by law, no contract for carrying the mail shall be made for a longer term than four years * * *. (R. S. 3956; 39 U. S. C. 436.)

(b) * * * in all cases of regular contracts, the contract may, in the discretion of the Postmaster General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster General. * * * (R. S. 3951, as amended; 39 U. S. C. 434.)

§ 97.31 Combinations to prevent bidding. No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified. (R. S. 3950; 39 U. S. C. 432.)

NOTE: See §§ 90.8 and 94.6 as to persons disqualified as mail contractors; § 130.35 as to Members of Congress being interested in contracts.

§ 97.32 Failure of bidder to enter into contract or of contractor to commence service. After any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster General shall

proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall readvertise such route * * *. (R. S. 3951, as amended; 39 U. S. C. 434.)

§ 97.33 Failure of contractor to continue performing satisfactory service. * * * if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof (unless the Postmaster General shall consider such bid too high), who will enter into contract and give bond, with sureties to be approved by the Postmaster General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving, in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured, the route shall be readvertised. (R. S. 3951, as amended; 39 U. S. C. 434.)

§ 97.34 Duplicate of contract to be delivered to Bureau of Accounts. The Postmaster General shall deliver to the Bureau of Accounts in the Post Office Department, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof. (R. S. 404, as amended; 39 U. S. C. 431.)

§ 97.35 Change in terms of contract. Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in section 437 of this title (in the United States Code), notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts. (R. S. 3958; 39 U. S. C. 438.)

§ 97.36 Acceptance or requirement of new sureties on contracts. The Postmaster General, whenever he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety. (R. S. 3955, as amended; 39 U. S. C. 435.)

§ 97.37 Payment on contracts—(a) Only after proper execution of contract. No person whose bid for carrying the mail is accepted shall receive any pay until he has executed his contract according to law and the regulations of the department. (R. S. 3959; 39 U. S. C. 439.)

(b) When contractor has contracts for more than one route.
* * * Where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied. (Sec. 1, 22 Stat. 53; 39 U. S. C. 447.)

(c) How made. Payments shall be made direct from the department by check of the Postmaster General on the Treasurer of the United States, after the expiration of each month, and as soon as accounts can be settled, if required evidence of service has been received.

NOTE: See § 98.3 as to reports of mail service.

(d) No payment until oath taken and filed. Contractors for carrying the mail shall not be paid until the oath prescribed in § 135.4 is taken and filed in the department. (See § 98.7.)

(e) Designation of disbursing officers for Alaska service. (1) Postmasters may be designated by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska. (44 Stat. 321; 39 U. S. C. 67.)

(2) No postmaster shall make payments unless specifically designated by the Department to do so.

ASSIGNMENT OF CONTRACTS FOR SERVICES: SUBLETTING OF CONTRACTS

§ 97.38 Assignment of contracts prohibited. No contractor for transporting the mails within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void. (R. S. 3963; 39 U. S. C. 444.)

NOTE: This section is not in conflict with the provisions of the following section. A contractor may, with the consent of the Postmaster General, make a subcontract with another for the performance of the service undertaken by him, but he continues as contractor and is responsible for the due fulfillment of his contract. Under the above statute a contract cannot be assigned or transferred to another.

See following section, note, as to subcontracts; § 120.2 as to contracts for transporting foreign mails.

§ 97.39 Subletting or transfer of contracts. No subletting or transfer of any mail contracts shall be permitted without the consent in writing of the Postmaster General; and whenever it shall come to the knowledge of the Postmaster General that any contractor has sublet or transferred his contract, except with the consent of the Postmaster General as aforesaid, the same shall be considered as violated and the service may be again advertised as provided by law; and the contractor and his securities shall be liable on their bond to the United States for any damage resulting to the United States in the premises. (Sec. 2, 20 Stat. 62; 39 U. S. C. 445.)

NOTE: Contractors cannot assign or transfer their contracts so as to relieve themselves from liability. (See preceding section, note.) When the service is sublet their responsibility for the due fulfillment of all the provisions of their contracts is in nowise affected. The term "transfer" as used in this section has been regarded as qualified by "subletting" and as meaning the same thing; and only subcontracts are ever authorized by the Postmaster General.

§ 97.40 When sublet for less than contract price. Whenever any contractor or subcontractor shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster General may, whenever he shall deem it for the good of the service, declare the original contract at an end, and enter into a contract with the last subcontractor, without advertising, to perform the service on the terms at which the last subcontractor agreed with the original contractor or former subcontractor to perform the same. Such last subcontractor shall enter into a good and sufficient bond, and the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last subcontractor and accepted by the Post Office Department. When a contract is declared void on account of its having been sublet, the contractor shall not be entitled to one month's extra pay as formerly provided. (See § 97.67.) (Sec. 1, 22 Stat. 23; 39 U. S. C. 447.)

§ 97.41 Manner of subletting contracts. When any person or persons being under contract with the Government of the United States for carrying the mails, shall lawfully sublet any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Postmaster General a copy of his or their contract; and thereupon it shall be the duty of the Postmaster General to notify the General Accounting Office of the fact of the filing in his office of such contract. Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the subcontractor or subcontractors, and the amount agreed to be paid to the subcontractor or subcontractors. And upon the receipt of said notice by the General Accounting Office, it shall be the duty of said office to retain, out of the amount due the original contractor or contractors, the amount stated in the said notice as agreed to be paid to the subcontractor or subcontractors, and said office shall pay said amount, upon the certificate of the Postmaster General, to the subcontractor or subcontractors, under the same rules and regulations governing the payments made to original contractors. Upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the subcontractor or subcontractors, it shall be the duty of the Postmaster General to certify such fact to the General Accounting Office; and thereupon said office shall settle with the original contractor or contractors, under the same rules as are provided by law for such settlements. (Sec. 3, 20 Stat. 62, as amended; 39 U. S. C. 446.)

§ 97.42 Subcontracts—(a) Applications for permission to make. Contractors or subcontractors shall in all cases secure the permission of the Postmaster General before making a subcontract on any route or on part of a domestic air mail route. The application to sublet shall be made separately for service on each route, specifying the number and terminal points thereof, and in domestic air mail service the points between which the service is sublet if not for the entire route.

(b) Forms. A subcontract shall be executed in the form prescribed by the Postmaster General, shall embrace not more than one route, be executed in triplicate for service upon the whole route, and for a period not less than one year, or for the remainder of the contract term when less than one year, and one copy thereof shall be filed in the Post Office Department within 30 days after the time when the service is to begin under it: *Provided*, That on domestic air mail routes, a subcontract may be executed for service over part of the route.

(c) No stipulations to be added to or omitted from contract. None of the stipulations in the form of subcontract prescribed by the Post Office Department shall be eliminated therefrom, and no collateral stipulations shall be added thereto, except with the consent of the Postmaster General.

(d) **Residence of subcontractor.** The subcontractor shall reside on or contiguous to the route and shall be a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or counties; except that firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence. (See § 97.28.)

(e) **Contractor's liability.** Neither the permission to sublet nor the recognition of the subcontract made in pursuance thereof shall be construed as releasing the contractor from any of the obligations of his contract with the United States, or render him eligible to contract for another route not contiguous to the route sublet.

(f) **When subcontract rate of pay exceeds that in contract.** If the subcontract rate of pay is greater than that named in the contract, the Department may pay the subcontractor at the latter rate only, and for the remainder he shall look to the contractor.

§ 97.43 Liens upon pay of contractors and subcontractors. If any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the Department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor. Such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor. (Sec. 9, 39 Stat. 162; 39 U. S. C. 448.)

PERFORMANCE OF SERVICE

GENERAL

§ 97.44 "Star route" defined. The term "star route" shall mean a post route on which the mails are carried under a formal contract awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement, and requiring due celerity, certainty, and security in the performance of the service.

NOTE: Under this chapter are grouped certain statutes which apply to the transportation of the mails generally, but they are so classified as they are referred to more frequently in connection with this class of transportation.

§ 97.45 Official head of route. Wherever in these regulations the post office at the "head of a route" is referred to it shall mean the post office first named in the statement of the service, whether originally the initial point or subsequently made so by reason of change of the route. An office from which a mail carrier starts to make his trip is not necessarily the "head of the route."

§ 97.46 **Qualifications of carriers.** No person under 18 years of age shall be permitted to carry mail, nor shall a person who is undergoing sentence of hard labor imposed by a court having criminal jurisdiction be permitted to perform any service under a mail contract. The carriers on star routes shall be persons of good character, reliable, and trustworthy, and of sufficient intelligence properly to handle and deposit mail along the routes.

COLLECTION AND DELIVERY SERVICE

§ 97.47 **Additional duties of star route contractors.** Unless otherwise specifically stated in the advertisements, contractors for service on star routes shall, in addition to carrying the mail to the various post offices, be required, at the risk of the addressees, (a) to deliver ordinary mail into all boxes and hang on cranes or posts that may be erected along the routes mail bags and satchels containing mail, and (b) to collect mail from the boxes and collect the bags or satchels from cranes or posts and deposit the same in the proper post office, in accordance with the rules governing such service and without charge to the person sending or receiving the mail. Registered, insured, or C. O. D. mail which has not been restricted in delivery to the addressee or to the addressee or order, shall be so delivered when expressly directed by the addressee in a written order. The required post office delivery receipts for registered, insured, or C. O. D. mail, and return receipts (Form 3811) requested for registered and insured mail, shall be signed by the contractor or carrier as agent of the addressee. See § 58.6 as to treatment of registered, insured, or C. O. D. mail restricted in delivery to the addressee, or to the addressee or order.

NOTE: On some routes it is a requirement of the contract that the carrier shall sell stamp supplies and accept and give receipts for applications for money orders and the money therefor, also for matter presented for registration or for insurance and for C. O. D. parcels. On such routes patrons should meet the carrier to purchase stamp supplies or procure receipts for money orders, registered, insured, or C. O. D. matter.

§ 97.48 **Box delivery and collection service on star routes.** All persons desiring to avail themselves of box delivery and collection service on star routes shall provide suitable boxes which will properly protect the mail or provide suitable sacks or satchels with suitable posts or cranes so erected that the carriers may deliver and collect mail without dismounting from their vehicles: *Provided*, That where traffic conditions make it necessary carriers shall serve only boxes or cranes on the right-hand side of the road in the direction of travel: *And provided further*, That whenever deemed advisable by the Department patrons may be required to erect standard approved boxes only.

§ 97.49 **Transportation of intoxicating liquors.** A contractor or carrier on a star route is permitted to transport intoxicating liquors the same as any other freight or express outside of the mails from one point to another while in the performance of mail service, if such transportation is not in violation of any local, State, or Federal law.

§ 97.50 **Service required of mail contractors.** All mail contractors shall be required—

(a) **Manner of performance; schedules, etc.** (1) To carry the mail with certainty, celerity, and security, using therefor such means as may be necessary to transport the whole of the mail, whatever may be its size, weight, or increase during the term of the contract, and without additional pay; (2) to carry the mail by the schedule of departures and arrivals stated in the advertisement under which contract is made and within the running time fixed therein, until said schedule is altered by the authority of the Postmaster General, and then to carry

according to such altered schedule: *Provided*, That when more than 10 minutes are taken for opening and closing the mails at any office (see § 42.46) the additional time so taken will be allowed in addition to the time fixed in said schedule, unless otherwise provided in the contract; (3) in all cases to carry the mail in preference to passengers and freight, and to their entire exclusion if its weight, bulk, or safety shall so require; and (4) to carry the mail, upon demand, by any conveyance which the contractor regularly runs, or is concerned in running, on the route, beyond the number of trips specified in the contract, in the same manner and subject to the same regulations as are provided concerning regular trips.

(b) Care and protection of mail. (1) To carry the mail in a safe and secure manner and to protect it from becoming wet or otherwise injured.

(2) To take the mail and every part thereof from, and deliver it promptly at, each post office on the route, or that may be established on the route, and into the post office at each end of the route, and into the post office, if one is there kept, at the place at which the carrier stops for the night (see § 42.49); and if no post office is there kept, to lock it in some secure place, at the risk of the contractor. When a carrier cannot drive his conveyance near the door of an intermediate post office, the postmaster shall arrange to take the mail from him, and a carrier shall not enter a post office or other building, leaving his conveyance with mail therein unprotected. In no case shall the mail be thrown on the ground.

(c) Contractor liable for carrier; transportation of supplies and postal personnel. (1) To be accountable and answerable in damages for the person to whom the contractor shall commit the care and transportation of the mail, and responsible for his care and faithful performance of the obligations assumed by the contractor and imposed by law; (2) to commit the care or transportation of the mail to no person under 18 years of age, nor to any person prohibited by law from being concerned in a contract for carrying the mails; (3) to discharge any carrier of the mail whenever required so to do by the Postmaster General; and (4) to carry without additional charge post office blanks, mail locks and bags, and other postal supplies, and also post office inspectors and other agents of the Department on the exhibition of their credentials, if a suitable conveyance is used.

(d) Exchange of mails at terminus on railroad; where catcher service used; where delivered to and received from railroad agent. (1) Where the service on a star route terminates at a railroad station, to make the exchange of mails, delivering the pouch to and receiving it from the postal clerk on the train; (2) where crane and catcher service is used, to hang the pouch on the crane and remain in charge of it until it is on board the train, and to take charge of the pouch immediately on its being thrown from the mail car; and (3) where the star route terminates at a railroad station at which the railroad company has an agent and the requiring of the carrier to remain at the station and receive the mail from or deliver it to the train would delay the mail for the star route or impose a hardship upon the carrier, the carrier on the star route shall deliver the mail to and receive it from the agent of the railway company, the agent being required to receive the mail from and place it on the train.

§97.51 Employment of special carrier—(a) Upon direction of Department. A postmaster at a post office not on an established route may employ, when directed by the Department, a suitable person to perform special mail service as often as practicable. The oath of office of the person so employed shall be transmitted to the General Accounting Office.

NOTE: See § 90.8 as to persons not qualified as carriers, and § 97.4 as to rate of pay allowed.

(b) **Certificate of service.** Immediately after the close of each quarter on March 31, June 30, September 30, and December 31, the postmaster shall transmit to the Second Assistant Postmaster General on forms provided for that purpose, certificate of postmaster's salary and service of special carrier during the preceding three months. The postmaster shall not pay the special carrier.

(c) **Limitation of service.** Special mail service shall be continued until a regular supply is authorized or other instructions are given by the Department.

§ 97.52 **Boats used in mail service—(a) Provided by contractors.** On routes on which steamboat or other power-boat service is performed the contractors shall provide boats which are safe, suitable, and satisfactory to the Postmaster General.

(b) **Accommodations for postal clerk.** The contractor when required by the Postmaster General shall provide and fit up on each boat used in the service a room suitable for the distribution of the mail, with a sleeping apartment attached, for the exclusive use of the postal clerk, and furnish first-class board to such clerk, without additional charge.

(c) **Pouch record to be kept by contractor on steamboat lines.** Contractors on steamboat lines shall keep a record of all pouches due to be received or dispatched by them and check all pouches when received or dispatched. In cases of failure to receive a pouch due, the contractor shall notify the general superintendent, Railway Mail Service, of the division concerned.

§ 97.53 **Letters on mail boats.** All letters placed on a mail boat, on which the mails are in charge of a postal clerk, shall be delivered to such clerk; and on these letters the master of the vessel shall not be paid any compensation. None but letters on which at least one full rate of postage has been paid shall be received on such boat, and these shall be duly mailed.

§ 97.54 **Delivery of letters by master of vessel.** Whoever, having charge or control of any vessel passing between ports or places in the United States, and arriving at any such port or place where there is a post office, fails to deliver to the postmaster or at the post office, within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, shall be fined not more than \$150.

For each letter or package so delivered he shall receive two cents unless the same is carried under contract. (62 Stat. 777; 18 U. S. C. 1698.)

NOTE: See § 34.16 as to postage on ship letters; § 42.5 (a) as to treatment of such letters in post offices.

§ 97.55 **"Ship letters and packages" defined.** (a) The term "ship letters and packages" embraces the letters and packages brought into the United States from foreign countries, or carried from one port in the United States to another, in any ship or vessel not regularly employed in carrying the mail, and in the latter case over a route where the mail is not regularly carried, before such letters have been mailed.

(b) Letters from any foreign port brought loose on a vessel which brings also a mail from abroad shall be treated as though included in the mails brought by the carrying vessel and not as "ship letters." (See § 125.3.)

§ 97.56 Compensation for carriage of ship letters. The Postmaster General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, two cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post office at the port of arrival. (R. S. 3978; 39 U. S. C. 494.)

§ 97.57 Certificate for ship letters; payment of shipmaster. Postmasters at offices where ship and steamboat letters are delivered shall obtain from the master of the ship or vessel a certificate specifying the number of letters, with the name of the ship or vessel, and place from which she last sailed; and upon each letter which has not been before mailed, and which shall be delivered into his post office for mailing or delivery, he shall pay to the said master or owner 2 cents, and take his receipt therefor.

NOTE: See § 42.5 (a) as to manner of rating postage and § 42.5 (c) as to record to be kept.

§ 97.58 When fees on ship letters not allowed. No fee shall be allowed for ship letters addressed to a foreign country, but they should be marked "Ship." No fee shall be allowed for ship letters delivered to a postmaster by a passenger or sailor; nor to the master of any vessel or any person on board any vessel which carries mail; nor to any carrier on any mail route; nor to the master of a vessel who delivers to a postmaster letters which were carried over a post route; nor for printed matter.

NOTE: See § 34.16 as to postage on ship letters and printed ship matter; § 42.5 (a) as to treatment of all ship matter at post offices.

CHANGES IN SERVICE: ADDITIONAL SERVICE

§ 97.59 Extension of service on route under contract. The Postmaster General may, in cases where the mail service would be improved, extend service on a mail route under contract, at not exceeding 50 miles and at not exceeding pro rata additional pay: *Provided*, That such extension shall not exceed 50 miles of traveled service route. (Sec. 1, 36 Stat. 1339, as amended; 39 U. S. C. 442.)

§ 97.60 Compensation for additional service—(a) Conditions. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order. (R. S. 3960, 39 U. S. C. 440.)

(b) For necessary increased travel. (1) The Postmaster General may, in his discretion and under such regulations as he may prescribe, allow additional compensation to a star-route contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause occurring during the con-

tract term, but such additional compensation allowed shall not be proportionately greater than the rate established by the contract involved: *Provided*, That the provisions of section 3960 of the Revised Statutes (U. S. C., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph. (R. S. 3951, as amended; 39 U. S. C. 434.)

(2) Pro rata additional pay may be allowed for increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, provided that the allowance for the increased travel caused thereby on any route during any period of 30 consecutive days amounts to as much as \$1, and provided further that report thereof is made within 90 days after such additional travel was performed.

(c) **Report of change in travel distance.** In all cases where the regular line of travel becomes impassable from any cause, the carrier must use the most available road in order to perform full service. He should immediately report the matter to the Department and to the postmaster at the head of the route or to the postmaster at the office first named in the statement of service. The postmaster shall forward a special report to the Second Assistant Postmaster General, Surface Postal Transport, stating the manner in which it is necessary for the carrier to travel, the increase in distance involved, the date on which the detour began, and the probable date on which regular service may be resumed.

§ 97.61 Extra allowance for increase of expedition in service. No extra allowance shall be made for any increase of expedition in carrying the mail unless the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution. The Postmaster General shall not have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding fifty per centum upon the contract as originally let. (R. S. 3961, as amended; 39 U. S. C. 441.)

§ 97.62 When necessary to increase speed on route. Whenever it shall become necessary to increase the speed by which the mail is carried on any route, the contractor shall have the option of continuing service upon the expedited running time, with the consent of his sureties, without additional compensation; but if after offer he does not promptly agree to so continue the service it shall be re-advertised for the expedited running time required.

§ 97.63 Change of schedules. The Postmaster General may change the schedule of the departures and arrivals on any route without increase of pay, provided the running time be not abridged.

§97.64 **Gratuitous exchange of mails.** Upon application to the Post Office Department permission may be given to postmasters to provide for the gratuitous exchange of mails by sworn carriers, between their offices, either by separate route or by additional trips on an existing route. Until such permission is given, postmasters shall not dispatch or receive mail more frequently than required by the schedule of the route on which the mails are regularly carried.

§97.65 **Additional service.** No additional regular trips shall be required of contractors by postmasters or general superintendents of the Railway Mail Service without first securing authority therefor from the bureau of the Department having charge of the service, except in case of emergency, in which event the service may be required of the contractor; but the fact shall be reported immediately for approval. When permanent additional service becomes necessary application therefor, including a full statement of the facts, shall be made to the bureau of the Department having charge of the service.

§97.66 **Unnecessary service not to be required of contractor.** Postmasters shall so arrange the schedule of trips on regulation screen-vehicle routes for the receipt and dispatch of mails that the contractors will not be required to perform unnecessary service, and where possible, without detriment to the service, they should combine two or more mails in one trip.

§97.67 **Reduction or discontinuance of service.** (a) When service in whole or in part becomes unnecessary, for any reason, the postmaster shall report the facts to the bureau of the Department having charge of the service, and if the reduction or discontinuance of service is only temporary, that fact should be stated, and the probable date of resumption given.

(b) The Postmaster General may discontinue or curtail the service on any mail route, in whole or in part, in order to place on the route superior service, or whenever the public interests, in his judgment, shall require such discontinuance or curtailment for any other cause. The contractor shall be allowed, as full indemnity, one month's extra pay, on the amount of service dispensed with and a pro rata compensation for the amount of service retained and continued.

TEMPORARY SERVICE

§97.68 **Temporary contracts—(a) Authorization of.** Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor: *Provided further*, That the provisions of section 440 of this title, that no compensation shall be paid for additional service in carry-

ing the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph. (See § 97.60.) (R. S. 3951, as amended; 39 U. S. C. 434.)

(b) **For transportation of diverted mail.** When, because of an emergency, it becomes necessary to divert mail in transit the Postmaster General may enter into a temporary contract for transporting such diverted mail over such other route as he may elect.

NOTE: When a contractor for carrying United States mail fails or refuses to perform the required service, and temporary services cannot be procured within the amount of the contractor's bond, the Postmaster General may employ temporary services on such route at a rate per annum in excess of the amount of the bond and charge same to the contractor. (1 Comptroller General 201.)

§ 97.69 Temporary service employed without advertisement. Temporary service rendered necessary by reason of the failure of any bidder or contractor to perform the service awarded him under this act (see § 97.14) may be employed by the Postmaster General without advertisement, at a rate which he may deem reasonable, at the expense of any such failing bidder or contractor. (Sec. 1, 27 Stat. 268.)

§ 97.70 When contractor fails to begin or continue service—(a) Procedure. When any contractor fails to begin the performance of mail service under the contract, or, having begun service, fails to continue the same, the postmaster at the head of the route (i. e., the post office first named in the advertisement and contract—see § 97.45), or the postmaster where vehicle service is under contract, shall employ temporary service at the lowest rate possible. Any other postmasters on the route shall communicate to him any offer they may have received for the performance of the service, and if the lowest obtainable rate seems excessive when compared with the contract rate, he shall communicate with the proper bureau officer of the Post Office Department, by wire if necessary, and request instructions. The cost of any such temporary service shall be charged to the contractor, and shall continue until the contractor, in person or by agent, appears with proper equipment and takes charge of the route, or until otherwise ordered.

(b) **Use of contractor's equipment.** In the performance of temporary service postmasters shall not permit the use of any equipment owned by the contractor, subcontractor, or bondsmen of either nor employ the subcontractor or bondsmen of the contractor or subcontractor. If such equipment is used or such person employed as temporary carrier, service so performed shall be considered as being performed for the contractor or subcontractor, and shall not be recognized by the Post Office Department as temporary service.

§ 97.71 Report of postmaster. Postmasters shall immediately report to the Post Office Department any action taken in connection with the employment of temporary service and shall not pay for such service.

§ 97.72 Service in lieu of railroad or electric service which failed. Postmasters shall not require contractors to carry the mails in lieu of railroad or electric and cable car service which has failed, unless specific authority be received from the proper bureau officer of the Post Office Department.

§97.73 **Employment of service after expiration of contract.** After the expiration of a contract, and until the Postmaster General has decided upon a new contract or upon the expediency of discontinuing the post office, postmasters shall not employ any service unless expressly authorized to do so by the Post Office Department.

PART 98—EXAMINATION OF REPORTS OF SERVICE PERFORMED; DEDUCTIONS AND FINES

Sec.	EXAMINATION OF REPORTS: GENERAL PROVISIONS	Sec.	
98.1	Schedules and registers of arrivals and departures.	98.7	Oath of mail carriers.
98.2	Standard time to be observed.	98.8	Explanation for delinquencies by contractors.
98.3	Reports of mail service.		DEDUCTIONS AND FINES
98.4	Report of delinquencies of contractors or carriers.	98.9	Deductions and fines for failures and delinquencies.
98.5	Subjects of special reports by postmaster.	98.10	Fines on contractors for foreign mails.
98.6	Postmaster to furnish information to Department.	98.11	Fines in general service.
		98.12	Fines in particular classes of service.

EXAMINATION OF REPORTS: GENERAL PROVISIONS

§98.1 **Schedules and registers of arrivals and departures.** The Postmaster General shall furnish to the postmasters at the termination of each route a schedule of the time of arrival and departure of the mail at their offices, respectively, to be posted in a conspicuous place in the office; and he shall also give them notice of any change in the arrival and departure that may be ordered; and he shall cause to be kept and returned to the department, at short and regular intervals, registers, showing the exact times of the arrivals and departures of the mail. (R. S. 3841; 39 U. S. C. 7.)

§98.2 **Standard time to be observed.** Standard (railroad) time shall be observed by contractors in performing, and used by postmasters in reporting service on all routes.

§98.3 **Reports of mail service.** (a) Postmasters at terminal offices on mail routes, and at such other post offices as the Postmaster General may designate as reporting offices, shall report the performance of the service upon the blank forms furnished by the Department strictly in accordance with the instructions printed thereon. Clerks in charge of terminal R. P. O. and transfer offices may be required to furnish such reports.

(b) The regular reports above required shall be forwarded by the first mail after the close of each month to the Post Office Department, and a duplicate of each report shall be retained by the postmaster and carefully preserved, to be turned over to his successor.

§98.4 **Report of delinquencies of contractors or carriers.** Every postmaster shall promptly report to the Postmaster General every

delinquency, neglect, or malpractice of contractors, their agents or carriers, which comes to his knowledge. (R. S. 3849; 39 U. S. C. 51.)

§ 98.5 Subjects of special reports by postmaster. A special report shall be made by the postmaster to the Post Office Department in each of the following cases:

- (a) Mail carried by a person who has not taken the oath.
- (b) Mail carried by a person under the prescribed age.
- (c) Carrier intoxicated on duty, or when he calls for the mail. The postmaster in such cases shall suspend the carrier and employ another for the trip or to complete the trip at the lowest obtainable rate.
- (d) Failure of carrier to deposit mail in post office in place at which he stops overnight.
- (e) Mail arriving without a lock. If the name of the person at fault can be ascertained, it shall be included in the report.
- (f) Mails left exposed to damage or depredation.
- (g) Failure of carrier to properly protect mail from the weather. The postmaster shall call the carrier's attention to such delinquencies and see that they are corrected.
- (h) Failure of carrier to take all the mail on each trip.
- (i) Mails unnecessarily thrown upon the ground. Mail pouches or sacks (or contents) damaged by being dragged about or otherwise.
- (j) Where any postmaster, assistant postmaster, or clerk employed in any post office, or any member of the immediate family of a postmaster or assistant postmaster is interested in any mail contract or employed either regularly or temporarily as a carrier of the mail.
- (k) Extraordinary failures, interruptions, or abandonment of service.

§ 98.6 Postmaster to furnish information to Department. Postmasters shall furnish the Post Office Department with any information that may aid it in enforcing the performance of duty on the part of contractors, and in securing regularity, safety, and efficiency in the mail service. All reports shall state the number and terminal points of the route, if known.

NOTE: See § 97.50, relative to the requirements of contractors; § 94.10 relative to the duties of mail messengers; § 42.42 as to delivery of mail to carriers in advance of scheduled time.

§ 98.7 Oath of mail carriers. (a) All mail carriers, except employees of railroad companies and employees of contractors for steamboat or other power-boat service, or for star-route service where contractor operates regular passenger busses and carries mail therein, when carrying mail for such companies or contractors, shall, before entering upon their duties as such, take the oath prescribed in § 135.4: *Provided*, That pilots or other employees carrying mail for a contractor on any international air-mail route may be required to take only that part of the oath relating to faithful performance of duty and to paying over money belonging to the United States.

(b) Postmasters shall see that the requirements of this section are strictly complied with.

§ 98.8 Explanation for delinquencies by contractors. When mail fails to arrive at the end of a contract route, or at any intermediate scheduled point, within the time fixed in the contract or schedule, the contractor shall promptly send his explanation to the Post Office Department, stating particularly the cause of the failure. A specific explanation shall be furnished by the contractor for each delinquency. Mere general allegations will not be considered. If only part

of the trip was performed, the report shall show what part and state the distance traveled.

DEDUCTIONS AND FINES

§ 98.9 Deductions and fines for failures and delinquencies.

The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. Contractors shall also be answerable in damages to the United States for the proper care and transportation of the mails, and be accountable to the United States for any loss or damage resulting to any of such mail or any part of it by reason of the failure to exercise due care on the part of any of the contractor's officers, agents, or employees in the custody, handling, or transportation thereof. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier. (R. S. 3962, as amended; 39 U. S. C. 443.)

NOTE: The action of the Postmaster General in authorizing deductions, under the provisions of the aforesaid section, for failure to perform service according to contract, is not subject to review. (Allman v. United States, 131 U. S. 31; 20 Comp. Dec. 555.)

See § 92.10 as to penalty for refusing to furnish railway post-office cars or equip them.

§ 98.10 Fines on contractors for foreign mails. The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails. (R. S. 4010, as amended; 39 U. S. C. 655.)

GENERAL SERVICE

§ 98.11 Fines in general service—(a) List of delinquencies. Fines may be imposed, unless satisfactory excuse be made in due time, for each of the following delinquencies on the part of a contractor, to wit:

- (1) Failure to take the mail, or any part of it, from a post office, or to deliver it thereto, or to deliver it immediately upon arrival. (Note exceptions in § 42.49.)
- (2) Suffering the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping it in a place or manner that exposes it to depredation, loss, or injury.
- (3) Refusing, after demand, to transport mail by any coach, car, boat, or other conveyance which the contractor runs or is concerned in running on the route.
- (4) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, freight, or other matter.
- (5) Habitual failures to observe schedule.
- (6) Other delinquencies or violations of the terms of the contract, or the requirements or regulations of the Post Office Department.
- (b) **Fixed by Postmaster General.** The fine shall in each case be such sum as the Postmaster General may impose, in view of the gravity of the delinquency,

and shall be deducted from the contractor's pay for the service on the route on which the delinquency occurred.

§ 98.12 **Fines in particular classes of service—(a) List of delinquencies.** In addition to the foregoing general causes, fines may be imposed for the following delinquencies in the different classes of service, to wit:

RAILROAD, ELECTRIC, AND CABLE CAR SERVICE

(1) Leaving mail which arrives at the station before the departure of the train or car for which it is intended.

(2) Failure to use the first practicable means of forwarding mail which is delayed en route.

(3) Failure to furnish suitable apartments when required in which to distribute the mail.

(4) Failure to sound proper signal when approaching mail crane.

(5) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of mails in depots.

STAR SERVICE

(6) Failure to arrive or depart at time fixed by schedule without satisfactory excuse.

(7) Intoxication of carrier while in charge of mail.

(8) Employing a carrier under 18 years of age.

(9) Failure to deposit all mail in the post office at any place where the carrier stops overnight.

(10) Employing either as subcontractor or carrier any postmaster, assistant postmaster, clerk in a post office, or any member of the immediate family of a postmaster or assistant postmaster.

BOAT SERVICE

(11) Failure to arrive at time fixed by schedule without satisfactory excuse.

(12) Failure to furnish necessary facilities for the distribution of mail.

(13) When a grade of service is rendered inferior to that stipulated in the contract.

VEHICLE SERVICE IN CITIES

(14) Failure to provide and maintain in good condition sufficient equipment (motor trucks, wagons, horses, and harness) to perform the service properly.

(15) Failure to carry the mails in the prescribed vehicles, for unnecessary delays in receiving or delivering mails, or to comply with any or all other terms of the contract.

MAIL-MESSENGER SERVICE

(16) Failure to perform service properly.

(b) **Applications for remission of fines and deductions.** Applications from railroad and electric-car companies for remission of fines and deductions shall not be considered unless, in the case of fines, the company has previously made reply to the complaint of the officer of the Railway Mail Service within 30 days from the date of his communication relative to the delinquency for which the fine has been imposed, or unless, in cases of fines and deductions, the appli-

caution for remission, with evidence in support thereof, is filed in the office of the Second Assistant Postmaster General within six months from the date of notice by the Post Office Department to the railway company that such fine has been imposed or deduction made.

PART 99—MAIL EQUIPMENT

Sec.	MAIL BAGS	Sec.	
99.1	Mail bags.	99.20	Use of mail locks.
99.2	Mail bags furnished by Post Office Department.	99.21	Requests for locks.
99.3	Experimental uses forbidden.	99.22	Brass locks.
99.4	Use of mail bags restricted to transmission of mail.	99.23	Pouch without lock.
99.5	Loan of mail sacks.	99.24	When lock cannot be opened.
99.6	Value of mail sacks.	99.25	Lock defective in any degree.
99.7	Collections for sacks not returned.	99.26	Surplus locks.
99.8	Mail sacks furnished for shipments by freight or express to be deposited in mails.	99.27	Surplus brass registry locks.
99.9	Mail sacks containing official matter to be emptied and returned promptly.	99.28	Letter-box locks.
99.10	Mail bags with defective locks.	99.29	Repairing or oiling forbidden.
99.11	Supply of mail bags for star route.	99.30	Reclaiming of locks found in improper hands.
99.12	Requests for mail bags.	99.31	Report of theft or loss of lock.
99.13	Depositories for mail bags and locks.		MAIL KEYS AND SAFETY CHAINS
99.14	Defective or mutilated mail bags.	99.32	"Mail keys" defined.
99.15	Surplus mail bags.	99.33	To whom mail keys are furnished.
99.16	Mail bags belonging to foreign countries.	99.34	Application for keys and safety chains.
99.17	Cord fasteners and label cases.	99.35	Recording and accounting for mail keys.
99.18	Improper use of bags and locks.	99.36	Safekeeping of mail keys.
	MAIL LOCKS	99.37	Extra keys; use and care of.
99.19	"Mail locks" defined.	99.38	Unserviceable keys and chains.
		99.39	Transfer or exchange of mail keys.
		99.40	Indication of defective lock.
			MISCELLANEOUS PROVISIONS
		99.41	Report of equipment in service.
		99.42	Where repairs are made.

MAIL BAGS

§99.1 Mail bags—(a) Definition of term; kinds and numbers. The term "mail bags" includes mail pouches and mail sacks. Mail bags shall be of such style, material, and size as will meet the needs of the service. They shall be numbered according to size, beginning with No. 0 for the largest size, No. 1 for the next smaller size, etc.

(b) Principal styles. The principal styles of mail bags are—

(1) Mail pouches, designed for locking, and used for the handling of first-class, registered, and air mail.

(2) Saddle mail bags, designed for locking, and used only for horseback service on star routes.

(3) Catcher mail pouches, designed for locking, and used exclusively for exchanging mails with moving trains by means of mail cranes and catcher arms.

(4) Canvas mail sacks, equipped with lacing cord and cord fastener, and used for handling ordinary second-, third-, and fourth-class mails. Size 1, equipped also with locking-cord fasteners, are used for parcel-post mails.

(5) Canvas mail sacks, equipped with a neck-strap device for closing with a lead seal, and used for foreign mails.

§ 99.2 **Mail bags furnished by Post Office Department.** Mail bags shall be furnished by the Department for use exclusively by the Postal Service. They shall not be sold or otherwise disposed of by private parties to the commercial trade, except where specifically authorized by the Post Office Department.

§ 99.3 **Experimental uses forbidden.** The experimental use in the Postal Service of alleged improvements in mail bags or other mail equipment shall not be permitted unless, specially authorized by the Department.

§ 99.4 **Use of mail bags restricted to transmission of mail.** (a) Mail bags shall be used only for the transmission of mailable matter while under the care, custody, and control of the Post Office Department, through its postmasters and other authorized agents, and shall not be used for other purposes, except as provided in § 99.5.

(b) Mail bags shall not be used for storing records, waste paper, etc., or for personal convenience.

§ 99.5 **Loan of mail sacks—(a) To expedite dispatch of mails.** When in the opinion of the postmaster, material benefits to the Postal Service will result and dispatch of mails will be expedited, mail sacks may be loaned to publishers or others to deliver their mail to the post office, made up for dispatch, in accordance with Railway Mail Service schemes of distribution, or in any other manner that may be prescribed by the local postmaster.

(b) **Record to be kept of sacks loaned.** No sacks shall be loaned by the postmaster except upon presentation of requisition in duplicate on Form 3970 by the party to whom the privilege is extended. The number of sacks loaned will be entered on the postmaster's record, Form 026, and when returned a receipt on Form 3971 will be given the borrower, who will be credited on the postmaster's record with the number of sacks returned.

(c) **To be returned within reasonable time.** Postmasters shall see that mail sacks which have been loaned are returned to the service within a reasonable time, and shall advise each patron to whom such sacks are loaned that he will be held responsible for the proper care and return of each sack intrusted to him.

§ 99.6 **Value of mail sacks.** The Fourth Assistant Postmaster General, Division of Mail Equipment Shops, shall advise postmasters, on request, of the value of mail sacks.

§ 99.7 **Collections for sacks not returned.** The postmaster shall collect from the patron the value of mail sacks not returned and shall account for such collections in his quarterly postal account as miscellaneous receipts.

§ 99.8 **Mail sacks furnished for shipments by freight or express to be deposited in mails.** Mail sacks may be furnished upon specific authorization of the Second Assistant Postmaster General, Surface Postal Transport, in each case for shipment of catalogs and other advertising matter in large quantities or carload lots by freight or express or by other means of transportation to post offices into which such matter is to be deposited for dispatch as mail, and for shipment by publishers of second-class mail by freight or express or by other means of transportation to post offices where such matter has entry: *Provided*, That the shipper shall make such distribution as may be required by the Railway Mail Service or the postmaster at shipping point and a record is kept of the number of sacks delivered to the shipper and the number returned to the service at the post office where mailed, the shipper to be held responsible for any shortage. However, such shipments by freight or express or by other means of transportation are

not to be consigned to trucking companies to be split up and delivered by them in small lots to several different post offices but must all be entered in the mails at the post office to which such shipment is consigned and no part of such shipment shall be delivered outside of the mails.

§ 99.9 Mail sacks containing official matter to be emptied and returned promptly. Postmasters who receive canvas mail sacks containing public documents or other official mail matter addressed to Senators or Representatives in Congress or to resident agents of any executive department at Washington, D. C., stationed within the delivery of the post office, may permit such sacks to be taken from the receiving post office for the purpose of conveniently emptying them, but with the distinct understanding that such sacks shall not be withheld from the service for a longer period than one day.

§ 99.10 Mail bags with defective locks. (a) The stitching of the seam of a mail bag may be cut to remove the mail when the lock attached to it cannot be opened. (See § 99.24.)

(b) Mail bags shall not be mutilated otherwise by postmasters or postal employees.

(c) Cord fasteners or other attachments shall not be removed willfully from mail bags, and the lacing cord on mail sacks shall not be cut or tied into hard knots.

§ 99.11 Supply of mail bags for star route—(a) To be ordered by postmaster at head of route. When a mail bag is needed on a star route, it shall be ordered by the postmaster at the head office (see § 97.45), and failure on his part to keep the route equipped with suitable bag and lock shall be reported to the Second Assistant Postmaster General, Surface Postal Transport.

(b) **Replacement.** (1) A postmaster at the head of a star route shall order new mail bags before those in use become unserviceable. (See paragraph (a) of this section and § 99.12.)

(2) The continued use of mail bags on star routes until they become defective from natural wear shall be considered negligence, and may be deemed sufficient reason for disallowing any claim for credit arising from the repair of such bags.

§ 99.12 Requests for mail bags. (a) All requests for mail bags of all styles for quantities in excess of one carload, and requests for saddle bags for use on star, rural, and special routes, shall be addressed to the Second Assistant Postmaster General, Surface Postal Transport.

(b) All requests for mail bags for use on star, rural, and special routes, except saddle bags, shall be addressed as follows:

From post offices in—	To postmasters at—
Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.....	Boston, Mass.
Connecticut, New York, New Jersey, and Pennsylvania.....	New York, N. Y.
Georgia, Florida, Alabama, Mississippi, and Louisiana.....	Atlanta, Ga.
Ohio, Indiana, Kentucky, and Tennessee.....	Cincinnati, Ohio.
Michigan, Wisconsin, Illinois, Iowa, Nebraska, Wyoming, and Idaho.....	Chicago, Ill.
Minnesota, North Dakota, South Dakota, and Montana.....	St. Paul, Minn.
Missouri and Arkansas.....	St. Louis, Mo.
Kansas, Oklahoma, Colorado, New Mexico, and Arizona.....	Kansas City, Mo.
Texas.....	Fort Worth, Tex. ¹
Utah, Nevada, California, Oregon, Washington, and Alaska.....	San Francisco, Calif.
Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, and South Carolina.....	Washington, D. C.

¹ Requisition should be addressed to the General Superintendent, Railway Mail Service.

(c) Separate locked pouches for offices on a star route shall not be furnished, except when authorized by the proper general superintendents of the Railway Mail Service.

§ 99.13 Depositories for mail bags and locks—(a) Duties of. Postmasters whose offices are designated as depositories for mail bags and locks shall receive each day all mail equipment addressed to them, and render to the Second Assistant Postmaster General, Surface Postal Transport, at the end of each day an account on Form 5047, giving the information indicated thereon.

(b) Storage supply kept separate. Mail bags and locks received for storage shall be kept separate and apart from the equipment in use for the current needs of a depository post office.

(c) Distribution. Mail bags and locks in the several depositories shall be distributed on orders of the Second Assistant Postmaster General, Surface Postal Transport. Postmasters in charge of depositories, however, may withdraw equipment, without special instructions, to meet the needs of their respective offices, and to meet emergency calls from other post offices which admit of no delay.

§ 99.14 Defective or mutilated mail bags. (a) All defective mail bags shall be promptly dispatched by mail to the Division of Mail Equipment Shops, Washington, D. C.

(b) Serviceable empty mail bags shall not be included in bundles containing defective mail bags.

(c) Mail bags which have been mutilated as a consequence of depredation upon the mails, however, shall accompany the report made to the nearest post-office inspector in charge, after which, when the case has been closed, or when the inspector has no further use for them, they shall be forwarded to the Division of Mail Equipment Shops. (See §§ 25.12 and 44.12.)

(d) Mail bags sent to the repair shop shall be covered by plainly addressed labels, the face of the label to be marked "Division of Mail Equipment Shops, Washington, D. C.," and to show contents of bundle, the reverse side of label to bear the postmark of dispatching office or line and name of employee having the matter in immediate charge.

§ 99.15 Surplus mail bags. (a) Any serviceable mail bag not actually required for the regular dispatch of mails is surplus equipment.

(b) Surplus mail bags shall not be held at any post office to meet possible emergencies unless specially authorized by the Railway Mail Service.

(c) All surplus mail bags shall be dispatched daily by mail to receiving points designated by the Railway Mail Service with the exception that postmasters of first- and second-class post offices shall be permitted to hold surplus No. 1 sacks not in excess of 2 days (unless otherwise instructed) if by so doing they can be packed in full bundles and labeled "examined" to save reworking at receiving points. Postmasters and railway postal clerks dispatching mail bags shall obtain the necessary information as to points to which they should dispatch, in cases where they are in doubt, from the general superintendent, Railway Mail Service, of the division in which their office or line is located.

(d) Each sack containing empty mail bags shall be properly labeled, the face of the label to show the point to which shipment is being made and the contents of the bundle, and the word "examined" when covering full bundles of mail bags or the word "serviceable" when covering less than full bundles, the reverse side of the label to bear the postmark of dispatching office or line and name of the employee having the matter in immediate charge.

(e) Defective mail bags shall not be included in these dispatches, but shall be disposed of as directed in § 99.14.

NOTE: See Manual of Instructions for Postal Personnel as to packing empty mail bags.

§ 99.16 Mail bags belonging to foreign countries. Mail bags received from and belonging to foreign countries shall be promptly returned empty, pursuant to the international postal regulations; and such bags shall not be used by postmasters or others.

§ 99.17 Cord fasteners and label cases. Cord fasteners and label cases which become detached from mail bags shall be forwarded by ordinary mail to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

§ 99.18 Improper use of bags and locks. Postal employees shall prevent, when possible, any improper use or abuse of mail bags and mail locks, and shall report every instance of which they may be aware of theft or illegal use of such equipment.

MAIL LOCKS

§ 99.19 "Mail locks" defined. The term "mail locks" includes:

(a) The LA lock, which shall be used for locking pouches in which first-class mail matter is conveyed and sacks in which parcel post is conveyed.

(b) The rotary registry lock, which shall be used at authorized post offices and by postal employees specially authorized for locking pouches and sacks containing registered matter only, unless otherwise exceptionally authorized.

(c) The brass (star route) registry lock, which shall be used only where specially authorized by the Third Assistant Postmaster General, its principal use being at designated post offices on star routes to lock mail bags containing registered mail and ordinary through mail.

(d) The letter-box lock, which shall be used for United States collection boxes. (Various kinds of padlocks and "inside" or "arrow" locks.)

(e) Special mail locks, which shall be used when specially authorized.

NOTE: See § 59.17 as to registry dispatches; § 59.44 as to care of registry locks and keys.

§ 99.20 Use of mail locks. Mail locks shall be used exclusively in the Postal Service and shall not be diverted to private or other uses, nor shall they be sold or otherwise disposed of to private persons.

§ 99.21 Requests for locks. (a) All requests for mail-pouch locks in quantities shall be addressed to the Second Assistant Postmaster General, Surface Postal Transport.

(b) All requests for mail-pouch locks for use on star, rural, or special routes shall be prepared and addressed as provided in § 99.12 for mail bags.

§ 99.22 Brass locks. (a) Brass registry locks shall be used only on pouches dispatched to post offices to which the brass-lock system of exchange has been extended.

(b) A postmaster whose office is without a brass-lock exchange, receiving a pouch addressed to his office and secured with a brass registry lock, shall be guided by § 99.24. Should it be necessary to forward the pouch unopened to the next office on the route, as provided for in § 99.24, a letter of advice shall be transmitted therewith by each dispatching office.

NOTE: See § 59.8 as to brass-lock pouch service.

§ 99.23 Pouch without lock. (a) When a pouch of mail, in transit without lock, is received at an office and the postmaster has no mail lock to put on it, he should lock such pouch with any safe padlock he may have and send the key in a sealed envelope by the carrier to the next postmaster, who, if he has no mail lock, shall use the same padlock on the pouch and forward the key in the same manner.

(b) The first postmaster who has a mail lock shall attach it to the pouch and immediately return the padlock to its owner.

§ 99.24 When lock cannot be opened. (a) When a lock attached to a pouch or sack cannot be opened, the stitching of the seam of the bag may be cut and another bag and lock, if available, placed in service. A padlock may be purchased in accordance with § 99.23, if necessary.

(b) In case no other bag is available and the foregoing provision cannot be complied with, the pouch or sack shall be passed unopened to the next office on the route, and so on, if necessary, until it reaches a terminal office, where the postmaster shall release the mail as above provided.

§ 99.25 Lock defective in any degree. (a) Whenever a mail lock of any kind is found to be defective in the slightest degree, it shall be withdrawn immediately from service. Defective LA locks, rotary locks, and all other defective locks except letter-box locks, shall be sent by ordinary mail to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, Washington, D. C., but rotary locks shall not be included in the same package with other locks. All defective letter-box locks shall be forwarded to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, by registered mail, with a letter of advice.

(b) Defective mail locks which are returned to the Department shall not be replaced unless accompanied with a requisition for good locks in lieu of those defective.

§ 99.26 Surplus locks—(a) When so considered. Any serviceable LA ordinary mail lock or rotary registry lock not actually required for the regular dispatch of mails is surplus equipment and shall not be held by any postmaster or transfer clerk to meet possible emergencies of the service without special permission from the Department.

(b) **Disposition of—(1) By first-class offices, etc.** Surplus LA locks and rotary locks shall be dispatched daily by offices of the first class, terminal railway post offices, transfer offices, and railway post office lines, by ordinary mail to receiving points designated by the Railway Mail Service. Postmasters and railway postal clerks dispatching locks shall obtain the necessary information as to the points to which they should dispatch, in cases where they are in doubt, from the general superintendent, Railway Mail Service, of the division in which their office or line is located.

(2) **By second-, third-, and fourth-class offices.** Offices of the second, third, and fourth classes dispatching pouches of mail to railway post office lines shall include daily in the pouches all surplus locks. Offices of the second, third, and fourth classes not dispatching mail to railway post office trains shall send surplus locks daily to the nearest office making dispatches of mail in pouches to railway post office trains.

(c) **Wrapping, pouching, and marking.** Rotary locks shall have the hasps closed and when dispatched in pouches with mail shall be wrapped, separately from other locks in course of transmission, if it seems probable that dispatching the locks in the pouch tied together and without wrapping would cause damage to mail in the pouch. Separate pouches closed with iron locks and containing only rotary locks shall be used in transmitting rotary locks when the number of locks is such that damage to mail might occur were the locks inclosed in a pouch with mail matter. Packages or pouches containing only surplus rotary locks, or supplies of rotary locks being issued, shall be marked "Rotary locks," in order that they may be properly handled at destination. The package or

pouch shall show by postmark the name of the dispatching office. Locks must not be dispatched in catcher pouches.

(d) **Registering or billing.** Surplus rotary locks in course of return or supplies of rotary locks being issued shall not be registered or billed unless the locks are in course of transmission to or from a Naval vessel or Naval organization or Army post office located at a point beyond the continental United States, not including Alaska.

§ 99.27 **Surplus brass registry locks.** Surplus brass registry locks shall be forwarded promptly, by ordinary mail, to the nearest lock depository.

§ 99.28 **Letter-box locks—(a) Application for.** Each application for letter-box locks shall be addressed to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, and shall state explicitly the combination and number of locks wanted and why they are needed.

(b) **Receipt and inventory.** When letter-box locks are sent to an office, the card form of receipt and inventory forwarded therewith shall be filled in carefully and verified, and then returned to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

(c) **Accounts to be kept.** Postmasters shall keep an accurate and separate account of each combination of letter-box locks issued to their respective offices. The inventory submitted by a postmaster shall account for every letter-box lock of the combination to which said inventory refers with which his office is charged, and any discrepancy must be explained by letter accompanying the inventory.

(d) **Surplus—(1) Kept on hand as authorized.** Postmasters at letter-carrier offices shall keep on hand such letter-box locks in excess of the number of collection boxes in actual use as may be authorized by the Department.

(2) **Care and handling of.** Surplus letter-box locks shall be kept in a safe, or other secure place, in the post office, and when any of them are issued to replace defective ones, the latter shall be returned to the Department promptly in accordance with § 99.25.

(e) **Forbidden treatment.** All letter carriers should be expressly instructed that it is forbidden (1) to put oil or grease in mail locks, (2) to pry open the case of such locks, (3) to injure a letter box in order to remove a defective lock.

(f) **When letter-box lock cannot be opened with key.** The shackle of a letter-box *padlock* may be sawed when it is on a letter box and cannot be opened with a key, but not until the carrier has properly reported the matter to the post office and a new key has been tried in the lock. Should it be necessary to remove a damaged "inside" or Arrow street letter-box lock, a most satisfactory method is as follows: Carefully center the screws with a center punch, then drill a hole at least three-sixteenths inch deep, using a breast drill and a number 22 twist drill; drive out the screws with a drive punch the same size as the drill; remove the lock; then retap the holes with a three-sixteenth-inch 32-pitch, or number 10, 32-pitch tap. For cast-iron type of box, holes should be drilled to a depth of at least three-eighths inch. If the foregoing method is not feasible, remove the screws by any available method that will not injure the lock or box. No attempt shall be made to open a letter box by the methods described until a new key has been tried in the lock.

§ 99.29 **Repairing or oiling forbidden.** Mail locks shall not be repaired nor shall oil or grease be applied to them.

§ 99.30 **Reclaiming of locks found in improper hands.** Postal employees shall reclaim, when possible, and transmit to the Second Assistant Postmaster General,

Surface Postal Transport, all mail locks found to be in improper hands or applied to any other than their lawful use.

§ 99.31 Report of theft or loss of lock. In case of theft or loss of a letter-box lock, or theft of any other kind of mail lock, a report, stating the facts and circumstances relating to such theft or loss, shall be made immediately to the proper inspector in charge, and also to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

MAIL KEYS AND SAFETY CHAINS

§ 99.32 "Mail keys" defined. The term "mail keys" includes all keys issued by the Department for use in connection with the mail locks referred to in § 99.19. The ordinary mail keys in general use are known as LA keys.

§ 99.33 To whom mail keys are furnished. Mail keys shall be furnished to postmasters, postal clerks, and post office inspectors, and such other subordinates of the Postal Service as may be authorized by the department to use them.

§ 99.34 Application for keys and safety chains. Application for mail keys and safety key chains shall be addressed to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, and prompt request shall be made for new keys which may be needed to replace broken, lost, or damaged ones.

§ 99.35 Recording and accounting for mail keys—(a) Reference. A mail key which is the subject of correspondence should be referred to by its number and combination.

(b) Receipts. The form of receipt which accompanies every mail key issued for service shall be filled in and signed by the proper person and immediately returned to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

(c) Record and number. Each mail key bears a different number. Every postmaster or employee to whom mail keys are furnished shall be charged therewith and held to a strict account therefor. When a postmaster receives a mail key he shall make a record, to be kept in his post office, of the date of its receipt, the number of the key, and its combination. In case of letter-box keys the combination shall be shown on the record. Postmasters shall during the last week of the March and September quarters make and keep on record an inventory of all keys charged to their respective offices.

(d) Receipts from carriers. Postmasters shall obtain and file in their offices receipts from letter carriers for mail keys issued to them.

(e) Keys from discontinued offices. Postmasters shall acquaint themselves with the mail keys charged to their respective offices; and any other mail keys coming into their possession from discontinued post offices, or other source, shall be forwarded promptly, by registered mail, to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, accompanied with a letter of advice.

§ 99.36 Safekeeping of mail keys—(a) Precautions. Mail keys shall be kept with special care and shall not be exposed to public observation nor allowed to pass into the hands of mail contractors, drivers, mail messengers, or other unauthorized persons.

(b) To be kept on safety chain. Every mail key, excepting those furnished as extras, shall be kept attached to a safety key chain until the key is returned to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops.

(c) LA key in use at post offices. The LA mail key in use at post offices shall be attached by means of a long safety chain and screw-eye to the receiving table or other fixture, having in view the safety of the key.

(d) **Report of loss or accident to.** Postmasters and other postal employees shall report to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, all instances of loss or accident to, or of any unlawful or improper use of, mail keys which come to their knowledge. In all cases the combination, as well as number of key, shall be indicated.

§ 99.37 **Extra keys; use and care of.** When extra mail keys are furnished for use in cases of emergency, they shall be locked in a safe place in the post office, accessible to only the postmaster and his assistant.

§ 99.38 **Unserviceable keys and chains—(a) Not to be repaired.** No attempt shall be made to have a mail key repaired.

(b) **When only key in office will not work.** If the only mail key in an office supplied by star, rural, or special route be broken, or is so defective as not to open the mail locks, the bags shall be passed unopened to the next postmaster on the route with a written request that the letters for said office be delivered in a sealed package, by the mail carrier, until a new key can be obtained from the Department. (See §§ 99.10 and 99.24.)

(c) **Return of keys.** When a mail key of any kind is returned to the Department, it shall be addressed to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, and be forwarded by registered mail, accompanied with a letter of advice. Broken (all parts), defective, and stray mail keys shall be forwarded without delay. Mail keys and locks shall not be sent to the Post Office Department in the same package.

(d) **Safety chains.** Safety key chains which are badly worn and endanger the safety of mail keys shall not be used.

§ 99.39 **Transfer or exchange of mail keys.** No mail key shall be transferred or exchanged except to a successor in office, nor loaned without special instructions from the Department.

§ 99.40 **Indication of defective lock.** The failure of a mail key in apparently good condition to open the mail-pouch lock for which designed indicates that the lock is defective, and the postmaster shall be guided by § 99.24.

MISCELLANEOUS PROVISIONS

§ 99.41 **Report of equipment in service.** The Second Assistant Postmaster General, Surface Postal Transport, shall submit to the Fourth Assistant Postmaster General, Division of Mail Equipment Shops, when requested, such data as may be desired relative to mail pouches, sacks, and locks in the service.

§ 99.42 **Where repairs are made.** Repairs to mail bags and mail locks shall be made in the Division of Mail Equipment Shops at Washington, D. C.

Title Eleven

RAILWAY MAIL SERVICE

Part		Part	
105	Organization and supervision	108	Treatment of mail matter in the Railway Mail Service
106	Railway postal clerks		
107	Railway post offices	109	Full and apartment railway post-office cars

PART 105—ORGANIZATION AND SUPERVISION

Sec.		Sec.	
105.1	Officers in charge.	105.4	Duties of assistant general superintendents.
105.2	Divisions of Railway Mail Service.	105.5	Terminal railway post offices.
105.3	Duties of general superintendents.		

§ 105.1 **Officers in charge.** The Deputy Second Assistant Postmaster General in charge of Surface Postal Transport, aided by a Director of Transportation and a Director, Divisions of Personnel and Facilities, is charged with the general management and supervision of the Railway Mail Service and the employees thereof.

NOTE: See § 1.11 as to other duties of the Bureau of the Second Assistant Postmaster General.

§ 105.2 **Divisions of Railway Mail Service.** The Railway Mail Service shall be divided into 15 divisions, each in charge of a general superintendent.

§ 105.3 **Duties of general superintendents.** The general superintendent shall:

(a) Direct the operation of the service and the employees assigned to his division.

(b) See that the Postal Laws and Regulations and all departmental orders are complied with.

(c) Prepare schemes of distribution and schedules for use as guides to the correct dispatch of the mails.

(d) Prepare semimonthly pay sheets and quarterly pay rolls showing the names of the employees and the amounts of salaries and travel allowances to be paid by checks issued by postmasters at division headquarters of the Railway Mail Service (see § 17.25).

(e) Make investigations ordered by the Department, and of irregularities occurring within his territory, except losses (see § 108.37), taking corrective action when necessary, and report upon all essential matters to the Post Office Department.

§ 105.4 **Duties of assistant general superintendents.** The assistant general superintendent shall aid the general superintendent in the conduct of all work incident to the division, perform such duties as may be assigned to him by the general superintendent, and, in the absence of the latter, shall be in charge as acting general superintendent of the division.

§ 105.5 **Terminal railway post offices—(a) Leasing of space.**
* * * The Postmaster General may, in the disbursement of the appropriation for such purposes, [rental of space for terminal railway post offices for the distribution of the mails when the furnishing of space for such distribution cannot be properly required of railroad companies without additional compensation] apply a part thereof to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental to be paid monthly for a term not exceeding twenty years. (See §§ 6.5 and 26.2.) (38 Stat. 301, as amended; 39 U. S. C. 577.)

(b) **Purpose of.** The terminal railway post office system shall be maintained for the purpose of handling and distributing mail not handled or distributed in railway post office lines or post offices. * * * (48 Stat. 962; 39 U. S. C. 618a.)

(c) **Where may be established; force employed.** Terminal railway post offices may be established at points where mails can be advantageously distributed or combined. The force at a terminal railway post office may include the transfer clerks employed to supervise the handling of the mails or to transfer registered matter, and such other clerks as may be necessary.

PART 106—RAILWAY POSTAL CLERKS

Sec.	Sec.
106.1 Residence of railway postal clerks.	106.4 Exemption from arrest on civil process.
106.2 Runs not to be extended without authority.	106.5 Debts of employees.
106.3 Attention to service.	106.6 Return of Government property upon separation from service.

§ 106.1 **Residence of railway postal clerks.** All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route, or at some point convenient thereto in the discretion of the general superintendent of the Railway Mail Service, to which they are assigned: * * * (Sec. 7, 37 Stat. 556, as amended; 39 U. S. C. 631.)

NOTE: The title "general superintendent of the Railway Mail Service" was changed to "Deputy Second Assistant Postmaster General in Charge of Surface Postal Transport" by Postmaster General's Order No. 33239, dated November 8, 1946. The exercise of the discretion in regard to residence is delegated to the Director of the Divisions of Personnel and Facilities.

§ 106.2 **Runs not to be extended without authority.** General superintendents shall not extend the runs of clerks over extensions of railroads, or place them upon new lines, without authority from the Post Office Department.

§ 106.3 **Attention to service—(a) Absence; exchange of runs; protection of vacant runs.** A railway postal clerk shall not absent himself from his line, or exchange runs with a clerk on the same or any other line, except in case of an emergency, without the approval of the general superintendent or district superintendent. When off duty he shall protect any run that he is advised is vacant. If he leaves his residence for more than one day during a lay-off period, he shall notify his district superintendent where he may be reached in an emergency.

(b) **Remain on duty during entire run.** Railway postal clerks shall remain on duty the whole length of their allotted runs. Clerks shall not leave their cars during a run except for meals, or for purposes of urgent necessity in the interests of the service, and then only for brief periods.

(c) **Illness of clerk.** When a railway postal clerk becomes unable from any cause to discharge his duties, the nearest clerk available may be called upon for assistance and he shall promptly respond; but such cases shall be confined to those of absolute necessity. The occurrence shall be noted on the trip report, and a special report shall also be made.

(d) **Clerks to assist others.** In the distribution of mail and other work to be done, every clerk of a crew shall do his full share and shall assist other clerks until all work is completed.

§ 106.4 **Exemption from arrest on civil process.** Railway postal clerks while on duty are exempt from arrest on civil process.

NOTE: See § 135.34 as to militia duty, and § 130.58 as to obstructing the mails.

§ 106.5 **Debts of employees.** Railway Mail Service employees shall pay their just and honest debts. When a complaint regarding indebtedness of an employee is received the general superintendent or district superintendent shall acknowledge its receipt to the complainant. He shall then advise the employee thereof, ascertaining his intended action in the matter, and inform the complainant accordingly. If a dispute arises as to the validity of the claim, the matter shall be considered one for adjustment between the interested parties or by a court. (See § 137.24.)

§ 106.6 **Return of Government property upon separation from service.** Upon the separation of a railway postal clerk from the service he shall turn over to the general superintendent or district superintendent the mail keys, travel commission, badge, and all other property and records belonging to the Post Office Department in his possession (including all records of registered matter). In case of extended suspension he shall in like manner turn in his keys, commission, badge, and revolver and related equipment. (See §§ 130.40 and 130.43.)

PART 107—RAILWAY POST OFFICES

<p>Sec.</p> <p>107.1</p> <p>107.2</p> <p>107.3</p> <p>107.4</p>	<p>MANAGEMENT AND CARE OF RAILWAY POST OFFICES AND MAILS</p> <p>Designation as railway post office.</p> <p>Examination of cars by clerks.</p> <p>Care of cars.</p> <p>Clerk in charge.</p>	<p>Sec.</p> <p>107.5</p> <p>107.6</p> <p>107.7</p> <p>107.8</p>	<p>Locking of postal car doors.</p> <p>Admission to railway post offices.</p> <p>Post office inspectors and supervisory officers on train.</p> <p>Information concerning mail matter not to be given.</p>
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Sec.		Sec.	
107.9	Guarding the mails.	107.17	Report of changes or errors in schedules and guides.
107.10	Clerk to accompany registered mail.	107.18	Orders and notices.
107.11	Reports of accidents to mail trains.	107.19	Construing of regulations.
	CARE OF MAIL EQUIPMENT AND OTHER PROPERTY	107.20	Correspondence; official signature of clerk.
107.12	Mail keys.	107.21	Official telegrams.
107.13	Mail bags damaged in transit.	107.22	Clerks not to carry freight in cars.
107.14	Surplus equipment.	107.23	Smoking.
107.15	Waste paper and twine.	107.24	Sale of stamps in railway post offices.
	GENERAL PROVISIONS	107.25	Rules of railroad companies.
107.16	Instructions, schemes, labels, and personal equipment.		

MANAGEMENT AND CARE OF RAILWAY POST OFFICES AND MAILS

§107.1 Designation as railway post office. All railway postal cars and mail apartments in cars and steamboats in use for the distribution of mail matter in transit shall be designated as railway post offices.

§107.2 Examination of cars by clerks—(a) Requirement. Railway postal clerks shall thoroughly examine their cars upon entering and before leaving them to see that no mail has been or is left therein.

(b) Care of mail locks. Mail locks shall not be left in postal cars, except when securely locked in drawers or closets or when used to secure drawers and closets or the car itself when necessary.

§107.3 Care of cars—(a) Requirements. Railway postal clerks shall not deface or injure the postal cars or other property of the railroad company. Cars shall be kept clean and in orderly condition. Waste paper or twine shall not be thrown upon the floor or permitted to lie about. Clerks shall not expectorate upon floor or walls of car or in the waste sack, nor deposit any foreign matter in the latter, nor use the water cooler for refrigerating purposes.

(b) Use of lights and fans. Care and economy shall be exercised in the use of lights and electric fans.

(c) Fire prevention and safety. Clerks shall refrain from placing lighted cigars and cigarettes on tables or label holders and shall not place bridges or other metal fixtures in overhead paper boxes. Safety rods shall not be used for storage of mail or fixtures.

§107.4 Clerk in charge—(a) Duties. Where two or more railway postal clerks are assigned to duty in a crew, one shall be designated as clerk in charge. The remaining clerks of the crew shall obey the orders of the clerk in charge. He shall: (a) have charge of the car (or cars); (b) be accountable for all property belonging in or pertaining thereto; (c) keep informed of the mail space authorized and needed on his run and advise his district superintendent whenever an economy therein appears to be possible; (d) require each clerk of crew to comply with all instructions, regulations, and orders relating to the service; (e) have all reports made; (f) see that all mails are properly made up and dispatched, special care being given to local exchanges, and that registered matter is carefully handled and safeguarded; (g) see that the clerks use their utmost endeavor to complete the distribution.

(b) Correspondence. Correspondence relative to service performed by the crew shall, when practicable, be sent to the clerk in charge for attention and report.

§ 107.5 **Locking of postal car doors.** Clerks shall keep the doors of their cars locked, especially end doors, and particularly at nighttime. They shall not leave the car without locking it unless another clerk is left on duty therein, except for the purpose of collecting from letter boxes which are in full view of the car door.

§ 107.6 **Admission to railway post offices—(a) Only authorized persons.** Clerks in charge shall not admit unauthorized persons to railway post offices, transfer offices, terminal railway post offices, or air mail field railway post offices.

(b) **Who may be admitted; admit cards.** Only the following persons shall be permitted to enter railway post offices: The Postmaster General, Assistant Postmasters General, officials of the Surface Postal Transport and the Railway Mail Service, and post-office inspectors upon the presentation of their commissions or proper credentials, clerks actually on duty, transfer clerks and terminal railway post-office clerks in the performance of their official duties only, such as supervising the loading and unloading of mails and receiving and delivering registered matter, conductors and other railroad employees in the performance of their official duties only, and those presenting admits properly signed. Such admits shall be good only during the period for which issued. If an admit is presented which has become void, it shall be taken up and forwarded to the general superintendent.

(c) **Admit issued to railroad employee.** An admit issued to a railroad employee shall be honored only on mail trains not provided with a baggage car or coach, except as heretofore noted.

(d) **Admit not good for transportation.** An admit shall not entitle the holder to transportation. When any person is riding in a railway post office upon an admit the clerk in charge shall notify the conductor of the train.

(e) **Annual admit.** An annual admit shall not be taken up, but its number and the full name of the holder and the points between which he rode shall be noted on the trip report.

(f) **Clerks off duty not to be admitted; exception.** Railway postal clerks not on duty, though accredited to the line over which they are passing, shall not enter or ride in the railway post office without special authority. However, a clerk who works one way only and is deadheading back to initial point of run shall be permitted to ride in railway post-office cars and his name shall be noted on the trip report.

(g) **Extra duty by clerks when deadheading.** In actual emergencies a clerk who is deadheading to and from his home may be called upon to perform extra duty by the clerk in charge. In such case his name shall be noted on the trip report, showing the points between which duty was performed. (See § 137.22.)

(h) **Admission of conductor and other railroad employees.** Conductors and other railroad employees shall not be allowed to enter railway post offices except in the discharge of their official duties. When they have attended to such duties they shall immediately leave the car.

§ 107.7 **Post office inspectors and supervisory officers on train—(a) Assistance to inspectors.** Post office inspectors presenting proper credentials shall be given such official assistance as they may require, and the fact that a post office inspector is on the train or has ridden thereon shall not be communicated by a railway postal clerk to any person whatever at any time, either during or after the run. Entry of the fact shall not be made on the trip report.

(b) **Noting presence of supervisory officer.** The presence of a supervisory officer of the Railway Mail Service in the car shall be noted on trip report unless instructions are given to the contrary.

§ 107.8 **Information concerning mail matter not to be given.** No information shall be imparted concerning mail matter passing through the hands of railway postal clerks in the discharge of their duties, except to persons who are entitled thereto under the regulations. (See § 41.4.)

§ 107.9 **Guarding the mails—(a) Vigilance required.** All employees shall use the utmost vigilance in protecting the mails under their charge, especially where there are transfers involving considerable trucking between depots, vehicles, or trains. Mail shall not be exposed to inclement weather or depredation, day or night.

(b) **Report of exposure of mails.** Whenever clerks become aware that the mails are so exposed they shall safeguard them if possible, and note the fact upon their trip reports.

NOTE: See §§ 92.34 and 92.35 as to care of mails arriving and departing at late hour of night, etc., by railroad companies.

§ 107.10 **Clerk to accompany registered mail—(a) Requirements.** The railway postal clerk who takes charge of the registered mail shall accompany the same to and from initial and terminal post offices of his run unless otherwise specially authorized. When accompanying the mail on a regulation vehicle he shall see that it is securely locked, and on other than regulation vehicles he shall sit in such a position as to be able instantly to detect the loss of a pouch or sack. (See § 108.33.)

(b) **Constant surveillance.** In crossing a ferry, being caught in street blockade, or other hindrance, or while mail is being trucked between office and vehicle, or vehicle and train, clerk shall keep mail under constant surveillance.

§ 107.11 **Reports of accidents to mail trains—(a) Particulars.** When an accident occurs to a mail train, the clerk in charge shall at once make full report through the district superintendent to the general superintendent. The report shall include the following: Extent of injury to clerks and mail, place of occurrence, date, hour, cause, extent of delay, speed, number, and consist of train, class of each car, whether storage end of railway post-office car is run next to engine, to what extent each car in train was damaged; in case of fire state how and where it originated, and if practicable the origin or destination and character of any mail that may have been lost, damaged, or destroyed—this report to be in addition to notation on trip report.

(b) **By wire when serious.** In case of loss of life or serious injuries to clerks, or if mails are destroyed, a brief telegraphic report shall be made to the general superintendent and district superintendent, but this shall not relieve such clerk from making a full report in writing to the general superintendent.

(c) **Report to Department.** When circumstances warrant, the general superintendent shall make telegraphic report to the Post Office Department.

CARE OF MAIL EQUIPMENT AND OTHER PROPERTY

§ 107.12 **Mail keys—(a) Wearing of.** Every railway postal clerk assigned a mail key shall wear it on his person securely attached to his clothing by the safety chain at all times while on duty, and also when off duty, except when it is impracticable to do so, in which case the key must be kept in a safe place. (See § 99.36.)

(b) **Retention by clerk.** Every railway postal clerk shall retain his mail key so long as he is connected with the same district, unless otherwise directed.

(c) **Not to be transferred, exchanged, or loaned.** Mail keys shall not be transferred or exchanged except as provided by regulations, nor loaned without special instructions from the general superintendent or district superintendent.

(d) **To be turned in when clerk on prolonged leave.** When a railway postal clerk makes application for leave of absence for 60 days or more, he shall turn in his mail key and badge to the general superintendent or district superintendent, who shall give a receipt therefor and take charge thereof while the clerk is absent from duty.

(e) **Worn and defective keys—(1) Replacement.** When a mail key is worn and becoming defective, timely notice shall be given of the fact, stating the number of the key. A new key shall be furnished to the clerk, who shall return the old one to the district superintendent.

(2) **Damaged keys to be returned.** Railway postal clerks shall promptly send all damaged or defective mail keys with broken parts, if any, to the district superintendent with an explanatory letter.

NOTE: See §§ 99.29 and 99.38 prohibiting repairs to mail locks and keys.

(f) **Disposition of keys not received in regular manner.** Mail keys received from discontinued post offices or elsewhere shall not be retained, but shall be promptly forwarded to the general superintendent with a full report of the facts in relation thereto; when known, the name and address of the person from whom the key was received shall be given.

§ 107.13 **Mail bags damaged in transit.** When a pouch or sack becomes damaged in transit to such an extent as to jeopardize the safety of the mails, the contents shall be transferred to another bag and the damaged bag forwarded to the Division of Mail Equipment Shops, the clerk noting on trip report cause of the damage, if known. If the sack is of foreign origin, both the sack and contents shall be inclosed in a domestic sack labeled to the exchange office through which the mail is due to be dispatched.

§ 107.14 **Surplus equipment—(a) Disposition.** Railway postal clerks shall not carry an excessive amount of equipment and shall promptly dispose of all surplus. Damaged equipment shall not be used.

(b) **Method of forwarding.** All surplus pouches, sacks, and locks shall be forwarded to the depository designated by the general superintendent. Pouches and sacks shall be carefully examined to see that no mail is left therein, and be properly labeled to show by whom made up, and the number and kind of pouches or sacks inclosed. If possible, the different sized sacks and pouches shall be packed separately.

(c) **Use of equipment in transit.** Serviceable equipment the labels of which are marked "Examined" shall not be used en route to the depository addressed, except when none marked "Serviceable" is available. When bundles marked either "Examined" or "Serviceable" are opened and only a part of the contents withdrawn the clerk using the equipment shall forward the residue to the designated depository under his own "Serviceable" label.

NOTE: See §§ 99.4 and 99.10 as to use and mutilation of mail bags, and § 42.37 as to books.

(d) **Report of excessive equipment.** Railway postal clerks shall note on trip report the receipt from any local office or other source of an excessive amount of equipment, especially catcher pouches.

§ 107.15 **Waste paper and twine—(a) Disposition.** Waste paper and twine shall be preserved and turned in at the terminal post office in a special sack furnished for that purpose. Before being dispatched it shall be carefully examined and the sack labeled with "Waste" tag (Form 5156) properly filled out and postmarked.

(b) **Economy in use of twine.** Due economy shall be observed in the use of twine. When conditions permit it shall be reused. When any is left in car, it shall be locked in a drawer or other receptacle.

GENERAL PROVISIONS

§ 107.16 **Instructions, schemes, labels, and personal equipment.** Every railway postal clerk, when on duty, shall carry travel commission and revolver assigned to him, Book of Instructions, copy of any special orders issued for his guidance, schemes of his distribution, and copies of such schedules of mail routes as may be necessary. In addition to the above, each terminal R. P. O., transfer office, and clerk in charge in trains designated as International Exchange Railway Post Offices will be furnished and carry Parts I and II of the current edition of the Official Postal Guide; clerks in charge in trains not so designated shall carry Part I only of the current edition of the Official Postal Guide. Railway postal clerks shall see that letter cases and paper racks are labeled in accordance with official diagrams.

§ 107.17 **Report of changes or errors in schedules and guides.** Railway postal clerks shall notify their general superintendent or district superintendent of all changes in schedules or running of trains upon their respective lines, or of errors in published schedules and Official Postal Guides.

§ 107.18 **Orders and notices—(a) To be examined by clerks.** A file of division general orders, as well as special orders, shall be kept at certain designated points, in which nothing but official matter shall be posted. Immediately before departure and after arrival clerks shall examine these order books and obtain all communications addressed to them.

(b) **Posting in cars and offices.** Official notices only may be posted in postal cars, transfer offices, and terminal railway post offices.

§ 107.19 **Construing of regulations.** Whenever there is doubt as to the meaning of any regulation, the general superintendent or district superintendent shall be consulted.

§ 107.20 **Correspondence; official signature of clerk.** Each railway postal clerk shall date and sign with his official signature, including the name of his line, and promptly dispatch replies to all official inquiries and other communications. The signature shall be made thus:

John Doe
Clerk, N. Y. & Chi. R. P. O.

§ 107.21 **Official telegrams—(a) When to use; form.** Clerks shall not send official telegrams except in urgent cases, and shall make them as brief as may be consistent with clearness. The following form is illustrative:

LUDLOW, VT., June 1, 1948.

GENERAL SUPERINTENDENT, FIRST DIVISION, RAILWAY MAIL SERVICE,
Boston, Mass.

Alburg-Boston train ten derailed near Ludlow noon today. Johnson severely, Miller slightly, injured; car badly damaged; mail safe.

Official business.
Collect.

DOE, Clerk.

(b) **Night service; filing telegrams.** Advantage shall be taken of the night service at lower rates when it will serve the same purpose as a "day" message, marking the message "Night." When filing an official telegram for transmission, clerk shall, if requested by the telegraph office, show travel commission or badge for identification purposes. If the telegraph office refuses to transmit an official message "collect," clerk shall prepay it, take receipt therefor, and forward receipt and copy of the message to his district superintendent for reimbursement.

(c) **"Charge" or "Collect."** When telegrams are sent from points where a representative of the Railway Mail Service is located they shall be indorsed "Charge" instead of "Collect" and shall be sent by (or through) and billed to the representative.

(d) **Personal telegrams.** Telegrams asking that runs be provided for or leave of absence granted *and replies thereto* are personal and shall be paid for by applicant.

§ 107.22 **Clerks not to carry freight in cars.** Clerks shall not carry freight in railway postal cars or traffic in merchandise while on duty.

§ 107.23 **Smoking—(a) Regulations.** In order to reduce fire hazard, clerks in air-mail field post offices, mail cars, terminals, and transfer offices, shall not smoke while receiving mail from the public, visiting letter boxes, loading or unloading mail, or while hanging or closing racks. Smoking on duty is a privilege and not a right, and shall not be indulged in to the detriment of the service or a clerk's work or to the discomfort of nonsmoking employees.

(b) **In storage cars prohibited.** No person shall smoke or carry lighted cigars, cigarettes, or pipes in mail storage cars while same are being loaded, unloaded, or while in transit. Railway postal clerks and transfer clerks shall prevent any violation of this regulation.

§ 107.24 **Sale of stamps in railway post offices.** Clerks in charge of railway post offices shall keep on hand a supply of 1-cent and 3-cent postage stamps for the accommodation of the public at the car; and such stamps shall not be sold for more or less than their face value.

§ 107.25 **Rules of railroad companies.** The rules and regulations of the railroad companies over whose lines a railway post-office car passes, not in conflict with these regulations, shall be respected and obeyed.

PART 108—TREATMENT OF MAIL MATTER IN THE RAILWAY MAIL SERVICE

Sec.	RECEIPT OF MAIL AT RAILWAY POST-OFFICE CARS	Sec.	OPENING, DISTRIBUTION, AND DISPATCH OF MAIL
108.1	Placing of mail in railway post-office car.	108.7	Distribution of mails.
108.2	Acceptance of mail by railway postal clerks.	108.8	Working of pouches.
108.3	Pouches due to be dispatched and received.	108.9	Examination of pouches.
108.4	Receipt of second-class matter by railway postal clerks.	108.10	Letters and circulars to be properly tied.
108.5	When second-class matter received direct from publishers.	108.11	Direct packages.
108.6	Letter boxes at railroad stations.	108.12	Second-class matter to be dispatched promptly.
		108.13	Cancellation of stamps.
		108.14	Postmarking.
		108.15	Mail not to be carried outside bags; exceptions.

Sec.		Sec.	
108.16	Facing slips or labels.	108.30	Throwing off mail at nonstop stations.
108.17	Special reports of irregularities in transmission of mails.	108.31	Request for withdrawal of matter from mails.
108.18	Errors in distribution and dispatch.	108.32	Delivery of mail in transit forbidden.
108.19	Changing address or unauthorized indorsing forbidden.		TRANSFER SERVICE
108.20	Counting mail worked.	108.33	Transfer clerks.
108.21	Trip reports.	108.34	Noting performance of messenger and vehicular service.
108.22	Matter to be withdrawn from mails.	108.35	Care of transfer and terminal offices.
108.23	Loose letters on steamboat routes.	108.36	General instructions also applicable.
108.24	Nixies.		LOSS OF OR DAMAGE TO MAIL MATTER
	FOREIGN AND DUTIABLE MATTER	108.37	Investigations of loss or damage.
108.25	Foreign mail addressed via particular route.		REGISTERED MATTER IN THE RAILWAY MAIL SERVICE
108.26	Matter for foreign countries in mails from Canada.	108.38	Study of registry regulations.
108.27	Dutiable matter in mails from Canada.	108.39	Member of crew assigned as registry clerk.
108.28	Closed foreign mails.	108.40	Transfer of registered matter.
	DELIVERY OF MAIL FROM CARS		
108.29	Exchange of letter mail.		

RECEIPT OF MAIL AT RAILWAY POST-OFFICE CARS

§ 108.1 **Placing of mail in railway post-office car.** Mail shall not be placed in a railway post-office car unless there is a clerk on duty.

§ 108.2 **Acceptance of mail by railway postal clerks—(a) Conditions.** Railway postal clerks shall accept from a postmaster or sworn assistant postmaster loose mail matter on which the stamps have been canceled, but matter bearing canceled stamps shall not be accepted from mail messengers or the public, except matter of the first class readdressed for forwarding, or outside packages in transit when received from mail messengers or from canceled air mail trips. (See § 42.40.)

(b) **From the public.** Railway postal clerks shall accept from the public, unless otherwise ordered, all mail matter of the first class upon which the proper rate of postage is paid; all matter in penalty envelopes or bearing the frank of any person entitled thereto by law; soldiers' and sailors' letters unpaid when duly certified; and matter of the first class upon which the stamps are canceled when readdressed for forwarding. They shall not accept from the public mail matter of the second, third, or fourth class except that they may accept from representatives of manufacturers or distributors of serums or pharmaceutical supplies shipments of such articles when endorsed "Emergency—This package has been weighed and necessary postage affixed. If any additional postage is found to be due at destination, same is guaranteed by the sender."

§ 108.3 **Pouches due to be dispatched and received—(a) Recording and checking.** Railway postal clerks will keep a correct list of the pouches due to be made and dispatched, and of those which they are due to receive and distribute. Record need not be made of pouches received and dispatched intact, nor of pouches exchanged with local offices when only one pouch is involved. In cases where it is not practicable to check pouches due to be made or received for distribution as they are delivered from or received into the car, clerk in charge will check

pouches made at the time of piling for dispatch, and in case of pouches due to be received for distribution, check shall be made immediately after loading of mail is completed. When a railway post office or a post office makes up two or more pouches for the same address, the pouch label shall indicate the sequence of the pouch in the series, numbers to be used in regular order for that purpose, thus, the first pouch "1," the second "2," the third "3," and so on, the label of the last pouch to bear, in addition to its proper number, a cross, thus, "X," to indicate the last pouch of the series. In case of failure to receive any regular pouch, and the cause of the failure is not known, the district superintendent shall be immediately notified by special report. In cases where it is known pouch has been lost, destroyed, or stolen, the district superintendent shall be notified by telegraph.

(b) **Irregular or emergency pouches.** If irregular or emergency pouches (other than those received to be dispatched, intact), are received or dispatched, entry thereof shall be noted on the record and proper check made.

(c) **Numbering of air mail pouches.** Where it is necessary for a post office to use more than one pouch for the same dispatch of air mail, and the pouches are closed with rotary locks, or part are closed with rotary locks and part with LA locks, all of the pouches comprising the dispatch shall be numbered and marked as one series.

NOTE: See §§ 42.47 and 43.5 as to record of pouches to be kept at post office; § 92.31 as to railroad companies; § 94.14 as to mail messengers.

§ 108.4 Receipt of second-class matter by railway postal clerks—(a) Authorization. The Postmaster General may provide by order the terms upon which railway postal clerks may receive from publishers or any news agents in charge thereof, and deliver the same as directed, if presented and called for at the mail car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post office. (R. S. 3889, as amended; 39 U. S. C. 639.)

(b) **Must be accompanied with certificate of postmaster.** Railway postal clerks may receive newspapers and periodicals from publishers and news agents only when accompanied with a certificate on Form 3979 from the postmaster at the office of publication that the postage has been paid.

(c) **Outside delivery to agents.** Second-class matter marked to be delivered outside the mails shall be so delivered only when addressed to news agents, or agents of publishers, and shall be treated according to instructions upon the package.

(d) **Printed notice on wrapper.** Publishers shall have printed in bold type on the wrapper of mail packages for outside delivery the words, "U. S. mail for outside delivery at publisher's risk."

(e) **On trains having no railway postal clerk.** When newsdealer packages are forwarded as mail on trains upon which no railway postal clerk is assigned, the baggageman shall deliver the packages as outside matter at place shown in the address. While in his custody they shall be considered as mail matter.

(f) **Baggageman not to receive except when authorized.** Baggagemen shall not receive second-class mail directly from the publisher on postmasters' certificates unless specially authorized to do so by the department through the general superintendent.

NOTE: See § 34.29 as to delivery by publishers directly to other post offices.

§ 108.5 **When second-class matter received direct from publishers—(a) Certificate required.** When railway postal, transfer, or terminal railway postal clerks are authorized to receive second-class matter direct from publishers, accompanied with a certificate on Form 3979 signed by the postmaster, they shall insist on a certificate with each load offered showing number of sacks, the weight of the mail, and that the postage has been paid thereon; otherwise the matter shall not be accepted for mailing.

(b) **If offered without certificate.** When matter is offered without a certificate that fact shall be communicated to the publisher or the postmaster, if time will permit, with request that a certificate be furnished; if not furnished, the matter shall be refused.

(c) **Discrepancy in weight or number of sacks.** In case of apparent discrepancy in either the weight or number of sacks, the receiving clerk or clerks shall, if practicable, weigh the papers at the time of receipt and note the proper correction on the accompanying certificate, being careful not to deface the original as furnished by the postmaster. The certificate, together with a report, shall then be mailed to the postmaster; a report made to the general superintendent; and a proper notation made on the trip or daily report. When, in case of discrepancy, the sacks cannot be weighed or the discrepancy otherwise reconciled, the matter shall not be accepted.

§ 108.6 **Letter boxes at railroad stations.** Railway postal clerks shall visit letter boxes maintained at railroad stations (see § 92.50) and collect mail therefrom at the last moment practicable before the departure of their respective trains unless such duty is performed by a transfer clerk. Care shall be taken to lock the box after collection is made.

OPENING, DISTRIBUTION, AND DISPATCH OF MAIL

§ 108.7 **Distribution of mails—(a) Official schemes.** Railway postal clerks shall carefully distribute mails by the official schemes furnished, which shall be kept corrected to conform to changes published in general orders.

(b) **Pouches to be made up as ordered.** Only such pouches as may be ordered by the general superintendent or district superintendent shall be made up, except when necessary to make an emergency pouch to advance mails, in which event note thereof shall be made on trip report.

§ 108.8 **Working of pouches—(a) Method.** Railway postal clerks shall complete the distribution of the contents of one pouch or sack before opening another.

(b) **Removal of label.** The address label shall be removed from a pouch or sack when it is opened.

§ 108.9 **Examination of pouches.** Before using and after emptying a pouch or sack it shall be thoroughly examined to see that no mail is left therein; it shall be held so that the whole interior can be seen and examined.

§ 108.10 **Letters and circulars to be properly tied.** Letters and circular mail shall be made up in packages and not placed in the pouch or sack loose. The twine used shall be tied in a hard knot, and no more used than necessary to make package secure.

§ 108.11 **Direct packages—(a) How made.** A "direct package" shall be made by placing all ordinary letters for one post office in a package by themselves, all faced one way, with a plainly addressed letter on the outside and a slip bearing date, line, and name of the clerk making the package on the back. Ten or more pieces for one post office shall be tied out as a "direct."

(b) **Air mail.** Air-mail letters shall be made up in separate packages when there are 10 or more for one post office, railway post office, or State, except when requests are received from the proper general superintendent of the Railway Mail Service for the tying out of directs containing less than 10 pieces. Less than 10 shall be placed at the top of the working package under the registered and special-delivery letters, if any, with facing slip endorsed to show air mail is included, except if no further air-mail dispatch can be had, distribution may be made in usual manner. (See § 42.30 as to ordinary letters, § 53.7 as to special-delivery mail, and § 59.7 as to registered mail.)

(c) **For persons or firms, not to include matter on which funds are collectible.** Direct packages or sacks made up for individual persons or firms shall not include special-delivery matter, insured parcels bearing insured serial numbers, C. O. D. mail, mail known or supposed to be liable to customs duty, or any other mail which requires the collection of funds on delivery. Matter requiring the collection of funds includes C. O. D. matter, short-paid pieces, business reply cards and envelopes, undeliverable matter returned under the return postage guarantee provision, mail known or supposed to be liable to customs duty, and certain forms, such as Form 3547, Notice to Sender of Addressee's New Address, Form 3578, Notice to Publisher concerning Undeliverable Second-Class Matter, publications returned under Form 3579, Label for Returning Undeliverable Second-Class Matter to Publisher, and Form 3849-D, Notice to Sender of Undelivered C. O. D. Mail.

§108.12 **Second-class matter to be dispatched promptly.** Newspapers and periodicals sent to regular subscribers shall be promptly dispatched to destination. Such matter shall not be withdrawn from its wrapper except to ascertain its destination, or, if necessary, the name and date.

§108.13 **Cancellation of stamps.** Postage stamps affixed to mail matter and all stamped envelopes, air letter sheets, newspaper wrappers, and postal cards deposited in railway post offices shall be immediately and effectually canceled by the use of black ink. The postmarking portion of the postmarking and canceling stamp shall not be used to cancel postage stamps. (See § 42.48.)

§108.14 **Postmarking—(a) Requirement.** The railway postal clerk shall legibly postmark all mail deposited in a railway post-office car for mailing except that of the second class mailed by publishers and metered mail received under proper authorization.

NOTE: See § 42.10 as to manner of postmarking.

(b) **To show date of starting trip.** On trains running in more than one day the postmarking stamp during the entire trip shall show the date the train is scheduled to start.

(c) **Report of illegible postmarking.** The continued violation by a postmaster of § 42.10, requiring the legible postmarking of all matter of the first class before dispatch, shall be reported to the general superintendent.

§108.15 **Mail not to be carried outside bags; exceptions.** Mail matter shall not be carried outside of the regular mail bags except second-class matter marked for outside delivery, as provided in § 108.4, or matter the character, form, or weight of which prevents it from being carried in the mail bags or makes it liable to damage the mail.

§108.16 **Facing slips or labels—(a) Use of.** Facing slips or labels shall be placed upon all packages of letters and circulars and in the label holder of all pouches and sacks, with proper address indicated thereon, except that the address shall be omitted from slips used on direct letter packages. When used

as a label for a pouch or a sack the name of the railway post office of dispatch shall also be shown. Train numbers may be omitted from paper sack-labels by authority of the general superintendent. All slips shall bear the postmark showing number of train and date the trip was scheduled to start and name of clerk. Where connection is made with any line at a point distant from the office making up the pouch or line sack, the name of the junction or other point at which the connection is made shall also be shown on the address label.

(b) **Slips not to be used a second time.** Facing slips shall not be used a second time. Railway postal clerks shall note every instance of a violation of this rule, inclosing the slips as evidence.

(c) **Economy in use.** Blank facing slips shall not be wasted, and but one slip placed upon a package, and only one label shall be placed in the label holder of a pouch or sack.

§ 108.17 **Special reports of irregularities in transmission of mails.** Special reports shall be made of serious irregularities in the transmission of mails. Exact postmarks shall be given, as well as the source, date, place, time of receipt, and dispatching train, if known; also, if only one publication is involved, the name and date thereof. If the mail is first-class, the office of origin shall also be indicated. A note shall be made on the trip report, and the slips from the mishandled mail shall be inclosed therewith.

§ 108.18 **Errors in distribution and dispatch—(a) Noting of.** Every railway postal clerk shall note all errors in the proper routing and expeditious dispatch of the mails. Every railway postal clerk is bound to perform this duty and must loyally and conscientiously comply with rules governing the same.

(b) **When charged.** An error shall be charged when a piece of mail is not dispatched in accordance with the scheme, schedule, or special instruction. Nixie matter dispatched with State mail where "exception schemes" are used shall not be charged.

(c) **How noted.** Errors shall be noted on reverse side of slip or label, giving name of the post office and State; the slip or label shall be postmarked with date, and signed with full name of clerk noting the errors. Such notation shall include the entire number of pieces of mail erroneously distributed, in the following form:

LETTERS	PAPERS
1 Omaha, Nebr. 2 So. Bend, Ind. 1 St. Louis, Mo.	1 N. Y., N. Y. 1 Phila., Pa. 1 Balto., Md. 2 Wash., D. C. 1 Richmond, Va.
W. Brown (Postmark)	C. J. Smith (Postmark)

(d) **Inclosure of slips or labels.** Slips or labels upon which errors have been noted shall be inclosed with trip reports to the district superintendent or the general superintendent as may be directed.

(e) **Missent packages.** A missent package of letters and papers shall be checked on the slip covering the package, as follows:

Missent pkg.
of _____ letters (or papers),
all for _____
Frank Jackson
(Postmark)

and the slip, with the label of the pouch or sack, shall be forwarded to the district superintendent with the trip report. If there is no slip on the package, check on a blank slip and forward as above. When checking errors found in a package made up for a post office and bearing an unaddressed slip, the office shall be noted at the foot of the slip over the signature of the clerk, as follows: "Found in package for _____" In this connection a package of papers is construed to mean a tie out under a separate label of more than one piece of separately wrapped and addressed mail matter other than letters.

(f) **Misdirected packages.** Misdirected packages of letters or papers shall be checked in the same manner as a missent package, except the word "Misdirected" shall be substituted for "Missent."

(g) **Missent or misdirected pouches.** Missent or misdirected pouches or sacks shall be reported as above. The labels shall be forwarded in all cases. In relabeling a missent or misdirected pouch or sack the new label should contain the correct destination as well as the name of the post office or railway post office by which originally made up, and the slip shall bear the postmark of the railway post office to which missent.

(h) **When no slip or label accompanying.** When there are no slips or labels on packages or in pouches or sacks, reports shall be made thereof, stating if possible the line with train number or post office from which the mail was received.

(i) **Disposition of slips or labels as waste.** All slips or labels on which no errors have been noted, after being counted, shall be disposed of as waste, unless otherwise instructed.

(j) **Marking of missent letter or paper.** Each letter or daily paper missent to a line shall be plainly stamped or marked on the face "Missent," and the postmark of the line also stamped thereon.

§ 108.19 **Changing address or unauthorized indorsing forbidden.** Railway postal clerks shall not change the address upon any mail matter nor make any personal or unofficial or unauthorized indorsement upon a letter or addition to the address.

§ 108.20 **Counting mail worked—(a) What to include.** In counting mail worked each letter slip shall be counted as a package of letters, and each label on a sack of papers as a sack of paper mail. Packages and sacks merely opened for the purpose of consolidating or verifying the contents shall not be counted. The count shall include only matter actually distributed, but report shall be made of mails received unworked or left undistributed.

(b) **Each clerk to furnish report.** At the end of a trip each clerk in a crew shall furnish to the clerk in charge a memorandum on Form 5014, with his signature, showing amount of mail distributed, number of registers handled, and number of errors checked. The slips shall be attached. Irregularities noted shall be entered under "Remarks." In recording irregularities concerning newspapers the name of publication, the date of issue, and the full address shall be given. Form 5014 shall be completed in harmony with the nature of the clerk's assignment. The clerk in charge shall use such record in preparing his trip report and retain the memoranda for at least 30 days thereafter.

§108.21 Trip reports. (a) Trip reports, together with all the slips upon which errors have been noted, shall be properly filled out and promptly sent to the district superintendent at the end of each trip.

(b) All the information called for by the trip report shall be given, and a duplicate of each report shall be kept for one year.

(c) When a railway postal clerk does not perform duty over the whole length of his run, the portion over which he performed duty shall be noted on the trip report.

UNMAILABLE, SHORT-PAID, AND UNPAID, IMPROPERLY ADDRESSED
MATTER AND NIXIES

§108.22 Matter to be withdrawn from mails—(a) Kinds. Railway postal clerks shall detain and turn in at the terminal offices of their runs (1) all domestic matter collected from station boxes or deposited in the car for mailing on which postage is wholly unpaid (see § 42.16); (2) all matter of the first class on which less than one full rate of postage is paid (see § 34.12); (3) all matter except letters bearing a special-delivery stamp on which no other postage is paid (see § 53.6); (4) all matter bearing stamps that have been previously used or cut from stamped envelopes or wrappers (see § 42.7); and (5) all matter of the second, third, and fourth classes collected from station boxes or deposited in the car for mailing (see § 42.6).

(b) **Parcel post matter.** Parcel post matter received by railway postal clerks from station boxes or deposited in their car, when turned in to the terminal office for the run, shall be covered by a slip of the clerk marked "For examination and rating; deposited in railway post-office car at _____."

(c) **Liquids, explosives, etc., and matter found loose in mails.** Railway postal clerks shall also withdraw from the mail all liquids not admissible to the mails under §§ 35.13 to 35.18, gunpowder and other explosives, pistols, revolvers, and other firearms capable of being concealed on the person (except as provided in § 36.12), live animals (except as prescribed in §§ 35.22 to 35.26, inclusive), poisons, and any article liable to injure the mails or the persons handling the same, and which have been declared unmailable by the rulings of the Post Office Department (see § 35.13), perishable articles found loose or without address, and matter relating to lotteries, as described in § 36.6, and turn the same in to the terminal post office accompanied with the pouch or sack label and a report giving the name of the post office or other source from which such matter was received, and at the same time make a special report of the matter to the general superintendent or district superintendent. All matter on which the addresses have been detached or erased and all articles found loose in any pouch or sack shall be forwarded under cover to the postmaster at headquarters of the general superintendent, accompanied with the pouch or sack label and a special report giving the name of the post office or other source from which such matter was received. Articles of apparent value of \$1 or more shall be registered.

(d) **Money found loose.** When money is found loose in the mails the identical notes or coins found shall be turned in.

(e) **Certain matter not to be detained.** Matter which should have been detained at the mailing office as "held for postage," "excess of weight or size," shall not be stopped in transit. (See § 42.19.)

(f) **Matter received in bad order.** Mail matter of the first class deposited or received in a railway post-office car unsealed or in a mutilated or otherwise bad

condition shall be stamped or marked with the words "Received unsealed," or "Received in bad order," as the case may be, together with the postmark of the line. Where necessary such matter shall be sealed.

(g) **Report of matter liable to cause injury.** Railway postal clerks shall report to the general superintendent the receipt of any matter which from its character or form they think is liable to injure the mails or the persons of those handling them and any injury caused by the admission of such matter which may come to their knowledge. These reports shall be forwarded to the Post Office Department.

§ 108.23 **Loose letters on steamboat routes.** Railway postal clerks on steamboat routes to whom prepaid letters are delivered shall place the same in the mails. Letters wholly unpaid shall not be accepted, but if they come into the possession of a clerk they shall be deposited in the post office at the terminal of the route.

NOTE: See § 97.53 as to treatment of such letters on steamboats.

§ 108.24 **Nixies—(a) Definition; treatment.** The general term "nixies" shall embrace all mail matter not addressed to a post office, or addressed to a post office without the name of a State being given, or otherwise so incorrectly, illegibly, indefinitely, or insufficiently addressed that it cannot be transmitted. Such matter, except parcels marked "Perishable," dispatched from a post office or mailed upon railway post-office cars, shall be withdrawn from the mail and sent to the postmaster at the headquarters of the general superintendent or to such office as the general superintendent may designate. Nixies consisting of parcels marked "Perishable" shall be delivered to the terminal post office. Nixies shall be post-marked on the back and covered by a slip addressed as heretofore instructed, with the word "Nixies" in the upper left corner.

(b) **Exceptions in treatment.** The following exceptions, however, shall be observed:

(1) Mail addressed to military or naval posts and stations of the Weather Bureau and Life Saving Service which are not post offices shall be sent to the proper post office, if known.

(2) Mail addressed to discontinued post offices shall be sent as directed in the order of discontinuance. Mail addressed to offices whose names have been changed shall be sent to the office of the new name. Mail addressed to watering places and summer resorts which are not post offices shall be sent to the nearest post office known.

(3) Mail from the Post Office Department addressed to new post offices, marked on the envelope "New office," shall be sent to destination in the best manner practicable, in the absence of definite instructions.

(4) Nixies which reach a line from which they can be delivered shall be delivered to the proper post office.

(5) Nixies mailed upon a line addressed to a local on that line shall be delivered to the post office which has been designated to receive mail so addressed.

(6) Matter addressed to a post office without the name of the State being given, which is known to be intended for the principal city of that name, shall be forwarded accordingly.

(7) Matter addressed to a place not a post office but bearing the name of a known county and State shall be examined by a clerk on a line making distribution of that State by general scheme. If then not known, it shall be forwarded to the county seat of the county addressed.

(8) When mail matter addressed to a place which is not a post office contains upon it a direction to send via a post office the matter shall be sent to the post office indicated.

(9) Mail of foreign origin addressed to persons in the United States shall be treated in the same manner as domestic mail.

(10) Mail shall not be treated as nixies on account of incorrect spelling when the destination is undoubted.

(11) All matter supposed to be nixies shall be verified with the latest Official Postal Guide and general orders.

(12) When second-class matter improperly addressed is received, clerks shall not change the address or course of the package, but shall treat it in accordance with the regulations.

(c) **Errors to be noted.** When mail matter is treated as nixies and the address thereon is found in the latest Official Postal Guide or in the general orders, it shall be noted as an error on the slip accompanying the same and charged against the clerk.

FOREIGN AND DUTIABLE MATTER

§ 108.25 **Foreign mail addressed via particular route.** When mail matter addressed to foreign countries is specially addressed to go by way of a particular vessel, steamship line, or route, railway postal clerks shall forward the same accordingly, as far as practicable. (See § 114.12.)

§ 108.26 **Matter for foreign countries in mails from Canada.** When mail matter addressed to foreign countries other than Canada is received in mails from Canadian offices made up for distribution, postal clerks shall forward such mails in accordance with the foreign scheme applicable to mails of domestic origin for the foreign countries involved.

§ 108.27 **Dutiable matter in mails from Canada.** Clerks in railway post offices exchanging mail with Canada shall carefully examine all Canadian mails, and turn into the nearest exchange post office or other designated post office where there is a Customs Service Officer all books and merchandise known or supposed to be liable to customs duty, and all musical compositions in any form found in such mails. (See § 116.1.)

§ 108.28 **Closed foreign mails—(a) Waybills or registry bills to accompany.** Closed mails for foreign countries made up at United States exchange post offices, and those of foreign origin and destination in transit through the United States, and diplomatic pouches dispatched from Washington, D. C., shall be accompanied with waybills or registry bills showing the number, origin, and address of the sacks of registered mail. Ordinary closed mails shall be billed in bulk, with only the total number of such sacks shown on the waybills.

(b) **Exceptions.** This section shall not apply to mails regularly exchanged between the United States and Canada or Mexico, but closed mails passing through the United States to or from Canada or Mexico shall be accompanied with waybills.

(c) **Preparation of waybills.** With the exception of mails exchanged between Canada, Cuba, and Mexico (mails from any of which countries, when addressed to either of the others, will pass through the United States under the original waybill prepared by the foreign office of origin from which the mails will be checked), waybills shall be prepared by the first United States post office or railway post office of receipt, and the mails shall be checked therefrom by all railway postal clerks who handle them, except that where it is impracticable to check such mails

while in transit in a car, it will be sufficient to check them when loaded into the car and again when unloaded therefrom. Any shortage shall be reported. If a railway postal clerk receives such mails without a waybill, he shall note the failure on trip or daily report and make a waybill on the required form.

(d) **Foreign sealed sacks, and direct sacks made up in sea post offices.** All foreign sealed sacks made up abroad and labeled to United States post offices, and direct sacks made up in sea post offices and addressed to a United States post office, shall be forwarded intact to their destination, to be opened only in the post office to which they are addressed. This paragraph shall not apply to mails made up in foreign countries for the United States, which sea post offices maintained on ocean steamships may be ordered to open.

DELIVERY OF MAIL FROM CARS

§ 108.29 **Exchange of letter mail.** Letter mail shall be forwarded in locked pouches except that exchanged with Canada, Cuba, and Mexico, which shall be inclosed in sealed sacks. A pouch duly locked shall be exchanged if due at each local and terminal office whether or not there is any letter mail.

§ 108.30 **Throwing off mail at nonstop stations—(a) Method.** At local stations where train does not stop for exchange of mails and no special facilities have been provided either for making the delivery or for receipt of the mail by roadside device, it must not be merely pushed over sill or door, but shall be thrown off downward and outward to a distance sufficient to be clear of the train. Catcher pouches only shall be used, except in cases of emergency. The clerk shall notify the postmaster by return mail where there has been a failure to catch or deliver.

(b) **Instructions regarding point of delivery.** General superintendents shall issue special instructions regarding the point of delivery of mails at catcher or local stations to prevent accidents.

(c) **Care to avoid damage or injury.** Mail shall not be thrown on a station platform from a train in motion, except by special instructions of the general superintendent. The utmost care shall be taken in deliveries to avoid injury to person, mail, equipment, or property. When the amount of mail is greater than one clerk can deliver with safety, it shall be divided and put out from different doors.

(d) **Registered and fragile matter.** Registered boxes, fragile matter, or matter which because of its size or form is liable to injury shall not be thrown from a moving train, but shall be put off at a point where the train stops, for delivery by a local train. (See § 59.52.)

§ 108.31 **Request for withdrawal of matter from mails.** When a request is received by a railway postal clerk from a postmaster, post-office inspector, general superintendent, or district superintendent to withdraw certain unregistered matter from the mails and return it to the office of origin, as provided in § 42.23, such request shall be complied with, and a record thereof, giving the address on the letter or other matter, return card, postmark, etc., be made on the trip report, and the original telegram or letter requesting the withdrawal be transmitted with the report. If the matter requested is not in the office, a telegram to that effect shall be sent and the proper record made on the trip report.

NOTE: See § 59.68 as to registered matter.

§ 108.32 **Delivery of mail in transit forbidden.** Railway postal clerks shall not make delivery at the railway post-office car of mail in transit, although it be known to them that the applicant therefor is the person named in the address, except as provided in §§ 43.19, 108.4, and 108.33.

TRANSFER SERVICE

§ 108.33 Transfer clerks—(a) Designation of. The Director, Divisions of Personnel and Facilities, Surface Postal Transport, may assign railway postal clerks, when necessary, to perform duty at important junctions, to be designated "transfer clerks."

(b) Duties of. Transfer clerks shall:

(1) Supervise the handling and transfer of mails at railroad depots where they are stationed.

(2) Keep correctly informed of the routes over which mails which are transferred at that point should pass.

(3) Keep informed of the time of arrival and departure of, and mail space authorized and needed on, all trains upon which mails are carried.

(4) Notify their district superintendent or general superintendent in writing of any changes of schedules which affect mail connections.

(5) Supervise the loading of storage cars.

(6) Keep a record of the space used in closed-pouch trains.

(7) Issue requests for such additional space as may be required.

(8) Perform such other work (such as filling runs, furnishing supplies, etc.) as may be directed.

(c) Guarding the mails. Transfer clerks may be required to accompany the mails while being conveyed by vehicle service when considered necessary.

(d) Delivery of mail to addressee. Transfer clerks when specially instructed by the Director, Divisions of Personnel and Facilities, Surface Postal Transport, may deliver mail to the party addressed. (See § 43.19.)

§ 108.34 Noting performance of messenger and vehicular service—(a) And report of irregularities. Transfer and terminal railway post-office clerks shall carefully observe the manner of performance of messenger and vehicle service and the handling of mails by railroad employees, and report to the district superintendent every irregularity therein which comes to their knowledge.

(b) Examination of vehicles. Vehicles delivering mail shall not be allowed to depart until they have been carefully inspected to ascertain whether any mail has been left therein. Departing vehicles containing mails shall be examined to see that they are securely locked.

§ 108.35 Care of transfer and terminal offices. The rooms assigned for use of transfer offices and terminal railway post offices shall be kept clean and orderly. Economy in the use of water and lights shall be exercised. Government and other property shall be kept in good order. Locks, equipment, and supplies shall not be allowed to lie about promiscuously.

§ 108.36 General instructions also applicable. In addition to these special instructions for transfer and terminal railway post-office clerks, they shall also be governed by the general instructions to railway postal clerks when applicable.

LOSS OF OR DAMAGE TO MAIL MATTER

§ 108.37 Investigations of loss or damage—(a) By R. M. S. officers. General superintendents and district superintendents, Railway Mail Service, shall not investigate cases of loss of mail matter.

(b) When investigation or irregularity discloses loss. If, in investigating the causes of a delay or other irregularity in his division, a general superintendent or district superintendent finds that a loss of mail matter is involved in the case, he shall at once discontinue the investigation and forward the papers,

together with all the information obtained by him, to the inspector in charge of the proper division. If in the judgment of the general superintendent immediate action should be taken, he shall show the papers to the local post office inspector and, if necessary, give him a copy thereof.

(c) **Report of losses to inspector in charge.** When losses are reported to a general superintendent, he shall immediately refer the same to the inspector in charge of the proper division and, if in his judgment necessary, notify the local post office inspector.

(d) **Investigation of damage to mail matter.** General superintendents and district superintendents shall investigate the damage to mail matter in the exchange of mails by railway postal clerks, reported to them under § 44.2; also complaint of damage to an individual piece of any class of domestic mail matter, except registered, insured, or collect-on-delivery mail reported to them under § 44.2. When registered mail is damaged in exchanging mails, or a postal employee or mail contractor is shown to be in fault in any case, the report of the investigation giving full information, including statement of equipment damaged and disposition of damaged mail, shall be forwarded to the Post Office Department; in other cases, reports of investigation shall be filed in the offices of general superintendents. Complainants shall be advised of action taken. Reports received by general superintendents of fourth-class mail tagged "Bad order," as prescribed in § 41.15, shall be filed in their offices.

REGISTERED MATTER IN THE RAILWAY MAIL SERVICE

§ 108.38 **Study of registry regulations.** Railway postal clerks shall carefully study and become fully conversant with the regulations and instructions pertaining to the handling of registered matter.

§ 108.39 **Member of crew assigned as registry clerk.** An experienced member of the crew shall be assigned as registry clerk who shall have the care and custody of all registered mail received and dispatched from his car, and shall be in waiting when pouches are opened or closed to take charge of any registered matter that may be dispatched or contained therein. If he is compelled to leave the car temporarily, or before the end of the run, he shall have permission to do so from the clerk in charge; and before leaving the car he shall turn over the registered matter to the person designated by the clerk in charge, taking a receipt for the same.

§ 108.40 **Transfer of registered matter.** Transfer clerks shall receipt for, transfer, and deliver registered matter. When such delivery is made, the registered articles shall be entered in a record book which shall be furnished for that purpose, and a receipt obtained from the postmaster or postal clerk to whom the articles are delivered.

PART 109—FULL AND APARTMENT RAILWAY
POST-OFFICE CARS

Sec.	CONSTRUCTION, EQUIPMENT, AND SANITATION	Sec.	
		109.3	Regulations as to use of cars.
		109.4	Water and sanitation.
109.1	Construction and maintenance of railway mail cars.	109.5	Lighting and heating of postal cars.
109.2	Inspection of cars by Department representatives.	109.6	Railway post-office cars to bear legend as such.

CONSTRUCTION, EQUIPMENT, AND SANITATION

§ 109.1 Construction and maintenance of railway mail cars—

(a) Authorization. All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. * * * (Sec. 5, 39 Stat. 427; 39 U. S. C. 537.)

(b) Penalty for failure. If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper. (Sec. 5, 39 Stat. 428; 39 U. S. C. 567.)

(c) New cars to be constructed of steel. All new full and apartment railway post-office cars shall be constructed of steel or equally indestructible material, and shall conform in construction and arrangement to the departmental specifications approved July 20, 1938, and any subsequent modification thereof.

(d) Strengthening and standardizing of old cars. Full and apartment railway post-office cars previously accepted for service shall be brought up to the specifications mentioned in all material respects wherever operating conditions render strengthening, standardization, or improvements necessary. Approval of the Director, Divisions of Personnel and Facilities, Surface Postal Transport, shall be obtained before any changes in construction or fixtures are made.

(e) Conversion of cars. Cars originally built for other traffic shall not be acceptable for conversion into full and apartment railway post-office cars unless they are reconstructed to fully meet departmental specifications. Such conversions shall be approved by the Director, Divisions of Personnel and Facilities, Surface Postal Transport, before the work is started.

(f) Certificate of construction required. The principal mechanical officer of the railroad company shall furnish a certificate of construction on R. M. S. Form 5292 for each new and rebuilt steel or steel underframe mail car.

(g) Construction requirements for steel underframe cars. The ends and underframe of steel underframe apartment railway post-office cars shall conform to the departmental specifications for all-steel cars. The section moduli of the metal vertical end members shall be not less than 65, distributed as required by the specifications.

(h) Superstructure of steel underframe cars. Superstructure of steel underframe cars shall conform either to former plan No. 1 or the specification of August 25, 1914, for construction of wooden cars, reinforced by metal vertical end members, or framing members of the superstructure may be steel shapes. Steel sheathing applied to superstructure on outside shall not be rated as an additional strength factor.

NOTE: Cars which do not meet the above underframe and superstructure requirements shall not be rated as "steel underframe."

(i) **Reconstruction and reinforcement of wooden cars.** Wooden apartment railway post-office cars which are to be reconstructed and continue as such shall be sound in material and construction and shall conform substantially to former plan No. 1 or the specification of August 25, 1914, for wooden cars. They shall be reinforced by metal members when necessary to render them acceptable for operation under the provisions of § 109.3.

(j) **Cars for narrow-gage lines.** Wooden mail apartment cars for narrow-gage lines shall conform to requirements of departmental circular of May 31, 1916.

§ 109.2 **Inspection of cars by Department representatives—(a) Instructions.** New and reconstructed railway post-office cars shall be inspected by representatives of the Department, in accordance with instructions issued by the Director, Divisions of Personnel and Facilities, Surface Postal Transport.

(b) **Advice of proposed constructions or reconstruction.** Railway and car-building companies shall advise the Director, Divisions of Personnel and Facilities, Surface Postal Transport, concerning the proposed construction or reconstruction of railway post-office cars and dates when such cars will be ready for inspection.

(c) **Notices of "shopping" and "outshopping."** Railway companies shall notify field officers of the Railway Mail Service of the "shopping" of any railway post-office cars at the time such cars are received at the shops, so that representatives of the service may inspect the cars and call attention to needed betterments. Notice shall be given also when cars are to be "outshopped," in order that inspection may be made by the Railway Mail Service if considered necessary.

(d) **Repairs to be approved before cars returned to service.** Railway companies shall not "outshop" and return to service any full or apartment railway post-office car for which changes or betterments have been requested unless such repairs have been made in a manner acceptable to the Railway Mail Service.

§ 109.3 **Regulations as to use of cars—(a) Steel and steel underframe cars.** (1) Cars operated in full railway post-office authorizations shall be of all-steel construction.

(2) Apartment railway post-office cars for operation in trains where a majority of the cars are steel shall be of steel construction.

(3) Steel underframe railway post-office apartment cars shall not be operated between steel cars, nor between the engine and a steel car adjoining, nor in any train where a majority of the cars in the train are of steel construction.

(b) **Wooden cars.** (1) Wooden railway post-office apartment cars shall not be operated between steel or steel underframe equipment. In all operations the railway post-office apartment car shall be at least equal in construction strength to a majority of the other cars in the train, except as provided in § 109.3 (b) (3).

(2) Wooden railway post-office apartment cars for main-line operations in heavy trains (more than four cars) or on fast schedules (averaging more than 27 miles per hour between termini) shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914. Wooden railway post-office apartment cars with limited reinforcement on longitudinal sills, but having suitable reinforcement on both ends, may be operated in branch-line trains or in light trains (not exceeding four cars) on main lines having an average speed of not more than 27 miles per hour. In light trains running partly on main lines or wholly on branch lines, with an average speed of less than 27 miles per hour, wooden railway post-office apartment cars without metal reinforcements or longitudinal sills may be operated, provided such cars have the approved track-rail reinforcement or equivalent on both ends.

(3) Wooden railway post-office apartment cars intended for operation in "mixed" trains or as trailers to self-propelled cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914. In the "mixed trains" the railway post-office car shall be operated in the rear-end consist, followed only by passenger coach or caboose, and shall have full-length metal draft gear applied when deemed necessary.

(c) **Proximity of mail cars to engine.** (1) Railway post-office cars, whether of steel, steel-underframe, or wooden construction, which have the letter cases in the end shall not be operated with the letter end next to the engine.

(2) When practicable, one or more cars shall be operated between the engine and the railway post-office car.

§ 109.4 **Water and sanitation—(a) Drinking water.** Drinking water containers in full and apartment cars shall be of a type approved by the Director, Divisions of Personnel and Facilities, Surface Postal Transport, and shall conform to the standard fixtures specification. Drinking water shall be furnished in accordance with United States Public Health Service requirements. Ice and fresh water shall be supplied as frequently as climatic conditions render it necessary.

(b) **Flushing hoppers.** Flushing hoppers shall be installed in accordance with standard fixtures specifications in all new and remodeled cars and in old cars when deemed advisable by the Railway Mail Service. Toilet paper shall be provided in all cars.

(c) **Cleaning of cars and fixtures.** All railway post-office cars and such fixtures as water coolers and hoppers shall be regularly and thoroughly cleaned after each trip, and where such cars are in continuous use more than 24 hours they shall be cleaned en route when necessary.

§ 109.5 **Lighting and heating of postal cars—(a) Specifications.** All cars and parts of cars used in mail service shall be adequately lighted and equipped with light fixtures in accordance with standard construction specifications, including auxiliary lights for use in event of failure of the primary lighting system.

NOTE: When the primary lighting system fails to provide sufficient illumination for completion of the distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When this condition prevails for 30 minutes or less, or when the distribution is retarded or rendered difficult by insufficient light, it shall be regarded as a partial light failure.

(b) **Electric lights required.** When any of the passenger, baggage, or express cars regularly operated in a train are lighted by electricity, the railway post-office car or apartment shall be lighted by electricity as the primary system.

(c) **Storage battery required.** Each electrically lighted full or apartment railway post-office car, either axle-generator or head-end system, shall be equipped with storage battery of the required capacity.

(d) **Electric fans.** Electric fans shall be installed in all electrically lighted full and apartment railway post-office cars.

(e) **Heating specifications.** Heating of full and apartment railway post-office cars shall be in accordance with the standard construction specifications. Guards over heat pipes and radiators in all cars shall be constructed and installed as required by the specifications, in order to prevent damage to mails.

(f) **Stoves, safety type.** Stoves are not to be installed in full and apartment railway post-office cars without the approval of the Railway Mail Service, and shall not be accepted as the auxiliary heating system unless of a safety type approved by the department. The safety features include automatic fastening for stove door, with double doors preferred, baffle plate to prevent fire or live coals escaping through the smoke-flue opening, and metal casing to prevent overheating of closely surrounding objects.

§ 109.6 Railway post-office cars to bear legend as such—(a) Not to be used for other traffic. All full and apartment railway post-office cars shall have lettering painted on the outside in accordance with the standard construction specifications. Such cars, and parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mails and shall not be used for any other class of traffic.

NOTE: See § 130.57 as to penalty for unlawful use of sign "U. S. Mail."

(b) "No admission" notices. Two "No admission" notices, properly framed, shall be placed in each full railway post-office car, and one notice in each apartment railway post-office car. Such notices shall be located in cars so as to be readily observed on entering at side doors.

Title Twelve

INTERNATIONAL POSTAL SERVICE

Part	Part
113 Postal arrangements	119 Indemnity: Regular (Postal Union) mail
114 Treatment of mails: Postage refunds: International reply coupons: Disposition of foreign dead matter	120 Ocean mail service
115 Withdrawal or change of address	121 Foreign air mail service
116 Foreign mail involving customs revenue	122 Sea post service
117 Prohibited importations	123 Navy, Marine Corps, Coast Guard, and Army mail service
118 Losses, damage, and complaints	124 Postal agencies
	125 Miscellaneous

PART 113—POSTAL ARRANGEMENTS

Sec.	Sec.
113.1 Postal arrangements with foreign countries.	113.2 Publication of postal conventions.

§ 113.1 Postal arrangements with foreign countries—(a) **Treaties and conventions.** For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and foreign countries: *Provided*, That the decisions of the Postmaster General construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States. (R. S. 398, as amended; 5 U. S. C. 372.)

(b) **United Nations.** In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement. (Sec. 17 (a), Agreement Between the United Nations and the United States of America, Regarding the Headquarters of the United Nations, confirmed by sec. 1, Public Law 357, approved August 4, 1947.)

§ 113.2 **Publication of postal conventions.** (a) The Postmaster General shall transmit a copy of each postal convention concluded with foreign Governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication; and the printed proof sheets of all such conventions shall be revised at the Post Office Department. (R. S. 399, as amended; 5 U. S. C. 373.)

(b) There shall be printed in slip form * * * seven hundred and sixty copies of * * * postal conventions, and treaties, which shall be distributed as follows: To the House document room, * * * one hundred copies of private laws; to the Senate document room, * * * one hundred copies of private laws; to the Department of State, five hundred copies of all laws; and to the Treasury Department, sixty copies of all laws.

(c) Postal conventions and treaties shall be distributed as private laws. (Sec. 56, 28 Stat. 609; 44 U. S. C. 191.)

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

Sec.	CLASSIFICATION AND CONDITIONS, POSTAGE AND FEES	Sec.	114.16 Short-paid or unpaid mail from foreign countries.
114.1	Classification.	114.17	Registered articles received at exchange offices.
114.2	Treatment of unpaid or short-paid matter.	114.18	United States special-delivery stamps on articles mailed abroad.
114.3	Withdrawal of unmailable matter.	114.19	Return of sacks belonging to foreign countries.
114.4	Treatment of lottery or fraudulent matter.	114.20	Foreign closed transit mails.
114.5	Special-delivery matter.		WAYBILLS
114.6	Air mail service.	114.21	Waybills.
114.7	Registry fee.		AT DELIVERING OFFICES
114.8	Marking.	114.22	Foreign matter.
114.9	Return receipt.	114.23	Return receipts sent to interior offices.
114.10	Registered articles found in the ordinary mail.	114.24	Matter specially held for delivery.
	REFUNDS OF POSTAGE AND FEES		INTERNATIONAL REPLY COUPONS
114.11	Postage refunds.	114.25	International reply coupons.
	MAILS DISPATCHED TO FOREIGN COUNTRIES		DISPOSITION OF FOREIGN DEAD MATTER
114.12	Mails to foreign countries.	114.26	Foreign dead and undeliverable matter.
114.13	Foreign registered mail.		
114.14	Treatment of undelivered foreign registered mail at exchange offices.		
	FOREIGN MAILS RECEIVED		
114.15	Treatment of incoming foreign mail.		

CLASSIFICATION AND CONDITIONS, POSTAGE AND FEES

§ 114.1 Classification—(a) In regular mails. The exchange of all mailable matter in the regular (not parcel post) mails between the United States and foreign countries is governed by the Universal Postal Union Convention and other conventions in force. Mail matter is classified by the Universal Postal Union Convention as follows:

- (1) Letters.
- (2) Post cards (single and reply-paid).
- (3) Commercial papers.
- (4) Prints.
- (5) Raised prints for the blind.
- (6) Samples of merchandise.
- (7) Small packets.

The exchange of parcel-post mail between the United States and foreign countries is governed by conventions or agreements concluded with each country or group of countries.

(b) Care in acceptance of mail. Postmasters shall exercise care in the acceptance of matter for mailing to foreign countries, whether in the regular or parcel-post mails, in order to assure correct classification, weight limit, dimensions, and proper prepayment, proper and substantial packing, complete and legible addressing, and the withholding of articles prohibited admission.

NOTE: See § 36.1 and sections referred to therein concerning matter generally unmailable in the domestic mails (or unmailable except under certain conditions as to packing, etc.) and, therefore, also unmailable to foreign countries: However, in connection with paragraph (e) of § 36.1, see Official Postal Guide, Part II, for limits of weight and dimensions allowed for mail matter for foreign countries. Also, see §§ 114.2, 114.3, and 114.22 as to treatment of unmailable matter and unpaid and short-paid matter; § 114.12 as to preparation at exchange offices of mail for foreign countries; § 130.54 as to penalty for importation of obscene matter; § 130.55 as to penalty for officers aiding in importation of obscene matter; § 130.56 as to penalty for importation of lottery matter; and § 114.26 as to undeliverable articles of foreign origin.

See Official Postal Guide, Part II, for list of foreign countries and colonies; for information as to free matter; optional and compulsory prepayment; postage rates, and transit charges, surcharges (including air mail) and fees, and for detailed information concerning treatment and classification as well as concerning articles prohibited generally in the regular and parcel-post mails exchanged between the United States and all foreign countries, and articles specially prohibited to individual countries as shown under the country items of each country concerned.

§ 114.2 Treatment of unpaid or short-paid matter. Mail matter addressed to a foreign country, unprepaid or insufficiently prepaid to authorize its dispatch, where full or partial prepayment of postage is required, shall be returned promptly to the sender if known, or, if the sender is not known, shall be sent at once to the proper dead letter or dead parcel post branch. Notice of retention for postage shall not be sent to the addressees in such cases.

NOTE: See Official Postal Guide, Part II, for information relative to optional and compulsory prepayment, and treatment at exchange offices of all short-paid parcel-post packages and registered articles in the regular mails for foreign countries; and § 114.22 as to collection at delivering offices of postage due on short-paid matter from foreign countries.

§ 114.3 Withdrawal of unmailable matter. All matter addressed to or received from foreign countries, except such as is merely in transit across the territory of the United States, which by §§ 36.2 to 36.6, inclusive, is prohibited transmission in the domestic mails shall be withdrawn from the mails, whether at office of origin, of address, or at an exchange office, the same as domestic matter, and treated as provided in § 42.18. As to matter prohibited by §§ 35.13 to 35.17, inclusive, see § 42.21.

NOTE: See § 117.1 as to treatment of articles prohibited importation by the copyright law and § 117.2 as to prohibition against the importation of subversive, threatening, obscene, immoral, or lottery matter, material to prevent conception or aid abortion, and gold imports.

§114.4 POSTAL LAWS AND REGULATIONS

§114.4 Treatment of lottery or fraudulent matter. Whenever orders shall be issued to postmasters at exchange offices by the Postmaster General forbidding the forwarding of any mail matter to any person or concern located in a foreign country conducting a lottery or fraudulent enterprise, such matter shall be treated as prescribed in said order (see § 38.9), except that matter merely in transit across the territory of the United States shall not be detained under such orders.

NOTE: See § 74.15 as to orders forbidding certification of money orders.

§114.5 Special-delivery matter. Articles intended for special delivery may be sent only to certain foreign countries listed in the Official Postal Guide, Part II. The special-delivery fee is 20 cents (except in the case of Canada, to which the United States domestic special-delivery fees apply) in addition to the regular postage, and shall be prepaid by United States special-delivery or other stamps affixed to the cover. There shall also be affixed to the cover an "Exprès (Special Delivery)" label (Form 2977), or the cover shall be marked boldly in red ink "Exprès" directly below but not on the stamps. Articles intended for special delivery but insufficiently prepaid shall be marked by the postmasters, "Not in special-delivery mail," and dispatched to destination as ordinary mail matter whenever such articles cannot be returned to the sender for the deficiency in fee without seriously delaying their dispatch.

NOTE: See Official Postal Guide, Part II, country item "Canada," as to special-delivery fees to Canada.

§114.6 Air mail service. Articles for foreign countries may be sent by air mail where such service (United States or foreign) is available. Such articles are subject to an additional charge or fee which shall be fully prepaid. This fee shall be stated separately in some cases, while in others the postage and air-mail fee may be combined. The air-mail fees vary according to the extent of the air transportation furnished.

NOTE: See Official Postal Guide, Part II, and air-mail leaflet, as to use of the blue "Par Avion—By Air Mail" label and certain other special markings and as to the various fees and air-mail routes or services available.

§114.7 Registry fee. (a) The registry fees on international mail shall be in addition to the regular postage, both of which shall be prepaid by stamps affixed unless otherwise authorized.

(b) The registry fee for all Postal Union articles of whatever class addressed to foreign countries shall be 20 cents. The registry fee for international *Parcel-post* packages shall be 20 cents unless otherwise stated in current Official Postal Guide, Part II.

(c) Two or more articles tied or otherwise fastened together shall not be registered as one article unless inclosed in the same envelope or wrapper.

NOTE: See § 119.1 as to indemnity for registered mail.

§114.8 Marking—(a) Registry mark and postmark. All registered matter shall be plainly marked on the face and postmarked in the same manner as required in the domestic service.

NOTE: See §§ 42.9 to 42.13 as to defacing and canceling of stamps and postmarks; and § 59.1 as to registry mark.

(b) **Backstamping at exchange offices.** All registered matter to or from foreign countries, or in transit through the United States, except transit matter sent in sealed bags, shall be backstamped at exchange offices with the date of dispatch or receipt over the crossing of the upper and lower flaps. No other postmark shall be covered.

NOTE: See § 114.17 as to registered articles from foreign countries which do not show the registry mark.

§ 114.9 Return receipt—(a) Request for. When the sender of any registered article addressed to a foreign country desires a return receipt therefor, he shall write on the envelope or wrapper the words "Avis de reception," or the letters "A. R.," which are equivalent to "Return receipt requested."

(b) Where prepared. Return receipts (Form 2865) requested for international registered articles mailed at first-, second-, and third-class post offices shall be prepared at such offices. Return receipts for international registered articles mailed at fourth-class offices shall be prepared at the United States exchange offices, unless the postmasters at the offices of mailing have been specially authorized to prepare such receipts.

(c) Requests for return receipts after mailing, or complaints of failure to receive return receipts—(1) First- and second-class post offices. Requests for return receipts after mailing, or complaints of failure to receive return receipts, in connection with foreign registered and insured mail (except to Canada), shall be handled at first- and second-class offices as prescribed in § 118.1 (a), and the foreign form of registry return receipt, Form 2865, shall accompany the Form 542, after changing "registered" to "insured" on the return receipt when appropriate. Form 2865 shall be indorsed at the top "Duplicate advice of delivery," if return receipt was requested when the parcel was mailed; otherwise the indorsement shall be "Request for advice of delivery made after mailing."

(2) Third- and fourth-class post offices. At third- and fourth-class offices Form 1510 shall be executed, and it shall show whether the receipt was requested at or after the time the parcel was mailed. Third-class offices shall also attach Form 2865. The forms shall be disposed of as prescribed in § 118.1 (a).

(3) Canada. Requests for return receipts after mailing, or complaints of failure to receive return receipts, for registered mail addressed to Canada, shall be handled as prescribed in § 118.3 (a), the domestic form of return receipt (Form 3811) being attached to the inquiry where the Form 2865 is not available and indorsed as indicated above.

NOTE: Return receipts are not furnished for insured mail addressed to Canada. See Official Postal Guide, Part II, as to fees for return receipts and fees for inquiries or complaints concerning registered or insured mail. Consult current Postal Guide and supplements as to the statistics which are required to be kept in connection therewith.

§ 114.10 Registered articles found in the ordinary mail. (a) A registered article (as distinguished from an article merely marked to indicate that the sender desired it registered) to or from a foreign country found in the ordinary mail not marked "Not in the registered mail" or "Remailed after delivery—not registered" shall be removed from the ordinary mail wherever found and given the safeguards provided for registered mail. Report of the finding shall be made to the Second Assistant Postmaster General, International Postal Service.

NOTE: See § 60.15 as to treatment.

(b) The instructions in § 58.7 also apply to articles mailed in this country for delivery in foreign countries but not to articles originating in foreign countries.

REFUNDS OF POSTAGE AND FEES

§ 114.11 Postage refunds—(a) Documents to accompany applications for claims. The portion of the envelope or wrapper showing the names and addresses of the sender and addressee, date of mailing, the amount of postage and fees (if any) paid, Form 2922 in the case of parcel post, all postal endorsements, particu-

larly the reason for the return of the mail matter, must accompany the application for refund, whenever possible. The patron shall also be requested to submit a statement showing whether the mailing was made with or without consulting the Postal Service.

NOTE: Requests for refunds of amounts of less than 10 cents will not be considered.

(b) **Claims for \$100 or more.** In instances where the claim equals or exceeds \$100, or where no supporting envelope or wrapper with the postage stamps or meter impression affixed can be offered by the patron, the application, accompanied with a full statement of the basis for the refund application, shall be forwarded to the Second Assistant Postmaster General, International Postal Service, Washington 25, D. C. Payment must be withheld in such instances until authorized by the Second Assistant Postmaster General.

(c) **Claims for less than \$100—(1) At offices of \$6,450 grade and above.** All applications for refunds of postage of less than \$100 on mail of United States origin addressed to a foreign destination filed at post offices of the \$6,450 grade and above, shall be accepted by the postmasters, who shall examine them, and, where warranted, execute Form 2995 in duplicate and refund the postage in accordance with instructions issued by the Second Assistant Postmaster General, International Postal Service.

(2) **At offices below \$6,450 grade.** Applications for refund of postage of less than \$100 on mail of United States origin addressed to a foreign destination, filed at post offices below the \$6,450 grade, together with the envelope or wrapper and other data mentioned above, shall be forwarded as follows:

To: Postmaster, New York, N. Y., by post offices in—

Alabama.
Connecticut.
Delaware.
Florida.
Georgia.
Kentucky.
Maine.
Maryland.
Massachusetts.
Mississippi.
New Hampshire.
New Jersey.
New York.
North Carolina.
Pennsylvania.
Rhode Island.
South Carolina.
Tennessee.
Vermont.
Virginia.
West Virginia.

To: Postmaster, Chicago, Ill., by post offices in—

Arkansas.
Illinois.
Indiana.
Iowa.
Kansas.
Louisiana.
Michigan.
Minnesota.
Missouri.
Nebraska.
North Dakota.
Ohio.
Oklahoma.
South Dakota.
Texas.
Wisconsin.

To: Postmaster, San Juan, P. R., by post offices in—
Puerto Rico.
Virgin Islands.

To: Postmaster, San Francisco, Calif., by post offices in—

Arizona.
California.
Colorado.
Idaho.
Montana.
Nevada.
New Mexico.
Oregon.
Utah.
Washington.
Wyoming.
Alaska.

To: Postmaster, Honolulu, T. H., by post offices in—

Canton Island.
Guam.
Hawaii.
Samoa.

(3) **Review and authorization.** Postmasters at the five offices listed above will review applications for postage refunds received from the offices in their areas, and, when warranted, authorize refunds on Form 2995. These postmasters will send the completed Form 2995 in duplicate to the postmaster who will pay the refund; all other papers in the case will be filed at the office authorizing the refund.

(d) **Payment—(1) When instructed.** Upon receipt of instructions to make a refund, postmasters at post offices below the \$6,450 grade (and those at offices above the \$6,450 grade where the claim has been referred to the Second Assistant Postmaster General) shall pay the amount authorized.

(2) **Procedure.** All refund payments will be made out of the postal receipts in the postmaster's possession. All refunds of postage made at offices at which

Treasury checking accounts for payment of miscellaneous expenditures have been authorized, shall be made by Treasury check; at other offices they shall be made on the basis of cash payments and the receipt of the person to whom the payment is made must be secured on the voucher in duplicate. Payments should not be made partly by Treasury check and partly in cash. Offices making payment by Treasury check, may show the Treasury check number on voucher Form 2995 in lieu of the signature of the payee. Care should be exercised to see that the name of the payee is shown on the voucher in each case.

(e) **Credit for refunds.** All duplicate receipts on Form 2995 shall be kept on file at the post office making the refund, and the originals shall accompany the quarterly account of the postmaster. Credit for the amount of the refund shall be claimed by the postmaster in the postal account for the quarter in which the refund was made.

(f) **Refunds of fees.** Postmasters will make refunds, in the same manner, of fees collected for international return receipts when such receipts or their equivalent are not obtained because of some fault of the Postal Service.

(g) **Records.** All papers relating to refunds made by postmasters for postage on international mail shall be retained.

MAILS DISPATCHED TO FOREIGN COUNTRIES

§ 114.12 **Mails to foreign countries—(a) Exchange offices.** Mails shall be exchanged with foreign countries through post offices and railway post offices duly authorized to act as "exchange offices."

NOTE: See §§ 108.25 to 108.28, inclusive.

(b) **Preparation and dispatch.** Mails shall be prepared and dispatched to the proper exchange office in accordance with the instructions in the current Official Postal Guide, Part II, as modified by special instructions issued by the Second Assistant Postmaster General.

(c) **Labels.** The labels of United States mail sacks dispatched by sea shall be the following colors: *Vermillion red* for Postal Union registered articles; *white* for ordinary (unregistered) letters, including ordinary post cards (or mixed ordinary correspondence, that is, letters, post cards, and other articles); *light blue* for ordinary other articles (that is, "prints," including samples and small packets); *green* for sacks containing only empty sacks, which covered Postal Union mails, upon return to origin of the empty sacks; and *yellow ochre* for parcel post. The yellow ochre labels of sacks containing registered parcels shall be endorsed with a bold "R," those containing insured parcels with a bold "V," and those containing C. O. D. parcels with the letters "C. O. D." Sacks containing only empty sacks, which covered parcel-post mails, should be returned to origin in sacks bearing yellow ochre labels plainly marked in black ink with the words "Empty Parcel Post Sacks (Sacs Vides)."

(d) **"Specially addressed" correspondence.** Correspondence "specially addressed"—that is, marked for transmission by a particular vessel or designated route—shall, if practicable, be dispatched accordingly, if the vessel conveys mail or the route is open for the transmission of mail. In case of postponement of a sailing, or an arrival too late for dispatch by the vessel for which intended, such correspondence shall be dispatched by the first available vessel. When appropriate, the envelope of the article shall be stamped "Too late." However, these regulations, so far as they relate to specially addressed correspondence of United

States origin, shall be subject to change by instructions from the Post Office Department.

§ 114.13 Foreign registered mail—(a) Billing. Postal employees in billing to domestic post offices or railway post offices registered matter addressed to, or received from, foreign countries shall use the particulars required in the domestic service. (See § 59.4 (b).) The name of original post office and State (or country) shall be recorded and not the name of the United States exchange office of original receipt, or other office from which the mail is received, unless it is the office of mailing. If the postal employee is unable to obtain all of this information from the registered articles or accompanying bills or package receipts, he shall record a full description of all of the particulars which are obtainable, including the post office and State (or country) of destination, followed by the word "Foreign."

NOTE: See §§ 114.12, 114.15, and 114.22 as to dispatch, receipt and delivery of international mails; §§ 59.86 to 59.88 as to damaged or unsealed articles.

(b) Making up by exchange offices. United States exchange offices making up registered mail for foreign countries shall be governed by the provisions of the Universal Postal Union Convention or other convention in force or by special instructions issued from time to time.

(c) Dispatch. Registered mail for foreign countries shall be dispatched to the post office or railway post office in the United States specially authorized to exchange registered matter with such countries. (See Official Postal Guide, Part II.) When the quantity or bulk does not warrant making up a jacket envelope, sack, or pouch addressed to the proper United States exchange office, postmasters should dispatch the mail as a single piece or a hand piece in the general direction of such exchange office. If the original cover is in bad order it shall be reinclosed in a penalty or "bad-order" envelope, or, if practicable, repaired with official sealing stamps.

NOTE: See § 59.86.

(d) Jackets. Separate registered jackets shall be used for international and domestic mail. Jackets containing registered matter for the countries named shall be marked "Canada," "Cuba," "Mexico," or "Panama," respectively. Registered jackets containing registered mail for any other foreign country shall be marked "Foreign," unless addressed direct to a foreign country served through a Pacific coast exchange office.

(e) Labels. Registered mail for foreign destinations regularly dispatched via San Francisco, Calif., San Pedro, Calif., Portland, Oreg., Seattle, Wash., or Tacoma, Wash., shall, when the quantity or bulk of matter for each foreign country justifies, be inclosed in a jacket, pouch, or sack addressed simply to the country of destination—"China," "Japan," "Australia," etc. Separate registered sacks, or pouches, marked to indicate that they contain international parcel-post mail, shall be used in dispatching parcel-post registered matter for trans-Pacific destinations.

(f) Dispatch for two or more countries by same vessel. Registered mail for two or more countries scheduled for dispatch from a Pacific coast exchange office by the same vessel shall, when in sufficient quantity or bulk, be inclosed in one jacket, pouch, or sack, addressed simply to the countries of destination.

(g) Reinclosing. Pouches, sacks, and jackets, containing only mail addressed to trans-Pacific countries, as well as single pieces, shall be reinclosed in pouches,

sacks, or-jackets, addressed to the proper exchange office when it is known that they will reach the exchange office at least 24 hours in advance of the sailings. In other cases they shall be dispatched as hand pieces.

NOTE: See Official Postal Guide, Part II, for further information concerning dispatch of registered mails; and §§ 116.1 to 116.26, inclusive, as to customs treatment; § 114.26 as to undeliverable matter; and § 114.21 as to use of waybills in some cases.

§ 114.14 **Treatment of undelivered foreign registered mail at exchange offices.** Exchange offices receiving undelivered registered mail of foreign origin for return shall promptly return it to the proper exchange office of the country of origin, or of the country named in the sender's address, if shown. The office and State (or country) of address, in addition to the other particulars used in billing registered mail to foreign countries, shall be shown in the column headed "Observations" of the registry list or the appropriate table of the letter bill used in billing the returned registered matter.

FOREIGN MAILS RECEIVED

§ 114.15 **Treatment of incoming foreign mail—(a) Sealed and direct sacks.** All foreign sealed sacks made up abroad and labeled to United States post offices, and direct sacks made up in sea post offices and addressed to a United States post office, shall be forwarded intact to their destination, to be opened only in the post office to which they are addressed. This paragraph shall not apply to mails made up in foreign countries for the United States, which sea post offices maintained on ocean steamships may be ordered to open.

NOTE: See § 42.47 (c) as to disposition of labels taken from sealed sacks or pouches made up by a sea post office.

(b) **Comparison of sacks with waybills.** When mails are received at exchange post offices where vessels land, the sacks shall be counted, and if found to agree with the waybills thereof the exact time of receipt shall be entered on the waybill and the same signed as a receipt of the mails, any errors being noted on the waybill before signing. Registry (red label) sacks shall be checked in this service by offices of origin and offices of destination.

(c) **Recording.** Postmasters at exchange offices shall keep such record of registered mail received from foreign countries as will show the particulars required by § 114.13 concerning registered mail dispatched to foreign countries. When lists received with registered mail from foreign countries do not show the information required, the lists shall be completed and the omission made the subject of a bulletin of verification.

(d) **Delivery of mail addressed to other post office.** Postmasters at ports of arrival of mail from foreign countries may deliver any matter in such mail directed to any other post office to the person addressed upon being satisfied of his identity.

NOTE: See § 43.19 as to conditions for delivery of mail at other than the office to which addressed, and §§ 116.1 to 116.26, joint regulations governing the treatment of dutiable matter.

§ 114.16 **Short-paid or unpaid mail from foreign countries—(a) Charge for.** Except as otherwise stated in current Official Postal Guide, Part II, short-paid or unpaid Postal Union articles received in the mails from foreign countries are liable to a charge to be paid by the addressee on delivery of the article.

(b) **Returned to sender.** When an unpaid or short-paid article is returned from a foreign country to a sender in this country as undeliverable, the sender shall be charged with the amount which would have been collected from

the addressee if the article had been delivered. Mail matter which does not bear the stamp "T" (tax to be paid) shall be considered as fully paid and treated accordingly, unless there is an obvious error.

§ 114.17 **Registered articles received at exchange offices—(a) Indorsing.** Registered articles mailed in foreign countries received at United States exchange post offices or railway post offices not indorsed "Registered" or "R" or otherwise properly indorsed to indicate that they are registered, shall be appropriately indorsed by such exchange offices above or near the original foreign registration number.

(b) **Unaccompanied with foreign return receipt blanks.** When postmasters at United States exchange offices receive registered matter of foreign origin unaccompanied with foreign return receipt blanks, but for which it is apparent that the senders desire receipts, they shall supply the United States form of foreign registry receipts (Form 2865) before dispatching the matter to interior offices. The irregularity shall be made the subject of a bulletin of verification.

§ 114.18 **United States special-delivery stamps on articles mailed abroad—(a) Cancellation of.** Uncanceled United States special-delivery stamps attached to articles mailed abroad and contained in mails for the United States shall be canceled in the sea post office or the United States exchange post office which opens the mails and distributes the articles therein contained.

(b) **Credit for value of.** If a United States special-delivery stamp or stamps were affixed to an article mailed in a foreign country with which special-delivery service is in effect, the article would, insofar as the country of origin is concerned, be short-paid the amount of the special-delivery fee applicable in the country of origin. As the special-delivery fee, as well as the postage, should be prepaid with stamps issued by the country of origin, the article is subject to the collection from the addressee of double the amount of deficiency, if it has been given special-delivery treatment by the country of origin. However, on receipt in this country, the value of the United States special-delivery stamp shall be applied against the total amount of postage due to be collected from the addressee. If such article is not given special-delivery service in the country of origin, it shall be treated in this country as not in the special-delivery mail. If special-delivery service is not in operation with the country of origin, the articles shall be given special-delivery service without additional special-delivery fee upon their receipt in this country.

§ 114.19 **Return of sacks belonging to foreign countries.** Mail sacks received from and belonging to foreign countries shall be promptly returned empty, pursuant to the international postal regulations; and such sacks shall not be used by postmasters or others unless specially instructed to do so by the Second Assistant Postmaster General, International Postal Service.

§ 114.20 **Foreign closed transit mails—(a) Definition.** Foreign closed transit mails—that is, mails made up in one foreign country addressed to another and sent to the United States to be forwarded onward to destination—shall not be opened.

(b) **Examination as to condition.** Foreign closed transit mails received at exchange offices shall be examined, and if they are unsealed or the seals are damaged or sacks or covers are torn or damaged, the imperfections shall be corrected or the damage repaired as far as practicable.

(c) **Verification of dispatches.** In the verification of dispatches of foreign closed transit mails, exchange offices shall proceed in the manner set forth in the Universal Postal Union Convention or other conventions in force and issue

appropriate bulletins of verification to the foreign exchange offices concerned when necessary.

WAYBILLS

§ 114.21 **Waybills—(a) For closed foreign mails.** Closed mails for foreign countries made up at United States exchange post offices, and those of foreign origin and destination (except ordinary mails from foreign countries for Mexico), in transit through the United States, and diplomatic pouches dispatched from Washington, D. C., shall be accompanied with waybills showing the number, origin, and address of the sacks of registered mail. Ordinary closed mails shall be billed in bulk, with only the total number of such sacks shown on the waybills.

(b) **Preparation and checking.** With the exception of mails exchanged between Canada, Cuba, and Mexico (mails from any of which countries, when addressed to either of the others, will pass through the United States under the original waybill prepared by the foreign office of origin from which the mails will be checked), waybills shall be prepared by the first United States post office or railway post office of receipt. The mails shall be checked therefrom by all railway postal clerks who handle them, except that where it is impracticable to check such mails while in transit in a car it shall be sufficient to check them when loaded into the car and again when unloaded therefrom. Any shortage shall be reported. If a railway postal clerk receives such mails without a waybill, he shall note the failure on the trip or daily report and make a waybill on the required form. (See § 114.15.)

(c) **Exceptions.** This section shall not apply to mails regularly exchanged between the United States and Canada or Mexico.

(d) **Separate steamer waybills.** Separate steamer waybills in triplicate shall be issued for the sacks to be delivered at each port. One copy shall be retained by the commander of the vessel after receipt for the mails has been obtained thereon from the Postal Service at port of debarkation. Two copies shall be handed over with the mails at port of debarkation, and one of these, after acknowledgment, is to be returned to the United States post office that issued the waybills. Unless special arrangements are made, the red-label sacks shall be entered on the waybills by the number of such sacks from each office of origin for each office of destination and totaled. The total number of ordinary letter and prints sacks shall be entered as one item. The total number of parcel-post sacks also shall be entered as one item. The three totals (red label, letters and prints, and parcel post) shall be added and the grand total shown on the waybill.

AT DELIVERING OFFICES

§ 114.22 **Foreign matter—(a) Delivery of.** On receipt of foreign matter at the office of address it shall be delivered (see §§ 43.20 to 43.40 and § 43.41 for advertising of nondelivered letters, and § 60.10 for registered mail), in the same manner as domestic mail matter, except as otherwise provided. Regular (not parcel post) mail matter from any foreign country received in the United States shall be reforwarded from the United States post office of original destination to any other United States post office, or to any foreign country, without charge of additional postage therefor, or, if a registered article, without charge of an additional registry fee. (See Official Postal Guide, Part II, for detailed instructions.)

NOTE: See §§ 114.14, 114.17, 114.23, and 114.24 as to registered matter; §§ 116.1 to 116.26, inclusive, as to customs examinations, etc.; § 117.1 as to copyright matter; § 117.2 as to subversive, threatening, obscene, or immoral articles, lottery matter, and gold imports.

(b) **Postage due.** Postage due on unpaid or short-paid matter, as indorsed thereon at the exchange office (see § 114.16), shall be collected and postage-due stamps affixed, the same as in the case of domestic mail matter (see § 43.11.)

NOTE: See § 17.39 as to credit for value of postage-due stamps; § 114.3 as to treatment of matter prohibited transmission in the mails.

(c) **Parcel post.** Parcel-post packages originating in foreign countries shall be delivered to addressees subject to the conditions prescribed in §§ 116.1 to 116.26 and the Official Postal Guide, Part II.

(d) **Additional charge for forwarding parcel post.** Parcel-post packages forwarded from the office of original address in this country to another United States post office are subject to an additional charge for postage in accordance with the United States domestic rates.

(e) **Undeliverable parcel post.** Parcel-post packages which cannot be delivered or are not redirected, as well as those originating in the United States and returned as undeliverable, shall be treated as indicated in the Official Postal Guide, Part II.

§ 114.23 **Return receipts sent to interior offices—(a) Signature and return.** Return receipts describing foreign matter sent to interior post offices in the United States from exchanging post offices shall be properly signed by the addressee or his agent with ink or with indelible pencil, if practicable. Such receipt shall be postmarked and returned (without cover, if it is in card form) free of postage by ordinary mail direct to the address of the sender of the article. When registered mail is signed for by an authorized agent of the addressee, the name of both the addressee and the agent shall appear on the card.

(b) **When not required.** If a sender's registry return receipt does not accompany a piece of foreign origin, and the piece is not marked "Avis de reception" or with the letters "A. R." (return receipt requested by the sender), or with words to that effect, it may be assumed that no sender's registry return receipt is required.

(c) **When missing receipt to be supplied.** When it is apparent to the postmaster at the interior office of delivery that a return receipt is desired by the sender of a registered piece of foreign origin, and no return receipt blank accompanies the piece, he shall supply a sender's return receipt, on Form 2865, or, in case he has no such form, he shall use Form 3811. He shall note on the form used the fact that no receipt accompanied the piece when received at his office, and report the omission to the Department, giving the name of the United States exchange office through which received.

§ 114.24 **Matter specially held for delivery.** When a postmaster has good reason to believe that registered undelivered articles in the regular mails of foreign origin, bearing no time limit for their return, can be delivered to the person addressed if held for a period not exceeding two months, he may indorse them "Specially held for delivery" and retain them accordingly. Ordinary, as well as registered, articles indorsed "poste restante" (general delivery), "To be called for," or with other words indicating they are for a transient person, and those addressed to a sailor or a passenger on a vessel expected to arrive, may also be held not longer than two months.

INTERNATIONAL REPLY COUPONS

§ 114.25 **International reply coupons—(a) Purpose.** International reply coupons of the denomination of 11 cents shall be issued to postmasters and sold

to the public for use in prepaying international reply postage. (See §§ 8.18 and 8.19.)

(b) **Exchange.** International reply coupons issued by foreign countries shall be exchanged by postmasters for postage stamps of a value sufficient to prepay postage on a single-rate ordinary letter to the country which issued the coupon.

(c) **Redemption.** (1) Unused reply coupons issued in the United States may, whether damaged or undamaged, be redeemed in postage stamps (10 cents) from original purchasers.

(2) To be acceptable for redemption, each coupon shall be in whole condition. Parts or pieces of coupons shall not be redeemed. (See § 8.25.)

NOTE: International reply coupons are sold and exchanged pursuant to the current Universal Postal Union Convention and the regulations for its execution. (See Official Postal Guide, Part I and Part II.)

DISPOSITION OF FOREIGN DEAD MATTER

§ 114.26 **Foreign dead and undeliverable matter—(a) Treatment of.** The action of the Post Office Department respecting foreign dead letters shall be subject to conventional stipulations with the respective foreign administrations. (R. S. 401; 5 U. S. C. 375.)

(b) **Detention period and disposition—(1) Registered and ordinary articles.** Except as stated in subparagraph (2) hereof (concerning ordinary prints without value); in paragraph e (concerning certain articles from Canada and Mexico); in § 34.63 (concerning undeliverable second-class matter from Canada); and in paragraph (f) (concerning articles having postage-due stamps affixed), undelivered or unclaimed registered and ordinary articles (except parcel post) from all foreign countries shall be returned to the country of origin (through the proper United States exchange office in the manner hereinafter provided) at the end of 30 days *unless* (1) they bear requests of the senders for return in case of nondelivery by a certain date or within a specified time not longer than two months, in which case they shall be returned at the expiration of the period indicated by the senders, (2) they are specially held for delivery as provided in § 114.24, or (3) they are positively known to be undeliverable, in which case they shall be returned immediately if a period for their retention does not appear on the articles.

(2) **Prints without value; other articles.** Ordinary prints without value from any foreign country which do not bear a request for return in a language known in the country of destination and the name and address of the sender, shall be destroyed at the office of address (or shall be disposed of as waste in the manner prescribed in § 6.22). Other ordinary articles and all registered articles shall always be returned to the sender.

NOTE: See Official Postal Guide, Part II, as to treatment of undeliverable international parcel-post packages, and § 116.17 (e) as to return of undelivered dutiable articles.

(c) **Marking.** Before post offices of destination send undeliverable articles from foreign countries to the proper United States exchange offices for return to the senders, they shall mark them, clearly and concisely, in the French language, and when possible on the front (on the right half of the front in the case of post cards and prints in the form of cards), to show the cause of nondelivery. The reason for nondelivery shall be shown in the following form: "Inconnu" (unknown), "Refusé" (refused), "En voyage" (traveling), "Parti" (removed),

"Nonréclamé" (unclaimed), "Décédé" (deceased), etc. There is no objection to the addition in the English language of the cause of nondelivery. On the front of all such articles, beside the postmark of the office of origin, they shall also be marked "Retour" (return). The entire original address shall be struck out, but not obliterated, so as to avoid the possibility of the articles being dispatched again to the United States post office of original address. The date stamp of the office of destination shall be applied to the front of post cards and to the back of letters returned to senders.

(d) Return of. (1) Undeliverable ordinary matter to be dispatched to the proper exchange post offices for return to the senders, shall be made up in letter packages, bundles, or tie sacks, under facing slips or sack labels marked "Postmaster ----- Foreign, Rebutts." Undeliverable registered articles shall be dispatched to the proper United States exchange offices by registered mail with other registered matter.

(2) The ordinary undelivered articles received at United States exchange offices shall be returned to the proper foreign exchange offices in separate bundles or sacks with the labels thereof plainly indorsed "Rebutts" (undeliverable mail matter). Undelivered registered articles shall be entered on the registry list (or under the appropriate table of the letter bill) in the same manner as registered matter addressed to the country concerned.

(e) From Canada and Mexico. Undelivered and unclaimed articles from Canada and Mexico, bearing neither requests for their return nor the names or addresses of senders, shall be dispatched to the dead letter branch at Boston, Mass.; New York, N. Y.; Chicago, Ill.; San Francisco, Calif.; or Washington, D. C., as provided in § 45.4.

(f) Bearing postage-due stamps. Undelivered articles of foreign origin having postage-due stamps affixed shall be sent to the proper dead letter or dead parcel post branch, as required by §§ 17.39 and 45.4.

(g) Return receipt to remain with article. When undelivered registered articles of foreign origin are accompanied with return receipts, such receipts shall be left attached to the registered articles to which they relate.

(h) Addressee deceased. When a registered article of foreign origin is addressed to a deceased person, delivery may be made only to the legal representative of the addressee. If such delivery cannot be made, the article shall be indorsed with the cause of nondelivery, as prescribed in paragraph (c) of this section, and disposed of as prescribed in paragraph (b). If the article is claimed by a relative of the deceased addressee, who desires to communicate with the sender with a view to having the sender direct disposition of the article through the foreign postal administration of origin, such relative may, if possible, be furnished with the sender's name and address, and the article specially held not longer than three months, unless it bears a request for its return in a shorter period.

(i) Addressed in care of consul. Articles (ordinary or registered) for sailors or any other person addressed in care of a consul and returned by the consul to the local post office as unclaimed shall be treated the same as other undelivered articles as above provided. The amount of any postal charges collected from the consul on such articles shall be repaid to him by the postmaster.

NOTE: See §§ 60.15 and 114.10 as to matter intended for registration found in the ordinary mail.

PART 115—WITHDRAWAL OR CHANGE OF ADDRESS

Sec.

115.1 Withdrawal or change of address.

§115.1 **Withdrawal or change of address—(a) Conditions.** Under the conditions set forth in Part II of the current Postal Guide, the sender of any mail article addressed for delivery in a foreign country may cause it to be withdrawn from the Postal Service, or have its address changed, provided (a) the article has not been dispatched from the United States, or (b) in case it has been dispatched from the United States and not delivered to the addressee, that (1) the legislation of the country of destination of the article allows such withdrawal or change of address, (2) the article does not contain prohibited articles, and (3) the customs examination does not reveal any irregularity.

NOTE: The laws of certain foreign countries do not allow the withdrawal or change of address of any mail article. Some countries prohibit withdrawal or change of address of regular mail articles but allow it for parcel post. See Official Postal Guide, Part II, for detailed information.

(b) **Permission of Department to be obtained before compliance.** Postmasters receiving requests from senders or addressees for the return of an article for or from a foreign country, or for change or correction of the address thereon, shall not comply with same except by permission of the Post Office Department. Such requests shall be referred to the Second Assistant Postmaster General, International Postal Service, and the article held until instructions concerning it are received.

(c) **Request for correction of address.** However, a request for a simple correction of address (without changing the name or the title of the addressee) may be made of the office of destination directly by the sender and should be complied with by delivering offices in this country without formalities otherwise herein required.

PART 116—FOREIGN MAIL INVOLVING CUSTOMS REVENUE

Sec.

JOINT REGULATIONS ADOPTED BY THE SECRETARY OF THE TREASURY AND THE POSTMASTER GENERAL GOVERNING TREATMENT OF MAIL FROM FOREIGN COUNTRIES INVOLVING CUSTOMS REVENUE

- 116.1 Customs examination of mails; facilities for customs officers.
 116.2 Segregation of the mails.
 116.3 Scrutiny of foreign mail by postal employees.
 116.4 Forwarding made-up packages of letters.
 116.5 Articles for representatives of foreign governments.
 116.6 Matter not to be forwarded in diplomatic pouches.
 116.7 Articles for United States Government officials.

Sec.

- 116.8 Sealed articles containing merchandise to bear indorsement authorizing examination.
 116.9 Customs declarations and invoices.
 116.10 Articles received at New York, Chicago, San Francisco, and Seattle.
 116.11 Articles from abroad by air mail.
 116.12 Shipments not over \$100 in value.
 116.13 Shipments over \$100 in value.
 116.14 Forwarding after customs treatment.
 116.15 Care in examining and repacking of parcels.
 116.16 Mail entries requiring internal-revenue stamps.
 116.17 Collection of customs duty by postmasters or Navy mail clerks.

Sec.	Sec.
116.18 Complaint of addressee as to customs charges.	116.53 Examination for dutiable articles.
116.19 Administration of oath.	116.54 Delivery and collection of duty.
116.20 Customs treatment by Navy mail clerks.	116.55 Recording of dutiable mail.
116.21 Treatment of undelivered article.	116.56 (Section number reserved.)
116.22 Articles liable to seizure.	116.57 Undelivered dutiable mail.
116.23 Marking of articles required by customs laws.	116.58 Customs collections to be remitted daily.
116.24 Examination of newspapers.	116.59 Record of customs receipts and disbursements.
116.25 Employees to keep informed on laws and regulations governing importations by mail.	116.60 Record under two-division plan.
116.26 Distribution scheme.	116.61 Procedure in handling records of customs funds.
INSTRUCTIONS GOVERNING THE HANDLING OF DUTIABLE MAIL AND ACCOUNTING FOR CUSTOMS DUTIES AT OFFICES OF DELIVERY	
116.51 Definition and regulations.	116.62 Procedure under two-division plan.
116.52 Labeling of sacks.	116.63 Examination of dutiable mail - records at stations.
	116.64 Station examiners to remain at station until all returns are made.
	116.65 Duties of station examiners.
	116.66 Method at large offices.

JOINT REGULATIONS ADOPTED BY THE SECRETARY OF THE TREASURY AND THE POSTMASTER GENERAL GOVERNING TREATMENT OF MAIL FROM FOREIGN COUNTRIES INVOLVING CUSTOMS REVENUE

§ 116.1 Customs examination of mails; facilities for customs officers. In order to safeguard the revenue and expedite delivery of the mails, collectors of customs shall detail representatives for duty at exchange post offices and at other post offices to which mails of foreign origin may be forwarded for customs examination. Postmasters shall provide proper facilities for treatment of such mails by customs officers, and shall furnish them with information regarding prospective arrivals thereof.

§ 116.2 Segregation of the mails—(a) By customs officers. Customs officers should be present at the opening and distribution of the mails, and segregate all articles known or believed to contain merchandise or printed matter, including those mailed originally in the United States and returned for any reason. Such articles shall be stamped "Supposed liable to customs duty," except those which are to be redispached without customs examination, under seal, from New York, Chicago, San Francisco, and Seattle. (See § 116.10 (b).) Articles subsequently found on examination to contain dutiable matter shall be stamped "Examined by U. S. Customs (at —): Duty to be collected," in addition to having the entry form attached, in case of articles for informal entry. Articles found not to contain dutiable matter shall be stamped "Passed free U. S. Customs (at —)" and the "Supposed liable" impression effectively canceled. Registered articles shall be segregated and treated only in the presence of an authorized representative of the postmaster. Unregistered parcel-post articles, books, and printed matter shall, when practicable, be delivered immediately to customs officers for examination. All articles containing or supposed to contain plants or plant products, including seeds and bulbs of all kinds, shall, before customs clearance, be referred to a plant quarantine inspector of the United States Department of Agriculture for examination and fulfillment of the requirements of the law.

(b) **When customs officers cannot be present.** When it is not possible for customs officers to be present, the segregation shall be made by postal employees, in order that the mails may not be delayed unnecessarily. All articles known or believed to contain merchandise, except as indicated above, shall be properly stamped and held by the postmaster for inspection by customs officers.

(c) **Articles which escape examination at exchange office.** Should an article supposed or known to be dutiable escape examination at an exchange post office of receipt, the postmaster handling it either in transit or for delivery shall withhold delivery and submit the article to the nearest customs officer.

(d) **Mail packages returned from foreign countries.** If merchandise returned from foreign countries in mail packages which have remained continuously in the custody of the International Postal Service, is found to correspond with the outward customs declaration, and the packages are in substantially the same condition in which they were when dispatched from the United States, the packages, after customs examination, shall be returned to the postmaster free of informal or formal customs entry requirements. The examining customs officer shall, however, determine whether or not any drawback was allowed or paid, or internal revenue tax remitted in the exportation of the merchandise. If so, such amounts shall be collected prior to release of the merchandise from customs custody.

(e) **Foreign mails in transit.** Foreign mails in transit shall not be submitted for inspection by United States customs officers.

(f) **Report of delay by customs officers.** Unnecessary delay by customs officers in the treatment of articles submitted to them for examination shall be reported to the Second Assistant Postmaster General by the postmaster.

§ 116.3 **Scrutiny of foreign mail by postal employees.** Post office, sea post, railway postal, and terminal railway postal clerks shall scrutinize letters handled by them (particularly sealed envelopes which may contain merchandise or prohibited articles), also newspapers mailed by others than publishers, and packages, sealed and unsealed, of foreign origin, including matter from Canada, Cuba, Mexico, the Republic of Panama, and United States postal agencies, naval vessels, and naval stations abroad, whether or not such articles are marked "Supposed liable to customs duty." Railway postal, sea post, and terminal railway postal clerks shall forward supposed dutiable articles to the post office nearest the end of their run or nearest their terminal railway post office at which there is a customs officer, in locked pouches, sealed sacks, or sealed envelopes, labeled "For customs inspection." Supposed dutiable articles shall not be stamped or otherwise treated by railway postal or terminal railway postal clerks. Postmasters, upon receipt of the supposed dutiable articles, shall treat them in accordance with these regulations.

§ 116.4 **Forwarding made-up packages of letters.** Packages of letters labeled to "States," "Cities," or to "R. P. O." lines may be forwarded intact, provided the address label or wrapper be stamped "Supposed liable to customs duty." Postal employees shall treat such mail in accordance with the instructions in § 116.3.

§ 116.5 **Articles for representatives of foreign governments—(a) For ambassadors, ministers, and chargés d'affaires.** Articles addressed to ambassadors, ministers, and chargés d'affaires, representing foreign governments in the United States, shall be delivered to the addressees without submission to customs officers.

(b) **For members of families of above, and others.** Articles intended for the personal use of members of the families of ambassadors, ministers, and chargés

d'affaires, or for members and attachés of foreign embassies and legations or members of their families, may be admitted free of customs duty, upon the Treasury Department's instructions to the collector of customs in each instance, which instructions will be issued only upon request of the Department of State.

(c) **For members and attachés of foreign embassies and legations, when articles bear foreign government seal.** Articles addressed to members and attachés of foreign embassies and legations and to consular and other representatives not heretofore mentioned, bearing the official seal of a foreign government or inclosed in its official envelope, and indicating from casual examination, without breaking the seal, that they contain only official communications or documents, or office supplies, or equipment, shall be forwarded immediately to the addressees without customs examination. Sealed and unsealed articles addressed to "consular and other representatives" referred to in this paragraph, when believed to contain dutiable merchandise, shall be subject to usual customs treatment.

(d) **For foreign government representatives in Washington, D. C.** Mail articles for representatives of foreign governments resident in Washington, D. C., and for the United Nations and its personnel, shall not be detained for examination or other customs treatment at the exchange post office of first receipt in the United States. Such articles shall be forwarded by mail to the customs authorities in Washington, D. C., and New York, N. Y., respectively, accompanied by card Form 3511, in entry form envelope, in the manner set forth in § 116.13 (b). Articles for representatives of foreign governments resident in Washington, D. C., shall be addressed to the deputy collector of customs, in care of the postmaster, Washington, D. C., and articles for the United Nations and its personnel shall be addressed to the collector of customs, in care of the postmaster, New York, N. Y.

§ 116.6 **Matter not to be forwarded in diplomatic pouches.** Articles containing merchandise of any character must not be forwarded in diplomatic or other official pouches, as such articles are subject to the Customs Laws and Regulations.

§ 116.7 **Articles for United States Government officials.** Articles addressed to officials of the United States Government, known or believed to contain only official documents, shall be forwarded immediately to the addressees. Such articles, when known or believed to contain merchandise, shall be treated as provided in these regulations for other similar articles.

§ 116.8 **Sealed articles containing merchandise to bear indorsement authorizing examination.** (a) The importation of merchandise in sealed mail articles will be permitted, provided the sealed letter or other sealed article bears on the address side thereof the label (Form C 1) provided by the postal convention, or the indorsement "May be opened for customs purposes before delivery to the addressee," or words of similar purport indicating that the article may be opened by customs officers without recourse to the addressee—the privacy of the seal being definitely waived. Such articles shall be treated as provided in §§ 116.10 (a) and (b); 116.12 (a) and (b); and 116.13 (a), (b), and (d). Sealed articles not so labeled or indorsed, and which from the outward appearances are believed to contain merchandise, shall be treated as hereinafter provided. (See §§ 116.12 (c) and 116.13 (c).)

(b) The foregoing requirement as to label or indorsement shall not apply to parcels mailed under the provisions of the parcel post conventions between the United States and foreign countries. Such parcels if sealed may be opened by

customs officers immediately upon receipt and after examination resealed with official seals.

§ 116.9 Customs declarations and invoices—(a) Requirements. A customs declaration (on the form provided by the foreign mailing office) giving an accurate description and the value of the contents shall accompany each parcel post shipment and be securely attached thereto. Commercial shipments by parcel post shall also be accompanied by commercial invoices. In case the shipment consists of more than one package, the invoice shall be placed in the package to which the postal form of customs declaration is attached. There shall be enclosed with the contents of all mail articles containing merchandise dispatched under the respective mail classifications of the Universal Postal Union Conventions, an invoice in the case of commercial shipments, or a statement of value in the case of merchandise not purchased or consigned for sale, giving an accurate description and value of the merchandise. If impracticable to enclose the invoice or statement within a sealed article, the same shall be securely attached to the article.

(b) When value exceeds \$100. When the aggregate value of a single mail shipment exceeds \$100, a consular invoice shall be furnished, except as otherwise provided by the customs regulations. Customs entry will be facilitated by sending such invoices with the mail shipment. When this is done no other invoice or statement is required. When an invoice or statement is required to be sent with any mail shipment, the particular package containing the same shall be marked on the address side "Invoice Enclosed." Single shipments not exceeding \$100 in value mailed abroad at different times (as shown by the declaration or other mailing indicia) and which reach customs at approximately the same time should not be combined for the purpose of requiring formal customs entry, unless there was an obvious intent to evade payment of the lawful customs duty.

§ 116.10 Articles received at New York, Chicago, San Francisco, and Seattle—(a) For delivery within distribution districts thereof. Articles of all classes supposed liable to customs duty not exceeding \$100 in value, received at New York, Chicago, San Francisco, and Seattle, for delivery within their distribution districts, as shown in the special distribution scheme, shall be given customs treatment as provided in § 116.12 (a) to (c). When the value exceeds \$100, such articles shall be treated in accordance with § 116.13 (a) to (d).

(b) For delivery outside distribution districts thereof. All articles, including shipments for formal entry, received at the four exchange offices named in § 116.10 (a) for delivery at points outside the distribution districts of such offices shall be left without customs examination in the custody of the postmaster for redispach in accordance with the special distributing scheme to other distributing post offices in sealed sacks, sealed Post Office Department penalty envelopes, or sealed registered sacks or jackets, as may be appropriate. No mail matter other than articles supposed to be liable to customs duty shall be sent in such dispatches. The dispatches shall be addressed to the main post office at which a customs officer is located, and not to a post-office station unless a customs officer is located at or near such place. The sack labels or address side of the penalty envelopes or jackets shall be conspicuously marked "Supposed liable to customs duty; treat in accordance with §§ 116.1 to 116.26, inclusive." Upon receipt at the distributing post offices, the mail shall be handled as provided in §§ 116.12 (a) to (c) and 116.13 (a) to (d).

§ 116.11 **Articles from abroad by air mail—(a) Expedition of delivery.** In order to hasten the delivery to other post offices of mail articles reaching exchange post offices from foreign countries by air mail, (1) sealed articles not marked as required, by § 116.8 (a); (2) motion-picture and news-reel films; and (3) sample shipments of tobacco (when necessary for customs purposes) shall, after customs inspection, be redispached in postal equipment, without other customs or postal treatment, to appropriate distributing post offices, as set forth in the special distribution scheme, for compliance there with the postal and customs requirements applicable to these special articles of merchandise. Other mail articles shall be inclosed in the dispatches if there is insufficient time between arrival and departure of airplanes at post offices of first receipt to accord the articles customs examination and affix mail entries thereto. Shipments for formal entry should also be inclosed in the dispatches. Should it be found impracticable to inclose in the dispatches formal entry shipments, film packages, or samples of tobacco, or other articles, such articles shall be redispached in accordance with § 116.13 (b). Films received from foreign countries otherwise than through the mails, if accepted by the postmaster from the custody of the customs officer for transmission in the domestic mails, shall be redispached in the same manner and for the same purposes as films received in the mails. The mail articles referred to in this paragraph shall be treated in other respects in accordance with these regulations.

(b) **Mails not to be given customs examination en route to U. S.** Mails shall not be segregated or examined for customs purposes at intermediate points en route to continental United States. However, in order to obviate congestion at ports of first receipt in the United States, closed dispatches may be made up en route by postmasters to include all classes of mail articles, but such dispatches shall be addressed only to post offices covered by the special distribution scheme, and the segregation and customs treatment of the mails shall be accomplished at such post offices and customs ports contiguous thereto.

§ 116.12 **Shipments not over \$100 in value—(a) Treatment of.** Sealed articles indorsed as required in § 116.8 (a), and unsealed articles, supposed liable to customs duty, shall be opened by customs representatives (registered matter and sealed matter only in the presence of a representative of the postmaster), contents examined and appraised, duty assessed, and entry form attached when dutiable and where the value does not exceed \$100, unless the article is subject to seizure, in which case it shall be treated in accordance with § 116.22 (a) to (e).

(b) **Reenvelopment and resealing after customs treatment.** Immediately after customs treatment, all sealed articles (other than parcel post) except those which are opened in the presence of the addressee and delivered at the time of such opening, shall be securely repacked and resealed by a postal employee, in the presence of the customs employee who participated in the opening, so that the article will be in the same condition as when opened or in a better condition. Where practicable, each article shall be reenclosed in a special Post Office Department penalty envelope, readdressed and resealed by the postal employee. Articles too large to be enclosed in the special penalty envelope, as well as articles of nominal value, shall be resealed by the use of adhesive tape, mullage, or wax, and the official adhesive seal of the Post Office Department. The postal employee shall sign or initial the envelope or wrapper covering each article repacked and resealed by him; and in case the article is found to be in bad order shall, after bringing the matter to the attention of the customs

employee, note on the cover of the article over his signature, a report of the irregularity.

(c) **Sealed articles not bearing necessary endorsement or label.** When a sealed article (other than parcel post) believed to contain merchandise is not endorsed (or labeled) as required by § 116.8 (a), the postmaster at the exchange office of first receipt or at the distributing office to which the shipment has been redispached in accordance with the special distribution scheme shall request the addressee to furnish written authority for a customs officer to open the article in the presence of a representative of the postmaster. Any such sealed article which is believed to contain merchandise and is not endorsed or labeled as required shall be detained by the postmaster until opened. However, if an addressee does not furnish such written authority within 30 days after the date of notice by the postmaster or within such further time as may be allowed, as set forth in § 116.21 (a), the article should be treated as undeliverable mail matter and disposed of as such. If the article upon being opened is found to contain merchandise free of internal-revenue tax and free of duty either because unconditionally free or because the aggregate value of the shipment is not more than \$1 and the expense and inconvenience of collecting the duty accruing thereon would be disproportionate to the amount of such duty, the merchandise may be delivered to the addressee without the collection of any fine on account of the article not having been endorsed (or labeled) in accordance with § 116.8 (a). Except as provided above, if the article is found to contain merchandise subject to duty (including conditionally free merchandise) or subject to internal-revenue tax, the merchandise is subject to seizure and forfeiture as having been imported contrary to law. Under the authority contained in section 618 of the Tariff Act of 1930, any forfeiture so incurred is hereby mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating to the collector that failure to label or endorse the article was due to willful negligence or to an intent to defraud the revenue. If there is any such evidence, or if for any other reason the collector believes that it would not be in the interest of the United States to grant this relief, the matter shall be reported to the Bureau of Customs for instructions. When the shipment does not exceed \$100 in value, customs Form 3421 shall be used for the entry of the merchandise and the duty, any internal-revenue tax, and the amount of the mitigated forfeiture shall be entered as separate items thereon. If an article for which a mail fine entry has been issued in accordance with the foregoing provision is undeliverable, it shall be returned to the collector of customs at the port where the mail entry was issued, for disposition in accordance with § 116.22 (a) to (e) relating to articles subject to seizure. The addressee or the sender may file a petition with the collector of customs at the port where the mail fine entry was issued for relief from the forfeiture incurred and for the release of the seized merchandise to the addressee or the sender. (As to unendorsed sealed articles subjected to formal entry, see § 116.13 (c).)

§ 116.13 **Shipments over \$100 in value—(a) Treatment of.** When a single shipment in the mails exceeds \$100 in value and (1) is addressed for delivery at the exchange post office of first receipt or at the distributing office to which the shipment has been redispached in accordance with the special distribution scheme, or (2) the customs office located in the same city as such exchange post office of first receipt or such distributing office is the nearest one to the place

of destination, the customs officer handling the shipment shall prepare customs Form 3509 in quadruplicate, notifying the addressee to make formal entry at the port where the form was issued. The customs officer shall mail the original copy of the form to the addressee; send one copy to the comptroller of customs for the district; send one copy to the division in the customs office which maintains control over the transaction; and retain the remaining copy as an office record.

(b) Treatment at point not a customs port or station. When a mail shipment exceeding \$100 in value is addressed for delivery elsewhere than at the exchange post office of first receipt or at the distributing office to which the shipment has been redispached in accordance with the special distribution scheme, and the customs office nearest the place of destination is not located in the same city as such exchange post office of first receipt or such distributing office, the customs officer handling the shipment shall prepare customs Form 3511; place it in a mail entry tag envelope addressed to the collector or deputy collector of customs, in care of the postmaster, at the customs port or station of destination of the shipment, or at the customs port or station nearest to the place of destination; securely attach the envelope to the mail article; and then return the article to the postmaster for dispatch to the port or station where the entry is required to be filed as shown on customs Form 3511. Customs Form 3441 (Warning Notice to Postmaster to Submit Parcel to Customs) shall be filled out so as to show the number of parcels in the shipment and the name of the port or station where formal entry is to be filed and shall be affixed so as to cover the addressee's name and address on each article in the shipment in a manner which will not result in any part of the address being defaced or mutilated when the warning notice is removed at the place where the entry is made. The number and office of origin of registered or insured articles shall not be defaced or mutilated by the affixing of this notice. The customs officer handling the shipment at the place where the merchandise has been examined and found to be subject to formal entry shall also prepare customs Form 3509 in quadruplicate, notifying the addressee to make formal entry at the port specified in the form. The customs officer shall mail the original to the addressee; send one copy to the comptroller of customs for the district in which formal entry is to be made; forward one copy to the collector or deputy collector at the port or station where entry is to be made; and retain the remaining copy as an office record. The postmaster at the port or station to which any such article is thus sent for customs entry shall submit it to the customs officer, who shall sign the card, customs Form 3511, and return it to the issuing collector, who shall note its return on customs Form 3515.

(c) Sealed articles not bearing required endorsement of label. Sealed articles in a shipment not endorsed or labeled as required by § 116.8 (a), which are found after opening in accordance with § 116.12 (c) to contain merchandise valued at more than \$100 in the aggregate, shall be subjected to formal entry in accordance with § 116.13 (a) and (b). In such cases, the customs officer preparing the notice on customs Form 3509 to the addressee to make formal entry shall note thereon that the shipment is subject to such duty and mitigated forfeiture as may be applicable thereto in accordance with the provisions of § 116.12 (c), and that such amounts must be deposited prior to the release of the merchandise. The collector of customs at the place where formal entry is made shall record the transaction on customs Form 5211 in the amount of the penalty assessed and schedule the penalty when collected on customs Form 5161-B. Any duty

collected in such cases shall be scheduled and accounted for in the regular manner.

(d) **Customs release of articles to be returned to sender or forwarded.** When a mail shipment for which a notification to the addressee to make formal entry has been issued is to be returned by the Post Office Department to the sender or forwarded outside the jurisdiction of the United States without being entered, the collector of customs releasing the shipment for such purpose shall obtain the endorsement of a representative of the postmaster on one of the copies of customs Form 3509 as to the dispatch of the shipment and shall transmit such endorsed copy to the comptroller of customs to whom a copy was sent. The comptroller shall make appropriate notations on his copy of customs Form 3509 and return the endorsed copy to the collector.

§ 116.14 **Forwarding after customs treatment.** After the merchandise has been examined, appraised, and assessed with duty, and the entry form is attached thereto in the case of shipments valued at less than \$100, it shall be retained by or returned to the postmaster for delivery or dispatch to destination, or for appropriate treatment under the Postal Laws and Regulations, except as indicated in § 116.22 (a) to (e), relating to matter subject to seizure.

§ 116.15 **Care in examining and repacking of parcels—(a) Responsibility for.** Postal and customs employees shall exercise proper care in examining and repacking the contents of parcels handled by them, particularly those parcels containing delicate instruments, articles of glass, china, and other fragile articles, liquids and easily liquefiable substances, to see that such are repacked in the same condition in which they were found when the parcel was opened or in better condition. All original tags, wrappers, labels, customs declarations, and other enclosures shall be repacked with the contents of the parcel. When mail parcels have been placed in customs custody for examination, postal employees upon accepting the parcels from customs shall satisfy themselves that each parcel is securely repacked and rewrapped (both as to contents and coverings) in condition safely to bear handling and onward transportation in the mails. When in the judgment of the postal employee, a parcel is not in condition to bear without damage subsequent handling in the Postal Service, it shall be placed in satisfactory condition jointly by the postal and customs employees involved. When it can be shown that the parcel or its contents suffered damage as the result of negligence or improper handling, the employee at fault will be held personally responsible for the damage.

(b) **Damaged or rifled articles.** When a damaged or rifled parcel reaches a customs employee, a damage slip, customs Form 6423, or a shortage slip, customs Form 6425, as the occasion may require, containing a report of the irregularity, shall be enclosed with the contents, and written report made promptly to the postmaster. The damage or rifling shall be taken into account in the appraisement of the merchandise and assessment of duty. When a damaged or rifled parcel is received by the postal employee, he shall note on the address side thereof the nature and extent of the irregularity, followed by his signature.

(c) **Affixing of entry forms.** Envelopes containing entry forms shall be so affixed to mail articles that they will not become mutilated or detached in transit. When possible they shall be placed under and attached to the twine used in wrapping the parcel, where the twine crosses on the address side. Upon receipt of such mail articles with entry form attached, postmasters shall make appropriate records for tracing and accounting purposes. Any postmaster receiving or handling an article from which the entry form has become detached

shall endeavor to locate the entry form and reaffix the same to the article, and if unable to do so shall hold the article and communicate with the collector of customs at the office where the article was examined as shown by the stamp thereon.

§ 116.16 Mail entries requiring internal-revenue stamps. Customs officers shall fill out, sign, and attach to mail entries covering cigars, cigarettes, cheroots, other tobacco products, oleomargarine, or playing cards internal-revenue Form 923, request to sell internal-revenue stamps, and customs Form 3473, letter to postmaster relative to attaching internal-revenue stamps, when internal-revenue stamps are required. Whenever the merchandise is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described therein, Form 3473 need not be prepared. In accordance with the action described in customs Form 3473, the postmaster shall furnish the addressee with the request to sell internal-revenue stamps (internal-revenue Form 923) and shall call upon such addressee to secure, affix to the immediate containers of the merchandise, and cancel the required internal-revenue stamps, as conditions for the delivery of the mail article or articles. The postmaster or his representative shall indicate on the original of the mail entry over his signature the fact that the internal-revenue stamps have been affixed.

§ 116.17 Collection of customs duty by postmasters or Navy mail clerks—(a) Procedure. Postmasters and Navy mail clerks or assistants, upon delivery of dutiable articles to addressees, shall collect the duty or fine, or the duty and fine, as the case may be, and immediately forward same by means of certified checks or official postal checks, with the mail entry, as directed thereon, accompanied by customs receipt Form 3437, in duplicate, in penalty envelope, by ordinary mail, to the customs officer who issued the entry. The customs officer shall promptly acknowledge receipt. Postmasters and Navy mail clerks or assistants shall not permit addressees to examine the contents of dutiable articles until after the duty or fine or the duty and fine assessed by the collector of customs shall have been paid.

(b) Form of remittance to customs officer. If it is impossible to make remittance by certified checks or official postal checks, then the duty (or fine) collected shall be remitted at once in the form of currency in the registered mails, and all the requirements of § 7.10 of the Postal Laws and Regulations as to describing the money and witnessing its inclosure shall be followed by the postmaster at the remitting office.

The mail entry and customs receipt Form 3437, in duplicate, shall also accompany the cash remittance.

(c) Checking by customs officer of remittance in currency. The receiving customs officer shall designate two employees, both of whom shall take part in opening each registered package containing a remittance in currency, and shall examine and count the contents and compare the same with the remittance letter. If any discrepancy is found in the amounts, it shall be carefully noted on the letter, over the initials of both witnesses, and on the letter envelope, which shall be forwarded to the post-office inspector in charge of the division in which the office of mailing is located, with a report giving a description of the missing money, as entered in the remittance letter. The postmaster or other remitting officer shall at the same time be notified by the receiving customs officer of the discrepancy, the particulars of which shall be clearly specified.

(d) Accounting for entries not promptly returned. Customs officers issuing mail entries shall review their records of such entries weekly and promptly

request postmasters on Form 3439 to account for entries not returned within 30 days after the date of issuance thereof accompanied by the duty or proper evidence of exemption from duty. Should the postmaster fail to make proper accounting within a reasonable time, the facts shall be reported to the Chief Inspector, Post Office Department, Washington 25, D. C., for investigation, unless the accountable sum involved is \$10 or less and the report of the postmaster or other circumstances indicate to the collector that an investigation by the chief inspector is not warranted. In the case of delinquencies arising at ports of entry other than headquarters ports, the report to the chief inspector shall be made through the headquarters port. The chief inspector shall promptly advise the collector of customs of the result of the investigation.

(e) **Entries covering undelivered articles.** Mail entries covering undeliverable articles shall be returned to the collector of customs who issued them, after first being marked by postmasters to show the reason for nondelivery of the articles and the disposition made thereof. The parcels shall be similarly marked to show why delivery was not made and forwarded to the proper exchange post office for return to the country of origin, unless the contents thereof are liable to deterioration or corruption, in which case they may be destroyed by the postal officials, if having no commercial value. If having commercial value, they shall be delivered, with the mail entries covering the same, to the nearest customs officer for disposition as unclaimed or seized articles. The customs officer receiving and disposing of such articles shall make proper notation on the mail entry and return it to the customs officer who issued it. Appropriate note shall be made in the post-office records. (See § 116.15 (c).)

(f) **Forwarding shipment covered by mail entry.** When it becomes necessary to redirect a shipment covered by a mail entry to another post office, the postmaster at the forwarding office shall forward the shipment directly to the postmaster in whose district the consignee resides, enclosing the entry in a properly readdressed penalty envelope securely attached to the parcel covered thereby, and notify the customs officer who issued the entry of his action.

(g) **Affidavit for mail conditionally free of duty.** Before an article believed to be conditionally free of duty, as indicated by the blank form of affidavit for free entry and customs Form 3433, Notice to Postmaster Relative to Mail Importations Conditionally Free of Duty, attached thereto, is delivered to the addressee free of duty, the postmaster shall require the affidavit to be executed by the addressee. The postmaster shall endorse a report of his action on the mail entry, and shall return the affidavit, together with the mail entry, to the collector of customs where the entry was issued.

§ 116.18 **Complaint of addressee as to customs charges—(a) No refund by postmasters; delivery.** Amounts collected on mail entry forms shall not be refunded by postmasters. Should an addressee be dissatisfied with the charges he should notify in writing the postmaster who shall hold the package and report the facts to the collector of customs who issued the entry, forwarding such papers or statements as the addressee may submit. The mail article shall not be delivered until authority therefor is given by the collector of customs. The addressee may decline to accept delivery, in which event the parcel shall be marked by the postmaster "Refused" and disposed of pursuant to the provisions of § 116.21 of these Regulations.

(b) **Reexamination and allowance of claim on informal mail entry.** If the addressee of a parcel covered by an informal mail entry objects to the rate or amount of duty assessed or to the valuation placed upon the merchandise for

customs purpose and the collector is satisfied by a report of a customs officer who has reexamined the merchandise or by other sufficient evidence that the objection is well founded, the collector may reclassify the merchandise or, with the concurrence of the appraising officer, amend the value, even though the merchandise has been delivered to the addressee, provided such action is taken before liquidation or within sixty days thereafter. Informal mail entries may be reliquidated to allow a claim of the addressee after the expiration of sixty days after liquidation only if a protest has been filed in the form and manner prescribed in section 514 of the tariff act.

§ 116.19 Administration of oath. (a) The postmaster or assistant postmaster of the United States at any post office where customs officers are not stationed is authorized to administer any oaths required to be made to statements in customs documents by importers of merchandise, not exceeding \$100 in value, through the mails. (Sec. 486 (b), 46 Stat. 725; 19 U. S. C. 1486 (b).)

(b) No compensation or fee shall be demanded or accepted for administering any oath under the provisions of this section. (Sec. 486 (c), 46 Stat. 725; 19 U. S. C. 1486 (c).)

§ 116.20 Customs treatment by Navy mail clerks. Navy mail clerks or assistants shall mark with the words "Supposed liable to customs duty" all articles addressed for delivery in the United States or any of its possessions, mailed on board United States naval vessels, which may contain matter subject to United States customs duty. All articles of foreign origin received for delivery on board United States naval vessels in the waters of the United States which may contain matter subject to United States customs duty, but not marked "Supposed liable to customs duty," and not showing evidence of having been passed upon by United States customs officers, shall be marked "Supposed liable to customs duty" and forwarded to the nearest collector of customs for treatment in accordance with these regulations. If the vessel is in foreign waters, articles may be delivered without submission to customs officers or the collection of duty; and if accompanied by a mail entry form, such form shall be indorsed to show that the vessel was in foreign waters when delivery was made, and then returned to the customs officer who issued it. Articles of merchandise of foreign origin may enter the area (both land and water) of the Guantanamo Bay naval station free of customs duty, but such articles are subject to duty upon their subsequent entry into the United States.

§ 116.21 Treatment of undelivered article—(a) When addressee fails to respond to notice. If the addressee fails to respond within 30 days to a notice sent him as required by §§ 116.12 (c) and 116.13 (a) or (b), the article shall be treated as undelivered, except in the case of a registered article, which, under the Postal Regulations, is required to be held for a longer period, and except also as provided in § 116.22 (a) to (e) for articles subject to seizure.

(b) When refused by addressee. If the addressee of an article declines to accept delivery, it shall be rewrapped or reenveloped, marked "Refused," and treated as other undeliverable mail matter, except as provided in § 116.22 (a) to (e) for articles subject to seizure.

(c) When not returned to country of origin. If for any reason an undelivered article known or supposed to be dutiable is not returned to the country of origin,

It shall be delivered to the proper customs officer for disposition under the customs laws and regulations governing seized or unclaimed articles, as the case may be.

§ 116.22 Articles liable to seizure—(a) Treatment. Articles arriving at a post office where no customs officer is located, and with respect to which the postmaster may have information as to their seizable character, shall be detained by the postmaster and, except when known or supposed to contain lottery matter, or found to contain contraceptive literature, shall be forwarded to the nearest customs officer for appropriate treatment under the customs laws and regulations. However, before any such article (other than parcel post) which is sealed but not endorsed (or labeled) as required by § 116.8 (a) is forwarded to the nearest customs officer, the postmaster shall detain the article and request the addressee to furnish written authority for a customs officer to open the article in the presence of a representative of the postmaster where the article is to be sent. If the addressee does not comply with such request within a period of 30 days, the article shall then be forwarded to the nearest customs officer.

(b) Illegal importations placed in mails. Except when known or supposed to contain lottery matter, or found to contain contraceptive literature, articles brought into the United States contrary to law and placed in the mails shall, upon the production to the postmaster or postal employees of satisfactory evidence to that effect, be marked "Imported contrary to law; Seizable." Unsealed articles in the regular mails which are not registered, and parcel post, when so marked, shall be delivered immediately to the nearest customs office to be treated as required by the customs laws and regulations. In the case of sealed articles and all registered articles (except parcel post) so marked but not endorsed (or labeled) as required by § 116.8 (a), before any such article is delivered to the nearest customs office, the postmaster shall detain the article and notify the addressee to furnish written authority for a customs officer to open the article in the presence of a representative of the postmaster where it is to be sent. If the addressee does not comply with such request within a period of 30 days, the article shall then be forwarded to the nearest customs office.

(c) Articles prohibited importation; fraudulent statements to avoid duty; refusal to take delivery or make formal entry. All articles (except lottery matter or contraceptive literature) which are prohibited importation and all articles subject to seizure as being imported or brought into the United States in any manner contrary to law, including articles subject to seizure under the customs laws because of a false or fraudulent invoice or declaration covering the same, or for any willful act or omission on the part of any consignor, seller, owner, importer, consignee, or agent, by means whereof the United States shall or may be deprived of the lawful duties, shall be immediately taken and held by customs officers for appropriate treatment under the customs laws. All articles known or believed to contain merchandise, of which the addressee refuses to take delivery, or declines to make formal entry when requested by the customs officer in cases where the appraised value exceeds the value shown in the declaration or invoice, shall be delivered to customs officers for treatment under the customs laws upon production to postmasters of satisfactory evidence of fraudulent intent on the part of any of the persons mentioned in this paragraph. In all cases where articles are seized by customs officers, they shall notify the addressee of that fact and the reason therefor.

(d) **Lottery matter.** Mail articles of all classes, sealed or unsealed, which upon inspection or examination are found to contain or are supposed to contain lottery matter prohibited importation under §117.2, or enclosures pertaining thereto, shall be retained by the Postal Service, or delivered to that service by the Customs Service, for disposition under the Postal Laws and Regulations. (See § 114.3.) If such a mail article is found to contain other merchandise, the article shall be held by, or delivered to, the Customs Service for appropriate treatment under the customs laws and regulations.

(e) **Prohibited literature.** Mail articles which, upon inspection or examination, are found to contain contraceptive literature shall be retained by the Postal Service or delivered to that service by the Customs Service, and submitted to the Solicitor of the Post Office Department for instructions as to disposition to be made thereof.

§ 116.23 **Marking of articles required by customs laws.** The requirements of the customs laws and regulations relating to the marking of imported merchandise to indicate the country of origin shall be strictly enforced. When merchandise imported by mail, not meeting those requirements, is not to be delivered from the post office where it has been given a customs examination, the examining customs officer shall place in the envelope containing the mail entry a copy of customs Form 3475, containing instructions to the postmaster concerning the marking to be required before delivery. When the mail article is to be delivered from the post office where it has been given customs examination, the customs officials shall require compliance with the provisions of the law and regulations. Mail shipments for formal entry shall be accorded treatment as prescribed for other formal entry shipments. Upon failure of an addressee to comply with the requirements, the article and the mail entry shall be treated as set forth in § 116.17 (e) for undelivered articles.

§ 116.24 **Examination of newspapers.** Postmasters and other postal employees shall permit customs officers to examine newspapers received in the mails from foreign countries as often as they may desire to do so, and shall assist in such examination when necessary.

§ 116.25 **Employees to keep informed on laws and regulations governing importations by mail—(a) Outline.** Postal and customs officers and employees shall keep themselves informed as to the law and regulations covering obscene, seditious, and lottery matter, copyrighted, trade-marked, and other articles prohibited importation in the mails. The transportation in the regular mails or parcel post from any foreign country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of \$50, is prohibited. The importation by mail of explosives of all kinds, intoxicating liquors, opium, morphine, cocaine, and other narcotics is prohibited. The importation of firearms capable of being concealed on the person, except under the conditions set forth in § 36.12 of the Postal Laws and Regulations, or any subsequent revision thereof or amendment thereto, is likewise prohibited (18 U. S. C. 1715). Mail shipments of admissible arms, implements of war, and other nonexplosive munitions of war designated in the President's Proclamation No. 2237 of May 1, 1937, referred to in section 12 (i) of the Neutrality Act of 1939 (54 Stat. 4, 22 U. S. C. 452 (1)), or in any proclamation of the President hereafter made under the authority of said section 12 (i), shall be detained by customs until an import license from the Secretary of State has been submitted. Likewise, firearms, as that term is defined in the National Firearms Act (26 U. S. C. 2733), as amended, shall be detained by customs until an import permit from the Commissioner of

Internal Revenue has been submitted by the addressee. If the import license and the import permit are found to be in proper form, the mail parcel shall be endorsed by customs showing that it is entitled to entry, and released to the postmaster for delivery or dispatch to destination in the mails, subject to any duties that may accrue and to other customs requirements applicable thereto. Plants and plant products, including seeds and bulbs of all kinds, may be imported into the United States only under the conditions set forth in the Plant Quarantine Act, amendments thereto, and regulations thereunder. All such articles shall be submitted through customs officials to plant quarantine inspectors of the United States Department of Agriculture for fulfillment of the requirements of the law. Viruses, serums, toxins, and other biological products covered by the act of July 1, 1944 (Sec. 352, 58 Stat. 703; 42 U. S. C. 262), may be imported only in accordance with the provisions of the act and the regulations thereunder and shall, therefore, in all cases be submitted to customs representatives, who shall, before returning the merchandise to the country of origin, communicate with the addressee to determine whether such importations are in compliance with the law and regulations. (See §§ 35.13, 35.27 to 36.10, 114.1 to 114.3, and Part 117.)

(b) **Additional information.** Instructions applicable to the foregoing and to other articles prohibited importation, or requiring special treatment based on postal and customs laws and regulations, and also list of post offices where customs officers are located, will be found in the current Official Postal Guide, Part II.

§116.26 **Distribution scheme.** The postal and customs officers at the ports of New York, Chicago, San Francisco, and Seattle shall be furnished with copies of the special scheme of mail distribution referred to in these regulations.

§§ 116.27-116.50 (Section numbers reserved.)

INSTRUCTIONS GOVERNING THE HANDLING OF DUTIABLE MAIL AND ACCOUNTING FOR CUSTOMS DUTIES AT OFFICES OF DELIVERY

§116.51 **Definition and regulations.** The following regulations shall be followed in the handling of dutiable mail (mail which has undergone customs examination and for which the customs mail entry has been issued), and in accounting for the customs duty at offices of delivery.

§116.52 **Labeling of sacks.** At ports of entry, dutiable ordinary mail for other post offices shall, if the quantity justifies, be dispatched in direct sacks labeled "Customs mail" in addition to the name of the post office. If the quantity does not justify separate sacks, dutiable ordinary mail shall be combined with nondutiable ordinary mail but the sack labels shall be indorsed "Customs mail." Dutiable registered mail shall be dispatched under registration, in separate sacks or combined with nondutiable registered mail, as may be appropriate, with labels indorsed "Customs mail."

§116.53 **Examination for dutiable articles.** All incoming mail shall be carefully examined upon receipt at a post office to detect dutiable articles, and a record of same shall be made immediately on Form 2985, all articles covered by one mail entry being entered together. This record shall show the date of receipt; port of entry; registry number or numbers, if registered; insurance number or numbers, if insured; mail entry number; the number of pieces covered by the mail entry; the name and address of addressee; amount of duty; the delivery, customs clearance, and demurrage charges in appropriate cases; amount of any C. O. D. charges; and the date duty and charges are paid and duty remitted. If the mail is reforwarded or returned to sender, or disposed of in any

other manner without collection of duty, indorsement shall be made on the record to show what disposition has been made. A periodical checking of the record shall be made to insure prompt accounting for customs duty or, if undeliverable, the prompt and proper disposition of the articles and the relative mail entries.

§116.54 **Delivery and collection of duty.** Dutiable mail shall, so far as possible, be delivered by city, village, or rural carriers, who shall collect the duty upon delivery. If delivery cannot be made by carriers, after the first attempt, delivery notices on Form 2921 shall be mailed immediately to addressees.

§116.55 **Recording of dutiable mail—(a) Method of.** Registered dutiable mail shall be entered on Forms 3853 and 3854 and dispatched with registered mail.

(b) **When articles forwarded or returned.** In the case of articles to be forwarded to another post office, the customs officer who made the mail entry shall be notified and proper indorsement thereof shall be made on Form 2985, and in the case of articles to be returned to sender the mail entry shall be returned to the customs officer, indorsed to show the reason for nondelivery; the name of the exchange office to which the article is dispatched for return to origin; the date of its return; and the mail entry signed. Suitable record shall be made on Form 2985.

(c) **Centralization of records.** All dutiable matter, registered, insured, and C. O. D., as well as ordinary, should be recorded in connection with the registry work, but if that is deemed inadvisable, there shall be a centralization of the records somewhere in the office.

(d) **Dutiable articles sent to stations or branches for delivery.** Ordinary dutiable articles shall be sent to stations, branches, or sections of the main office for delivery, entered on Form 2944, and the bills shall be serially numbered for each station or delivery point. The ordinary dutiable articles should be dispatched with C. O. D. parcels, but if that is not practicable, they shall be dispatched with letter mail, unless there are a sufficient number to justify a separate sack or sacks, in which event the sack or sacks shall be labeled "Customs Mail."

(e) **Charge to carriers.** Registered dutiable articles, including registered C. O. D. articles, shall be charged to carriers on Form 3867. Ordinary, insured, and insured C. O. D. dutiable parcels shall be charged to carriers on Form 2944.

(f) **Dutiable articles received at stations or branches without charge by main office.** If a dutiable article is received at a station or branch without being charged by the main office, whether because it has been missent from or overlooked at the main office, or because it is received directly, in due course, from a railway post office or another post office, and if the article is deliverable at the station or branch at which received, or is deliverable at a station or branch to which it can be more easily forwarded from the station or branch at which received than from the main office, the article shall be recorded, with appropriate notation on Form 2944, 3849, or 3867, and prepared for delivery or forwarding, and the station or branch shall notify the main office of the particulars of receipt and disposition, furnish the information necessary for the main office record on Form 2985, and note on Form 2944, 3849, or 3867 the action taken. On receipt of such a notification the main office shall furnish the station or branch sending it with an acknowledgment. If an article so received at a station or branch is not deliverable there, and cannot be readily forwarded to another point of delivery, it shall be dispatched to the main office for record and disposition, and notation be made on Form 2944, 3849, or 3867.

§116.56 (Section number reserved.)

§ 116.57 **Undelivered dutiable mail.** All dutiable mail which for any reason cannot be delivered at stations shall be properly indorsed as required by §§ 116.1 to 116.26 and returned to the main office, together with the mail entries. Form 2944, 3849, or 3867 should be suitably indorsed.

§ 116.58 **Customs collections to be remitted daily.** All customs funds collected at stations, or at delivery units of main office, shall be remitted daily to the superintendent of postal finance, together with the mail entries which have been signed by the addressees, and with a list of the mail entries contained in the remittance, the list to consist only of mail entry numbers and amounts.

§ 116.59 **Record of customs receipts and disbursements.** The superintendent of postal finance shall keep a record of customs funds on Form 025, unless he makes his daily financial statement on Form 3961-A, in which event he shall keep the record of customs receipts and disbursements on Form 3961-A (instead of Forms 025 or E/A-16). He shall make daily deposits or remittances of customs funds to collectors of customs accompanied with the mail entries and lists in duplicate of the mail entries on customs Form 3437, and retain one copy of the lists on customs Form 3437. If these remittances are made by mail, checks should be used instead of cash.

§ 116.60 **Record under two-division plan.** At post offices organized on the two-division plan, stations and delivery units of the main office shall prepare the lists of mail entries in triplicate, one copy to accompany the remittance of funds to the superintendent of postal finance, one copy to be sent to the auditor, and one copy to be retained.

§ 116.61 **Procedure in handling records of customs funds.** After the original of customs Form 3437 has been receipted by the collector of customs, the superintendent of postal finance shall refer it to the auditor, who shall initial it and return it to the superintendent of postal finance. Copy of customs Form 3437 received from stations making remittances shall be sent by cashier to main office customs unit for checking with file of delivery record Form 2985. After checking Form 2985, the customs Form 3437 shall be returned to the superintendent of postal finance for filing.

§ 116.62 **Procedure under two-division plan.** At post offices organized on the two-division plan, the auditor shall make an accurate verification of the superintendent of postal finance's daily report on Form 3961-A. The record of the receipts shall be obtained from the lists received from stations and delivery units of the main office, and the record of the remittances from the receipted copies of customs Form 3437.

§ 116.63 **Examination of dutiable mail records at stations.** Station examiners shall check the records of dutiable mail in connection with their regular examinations of stations to ascertain if all dutiable mail forwarded to stations has been properly accounted for or is on hand. They shall list the mail entries on hand, and have this list furnished to the main office for checking against the Form 2985.

§ 116.64 **Station examiners to remain at station until all returns are made.** The station examiners when checking the customs parcels on hand shall remain at the station until such time (morning or afternoon) as all parcel-post wagons and carriers having customs parcels out for delivery and collection of charges have returned to the station and made their returns.

§ 116.65 **Duties of station examiners.** The station examiners shall see that the assistant superintendent or other postal employee assigned to the work, when checking the parcels on hand at the close of each day's business, checks the customs charges appearing on each parcel, totals the charges, and ascertains whether or not the total agrees with the total shown on the daily report form of the station customs clerk. Also that the same employee checks the number of parcels reported held from the previous day with the number of parcels shown on the previous day's report.

§ 116.66: **Method at large offices.** At the larger offices modifications of this plan may be authorized by the Second Assistant Postmaster General, International Postal Service.

PART 117—PROHIBITED IMPORTATIONS

Sec.	Sec.
117.1 Articles prohibited importation by copyright law.	117.2 Other matter prohibited importation.

§ 117.1 **Articles prohibited importation by copyright law—(a) Treatment of.** The joint regulations governing the treatment of dutiable and supposed dutiable articles received in the mails from foreign countries (see §§ 116.1 to 116.26) shall govern also in the treatment of articles which contain or which are supposed to contain matter prohibited importation by Sections 30 to 33 of the Copyright Act of 1909, as amended (17 U. S. C. 30-33), except as hereinafter modified.

(b) **Unsealed matter.** Unsealed correspondence and packages (registered and unregistered) of all kinds which, upon examination, prove to contain articles prohibited importation by the copyright act shall be retained by customs officers, who will notify the addressee of the facts of the case. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the customs officers shall take appropriate steps to forfeit the articles, as provided in Section 32 of the Copyright Act of 1909 (17 U. S. C. 32).

(c) **Sealed matter.** Sealed articles supposed to contain matter prohibited importation by the copyright act shall be appropriately marked to indicate that fact at the exchange office of receipt. The same conditions shall apply in regard to the marking, opening, and disposition of such sealed articles by the addressee or authorized agent as are required in the case of the opening and treatment of sealed "supposed liable to customs duty" pieces. If the customs officer finds an article contains matter prohibited importation by the copyright act, he shall notify the addressee of the facts through the postmaster at the office of delivery. If an application is not then made within a reasonable time to the Secretary of the Treasury for permission to return the article to the country of export, the customs officer shall take appropriate steps to forfeit the matter, as provided in Section 32 of the Copyright Act of 1909 (17 U. S. C. 32).

(d) **Receipt to be taken from customs officers.** Receipt shall be taken for articles submitted to customs officers as prohibited importation under the copyright law and proper record made on the post office records of the disposition of such articles as are not returned to be disposed of through the mails.

§ 117.2 **Other matter prohibited importation—(a) Subversive, threatening, obscene, immoral, or lottery matter.** All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes. (Sec. 305 (a), 46 Stat. 688; 19 U. S. C. 1305 (a).)

NOTE: The act provides that the seizures and forfeitures referred to in this section shall be made at the instance of the collector of customs.

(b) **Disposition of prohibited matter—(1) Lottery matter.** Postmasters and railway postal clerks at offices of first receipt shall watch the mails from foreign countries and if any sealed letters in their usual and ordinary form not endorsed as required in § 116.8 (a), are suspected of containing lottery matter or advertisement of any lottery, they shall be stamped or endorsed "Supposed to contain matter prohibited importation. See § 117.2, P. L. & R.," and forwarded at once to destination; but this shall not apply to matter originating in a foreign country and merely in transit across the territory of the United States to another country.

(2) **Other prohibited matter.** Sealed letters in their usual and ordinary form not endorsed as required by § 116.8 (a), and all other mail articles from abroad suspected of containing prohibited matter specially mentioned in paragraph (a) of this section (other than contraceptive literature, lottery matter or adver-

tisement of any lottery) shall be disposed of as required in § 116.22 (a), (b), and (c).

(3) **Opening and determining of disposition.** Upon receipt of letters at an office of delivery stamped or endorsed, "Supposed to contain matter prohibited importation. See § 117.2, P. L. & R.," the postmaster at the main office or station shall notify the addressees to furnish written authority whereby the letters may be opened by a customs employee, in the presence of a representative of the postmaster. The letters, if found to contain lottery matter, shall be forwarded daily to the post office inspector in charge of the division in which the office of address is located. If found to contain contraceptive literature, the letters shall be submitted to the Solicitor for instructions as to disposition. (See § 114.26 as to disposition of such letters not opened as provided for by this section.)

(4) **Watching for mail supposed to contain prohibited matter.** Postmasters at offices of delivery shall watch mail from foreign countries in order to insure proper treatment of any letters supposed to contain prohibited matter which may not have been properly stamped as provided for in paragraph (b) (1) of this section. They shall stamp or endorse such letters "Supposed to contain matter prohibited importation. See § 117.2, P. L. & R.," and shall treat the letters in accordance with paragraph (b) (3) of this section.

NOTE: See §§ 42.19, 42.20, and §§ 114.3 and 114.4 as to treatment of and disposition to be made of unmailable matter; §§ 116.1 to 116.26 as to matter liable or supposed liable to United States customs duties; § 130.55 as to penalty for officer aiding in importing obscene matter; § 130.56 as to penalty for importing lottery matter.

(c) **Gold imports.** The transportation in the regular mails or parcel post from any foreign country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of \$50, is prohibited.

PART 118—LOSSES, DAMAGE, AND COMPLAINTS

Sec.		Sec.	
118.1	Inquiries, complaints, claims, and reports on foreign registered mail.	118.7	Reports of loss, rifling, damage, delay, or wrong delivery of foreign insured mail.
118.2	Reports of rifling, damage, delay, or wrong delivery of foreign registered mail.	118.8	Inquiries as to disposition of ordinary foreign mail.
118.3	Inquiries and complaints, Canada.	118.9	Reports of loss of ordinary foreign mail.
118.4	Inquiries on foreign insured parcels.	118.10	Reports of rifling, damage, delay, or wrong delivery of ordinary foreign mail.
118.5	Claims for indemnity on foreign insured mail.	118.11	Reports of foreign parcels found in transit devoid of contents.
118.6	Inquiries as to disposition of foreign insured mail.	118.12	Reports of loss, rifling, damage, or other mistreatment of mail from exchange offices.

§ 118.1 **Inquiries, complaints, claims, and reports on foreign registered mail—**
(a) To foreign countries. Inquiries as to, or complaints of the loss of, registered mail addressed to any foreign country, except Canada, shall be reported on Form 542 by first- and second-class offices and Form 1510 by third- and fourth-class offices. The particulars of dispatch from the office of origin shall be inserted, and the form forwarded to the inspector in charge of the division in which the office of origin is located. (See Official Postal Guide, Part II, relative to fees.)

(b) **From foreign countries.** Inquiries as to, or complaints of the loss of, registered mail from foreign countries, except Canada, shall be reported on Form 542 (first- and second-class offices) or 1510 (third- and fourth-class offices). The forms shall be forwarded to the inspector in charge of the division in which the office of destination is located, with the certificate of mailing (registry receipt) attached; if the certificate cannot be submitted, the complainant shall be requested to have complaint made at the mailing office.

§118.2 **Reports of rifling, damage, delay, or wrong delivery of foreign registered mail.** Rifling, damage, delay, or wrong delivery of registered mail to or from foreign countries shall be reported in all instances on Form 1510 and the form forwarded direct to the inspector in charge of the division in which the American post office of origin or destination is located. The envelope or wrapper shall be submitted, if possible.

NOTE: Although Form 1510 is primarily designed for reporting losses and riflings of domestic mail, it shall, after suitable alteration, be completed whenever its use is prescribed in this Part.

§118.3 **Inquiries and complaints, Canada—(a) Registered and ordinary mail to Canada.** Inquiries as to, or complaints of the loss of, registered and ordinary (not insured) mail addressed to Canada shall be procured on Form 1510. (See Official Postal Guide, Part II, relative to fees.) The particulars of dispatch from the office of origin shall be entered on the back with other appropriate data, and the form mailed to the postmaster at the office of address in Canada in the usual official penalty envelope indorsed to show the proper Canadian Province. The Canadian service will use a form similar to Form 1510, and when such form is received it shall be returned with reply to the point in Canada from which received.

(b) **Registered and ordinary mail from Canada.** Inquiries as to, or complaints of the loss of, registered and ordinary mail from Canada shall be exchanged with the office of mailing in Canada as required by paragraph (a) insofar as it is applicable. If the certificate of mailing (registry receipt) cannot be furnished in registry cases, the complainant shall be requested to have complaint made at the office of mailing.

(c) **Loss of registered and ordinary mail to or from Canada.** When loss of registered and ordinary mail to or from Canada is disclosed, it shall be reported to the inspector in charge of the division of origin or destination. The report shall be made on Form 1510, and in the case of incoming mail the information shall be obtained, insofar as possible, from the Canadian inquiry before the inquiry is returned.

(d) **Insured mail to Canada.** Inquiries or complaints (see Official Postal Guide, Part II, relative to fees) as to insured mail addressed to Canada not coming under paragraph (e) shall be handled as prescribed by paragraph (a), except that Form 2855 shall be substituted for Form 1510. If loss or rifling is disclosed, the Second Assistant Postmaster General, International Postal Service, shall notify the Chief Inspector.

(e) **Loss of insured mail to Canada.** Complaints of loss of insured mail addressed to Canada shall be executed on Form 2855 when the sender has ascertained that the addressee claims nonreceipt, or has submitted other reasonable evidence to that effect, or that proper efforts have been made, without result, to determine whether the article was received. Form 2855 shall be sent to the proper Canadian district post office inspector as shown in the Official Postal Guide, Part II, for completion and transmission to the Second Assistant Postmaster General, International Postal Service; at the same time Form 1510 shall be

executed, showing the date the Form 2855 was sent to Canada, and the Form 1510 forwarded to the inspector in charge of the division in which the office of origin is located.

NOTE: See note following § 118.2.

(f) **Claims for damage or partial loss of insured mail to Canada.** Claims for damage or partial loss of insured mail addressed to Canada shall be filed on Form 2855, which shall then be treated as provided in paragraph (e); at the same time, in cases of rifling, Form 1510 shall also be executed, showing the date the Form 2855 was sent to Canada, and the Form 1510 forwarded to the inspector in charge of the division in which the office of origin is located.

(g) **Use of form to show delivery of insured mail in Canada.** Canadian district post office inspectors will return to postmasters in this country Form 2855, if endorsed to show delivery of insured mail intact in Canada. In other cases, Canadian district post office inspectors will send the forms direct to the Second Assistant Postmaster General, International Postal Service, after the addressee's declaration has been secured. Forms intended for the latter official, received by postmasters, shall be promptly forwarded, but if not properly completed, postmasters shall return them to the Canadian district post office inspector for completion.

(h) **Complaints filed in U. S. for insured parcels mailed in Canada.** Complaints of loss, rifling, damage, delay, or wrong delivery of insured parcels mailed in Canada, filed at a post office in this country, shall be executed on Form 1510. Parts II and III of the original shall be sent to the postmaster at the office of mailing in Canada in the usual penalty envelope endorsed to show the proper Canadian Province. If loss, rifling, or wrong delivery is indicated, a copy of part II of Form 1510, endorsed to show the date of reference of the original to Canada, shall be forwarded to the inspector in charge of the division in which the office of destination is located. When loss, rifling, or wrong delivery is indicated from correspondence received from the Canadian service, report on Form 1510 shall likewise be made to the inspector in charge in accordance with the foregoing.

NOTE: See note following § 118.2.

§ 118.4 **Inquiries on foreign insured parcels.** (a) Inquiries as to disposition or complaints (as distinguished from prima facie loss, rifling, damage, delay, or wrong delivery) relative to insured parcels addressed to any foreign country (except Canada) with which insured mail is exchanged, shall be handled as prescribed in § 118.1 (a). (See Official Postal Guide, Part II, as to fees.)

(b) When such inquiries develop into cases of loss, rifling, damage, delay, or wrong delivery, they shall be promptly referred to the Second Assistant Postmaster General, International Postal Service, with the information obtained.

§ 118.5 **Claims for indemnity on foreign insured mail—(a) How made.** Loss, rifling, damage, or wrong delivery of insured parcels addressed to foreign countries, except Canada, being reasonably evidenced and the sender desiring to claim indemnity, application therefor shall be made on Form 2855; at the same time, Form 1510 shall be executed if loss or rifling occurred, and endorsed "Claim for indemnity filed on _____ (date)."

(b) **When loss apparently before receipt by foreign Administration.** Forms 2855 and 1510 shall be transmitted direct to the Second Assistant Postmaster General, International Postal Service. If inquiry by that official discloses apparent loss or rifling before receipt by the foreign Administration, Form 1510 shall be transmitted to the Chief Inspector with appropriate information.

(c) **When indemnity not desired.** If indemnity is not desired in cases involving loss or rifling, only Form 1510 need be executed. It shall be endorsed conspicuously at the top "Indemnity not claimed," and sent direct to the inspector in charge of the division in which the office of mailing is located.

NOTE: See note following § 118.2.

§ 118.6 **Inquiries as to disposition of foreign insured mail.** Inquiries as to disposition (as distinguished from prima facie loss, rifling, damage, delay, or wrong delivery) of insured parcels mailed in foreign countries, except Canada, with which insured mail is exchanged shall be transmitted direct to the inspector in charge of the division in which the office of destination is located. The procedure prescribed in § 118.4 (b) shall be complied with when applicable.

§ 118.7 **Reports of loss, rifling, damage, delay, or wrong delivery of foreign insured mail—(a) How handled.** Prima facie loss, rifling, damage, delay, or wrong delivery of insured parcels mailed in foreign countries, except Canada, shall be reported direct to the Second Assistant Postmaster General, International Postal Service, without preliminary investigation, unless inquiry, complaint, or claim is received direct at the office of address. The foregoing official shall notify the Chief Inspector where inquiry discloses apparent loss, rifling, or wrong delivery in this service. If an inquiry, complaint, or claim is received direct at the office of address, the postmaster shall enter in the mailing postmaster's portion of a Form 2855 the particulars of mailing and obtain the affidavit of the addressee on the form and then transmit the papers as indicated above; at the same time, if loss, rifling, or wrong delivery in this service is apparent, Form 1510 shall be executed. The Form 1510 shall be endorsed to show the date of reference of Form 2855 to the Second Assistant Postmaster General, International Postal Service, and sent to the inspector in charge of the division in which the office of destination is located. When Form 1510 is sent to the inspector in charge, Form 2855 shall be completed to show to what inspector in charge Form 1510 is sent.

(b) **When office of address is also exchange office of original receipt.** When the office of address is also the exchange office of original receipt, the report to the Second Assistant Postmaster General, International Postal Service, shall show whether a bulletin of verification was sent, and if so, what information was contained therein as to the article.

(c) **Noting of original contents.** Before the addressee's affidavit is executed there shall be entered under "Declaration of sender" a description of the original contents of the parcel, if known.

NOTE: See note following § 118.2.

§ 118.8 **Inquiries as to disposition of ordinary foreign mail.** Inquiries as to disposition (as distinguished from prima facie loss, rifling or damage, delay, or wrong delivery) of ordinary foreign mail, except to or from Canada, shall be handled as prescribed by § 118.9. (See Official Postal Guide, Part II, relative to fees.)

NOTE: See Official Postal Guide, Part II, and Supplements as to inquiries regarding registered and insured articles addressed for delivery in foreign countries. See §§ 114.11 and 35.9 as to requests for refunds of fees.

§ 118.9 **Reports of loss of ordinary foreign mail.** Loss of ordinary mail to or from foreign countries, except Canada, if complaint is made at a first- or second-class office, shall be reported on Form 541 or Form 540 (parcel-post mail). The form shall be forwarded direct to the inspector in charge of the division in which the United States post office of origin or destination is located. Com-

plaints made at third- or fourth-class offices shall be executed on Form 1510 and forwarded direct to the foregoing inspector in charge.

NOTE: See note following § 118.2.

§ 118.10 Reports of rifling, damage, delay, or wrong delivery of ordinary foreign mail. Rifling, damage, delay, or wrong delivery of ordinary mail to or from foreign countries shall be reported on Form 1510 direct to the inspector in charge of the division in which the United States post office of origin or destination is located. (See § 118.11 as to parcels entirely devoid of contents.)

NOTE: See note following § 118.2.

§ 118.11 Reports of foreign parcels found in transit devoid of contents—(a) How made. When unregistered parcels entirely, rather than partially, devoid of contents, to or from foreign countries, are observed in transit, whether in the Railway Mail Service, in post offices, or elsewhere, the postal employees making such discovery shall completely execute Form 5258 in duplicate. Railway Mail Service employees shall indorse each Form 5258 with the name of the post office to which they are due to send articles found loose in the mails. (See § 108.22.) The original, together with the wrapper or container, shall be forwarded to the domestic office of origin or address, as the case may be, *unless insured C. O. D. parcels of foreign origin are involved*. In the latter event the original Form 5258, together with the wrapper or container, shall be forwarded to the Second Assistant Postmaster General, International Postal Service, who shall appropriately advise the country of origin. Duplicate Form 5258, with the sack label, shall be forwarded at the same time to the inspector in charge of the division in which the condition of the parcel was first observed.

(b) Completion of forms; delivery of wrapper if desired. The postmaster receiving an original Form 5258 for a parcel mailed at his office shall obtain sufficient information from the sender to permit completion of Form 1510, and the Forms 1510 and 5258 shall be handled in the manner prescribed in § 44.10 (b). For incoming parcels, if the addressee is able to describe the missing contents, Form 1510 shall be completed insofar as possible and handled in a similar manner. The wrapper shall be delivered to the sender or addressee, if desired. If an insured or insured C. O. D. parcel is involved, notation shall be made on the delivery record as to the disposition of the wrapper or container, and particularly whether it was desired by the sender or addressee.

(c) Forwarding of wrapper or container to Department. If the wrapper or container of an insured or Americo-Spanish ordinary parcel of foreign origin is not desired by *the addressee*, the wrapper or container, together with a statement of the facts in the case, shall be forwarded to the Second Assistant Postmaster General, International Postal Service, who shall appropriately advise the country of origin.

(d) When wrappers or containers may be treated as waste. Wrappers or containers (except registered) not delivered to the sender or addressee for any reason and not required to be transmitted to the Second Assistant Postmaster General, International Postal Service, under the provisions of paragraphs (a), (b), and (c), of this section, may be treated as waste paper.

§ 118.12 Reports of loss, rifling, damage, or other mistreatment of mail from exchange offices. Loss, rifling, damage, or other mistreatment of mail disclosed by the exchange of bulletins of verification from exchange offices shall be reported to the inspector in charge of the division in which the exchange office is located with full particulars of the mail involved. However, damage of registered or ordinary mail shall not be so reported unless (a) loss of contents occurred, or,

(b) the damage occurred in the postal service of this country, or, (c) an inquiry is received concerning an article mentioned in the bulletin.

NOTE: See §§ 44.1 and 44.2; also § 114.9 as to return receipts for foreign mail, and § 44.12 as to investigation of loss, rifling, and damage of foreign mail.

PART 119—INDEMNITY: REGULAR (POSTAL UNION) MAIL

Sec.	Sec.
119.1 Limits of indemnity for lost foreign registered matter.	119.3 Restrictions as to payment.
119.2 Value of article.	119.4 Domestic regulations applicable.

§ 119.1 **Limits of indemnity for lost foreign registered matter.** In case of the loss of an article accepted for registration under the provisions of the Universal Postal Union Convention, the sender shall be entitled to indemnity not exceeding 25 francs (\$8.17). However, in the case of the loss of an article accepted for registration under the provisions of the Convention of the Postal Union of the Americas and Spain, the right of the sender to indemnity shall not in any case exceed \$3.27. The limit of indemnity payable for the loss of registered mail exchanged with Canada and Newfoundland shall be \$25 for any one article.

§ 119.2 **Value of article.** Indemnity shall be paid in any amount claimed within the above-stated limits for the loss of a registered article of any class and, except in the case of Canada and Newfoundland, regardless of its value.

§ 119.3 **Restrictions as to payment.** No indemnity will be paid—

(a) Unless claims for the loss of registered articles are made within one year from the date of mailing, counting from the day following the posting of the registered article.

(b) For any registered article which was not lost while in the custody of the mails.

(c) For a registered article, the contents of which fall within the prohibitions of the current Universal Postal Union Convention.

(d) For damage to, or the partial loss or rifling of any registered article, unless it was mailed in the United States and responsibility for the damage, partial loss, or rifling rests with the Postal Service of the United States. Then indemnity will be paid for the value of the loss only, not exceeding 25 francs (\$8.17) for articles accepted for registration under the provisions of the Universal Postal Union Convention and not exceeding \$3.27 for articles accepted for registration under the provisions of the Convention of the Postal Union of the Americas and Spain, and, in case of damage, only under the conditions specified for the payment of indemnity for damage or loss in the domestic registered mails, although indemnity may be allowed for the actual loss sustained, within the limit of 25 francs (\$8.17), or \$3.27, as the case may be, on account of the damage, partial loss, or rifling of any registered article in the international mails, provided that the foreign countries interested agree with the United States reciprocally to pay like indemnity in such cases.

(e) Administrations shall cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations; also, for articles addressed "general delivery" or held at the disposal of the addressees, responsibility shall cease upon delivery to a person who has proved his identity in accordance with the regulations in force in the

country of destination, and whose name and description are in conformity with the indications of the address.

(f) When the registered articles cannot be accounted for as a result of the destruction of the service records due to a case of "force majeure" (causes beyond control).

(g) For any registered article lost under circumstances constituting a case of "force majeure" (causes beyond control), the decision to be made, in accordance with its domestic legislation, by the country responsible for the loss.

§ 119.4 Domestic regulations applicable. The regulations governing indemnity for the loss of registered articles in the domestic mails shall, as far as applicable, govern indemnity for the loss of registered articles in the international mails, except as otherwise specially provided. (See §§ 63.1 to 63.3.)

NOTE: See the Official Postal Guide, Part II, under the general items relating to indemnity for international mail and under the parcel post item of the particular country concerned for the conditions under which indemnity may be paid for the loss, rifling, or damage of ordinary, registered, and insured parcels and for C. O. D. registered and C. O. D. insured parcels.

PART 120—OCEAN MAIL SERVICE

Sec.	GENERAL PROVISIONS	Sec.	
120.1	Transportation of foreign mails.	120.5	Discontinuance of contracts.
	CONTRACT SERVICE	120.6	Assignment or transfer of contracts prohibited.
120.2	Contracts for transportation of foreign mails.		NONCONTRACT SERVICE
120.3	American-built vessels to be used for carrying mails.	120.7	Compensation for transportation of foreign mails.
120.4	Transportation of postal agents and employees.	120.8	Rates for rail service across Isthmus of Panama.

GENERAL PROVISIONS

§ 120.1 Transportation of foreign mails. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster General may have such transportation performed by sailing vessels when the service can be facilitated thereby. (R. S. 4008; 39 U. S. C. 653.)

CONTRACT SERVICE

§ 120.2 Contracts for transportation of foreign mails. (a) The Postmaster General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted. (R. S. 4007; 39 U. S. C. 652.)

NOTE: See § 90.5 as to contracts for transporting domestic mails over foreign territory; Part 96 as to transporting international mails by aircraft; § 97.9 as to combining international and inland steamboat service; § 120.3 as to transportation on American-built and documented vessels; § 120.6 as to assignment of mail contracts; §§ 122.1 and 122.2 as to sea post offices.

(b) * * * No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress. (R. S. 3943, as amended; 39 U. S. C. 449.)

§ 120.3 American-built vessels to be used for carrying mails.

(a) All mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States, * * *. (Sec. 24, 41 Stat. 998, as amended; 46 U. S. C. 880.)

NOTE: The balance of section 880 of Title 46, U. S. C., has been omitted as having no application to the Post Office Department.

(b) All mails of the United States carried on vessels between ports between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise shall, insofar as practicable, be carried on vessels of United States registry. (Sec. 405 (a), 49 Stat. 1995; 46 U. S. C. 1145 (a).)

§ 120.4 Transportation of postal agents and employees. Every steamship company carrying the mails shall carry on any ship it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials. (Sec. 405 (b), 49 Stat. 1995; 46 U. S. C. 1145 (b).)

§ 120.5 Discontinuance of contracts. Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster General to discontinue the same, the further stipulation that it may be terminated by Congress. (R. S. 4011; 39 U. S. C. 656.)

§ 120.6 Assignment or transfer of contracts prohibited. No contractor for transporting the mail within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void. (R. S. 3963; 39 U. S. C. 444.)

NOTE: A contractor may, with the consent of the Postmaster General, make a subcontract with another for the performance of the service undertaken by him, but he continues as contractor and is responsible for the due fulfillment of his contract. Under the above statute a contract can not be assigned or transferred to another.

NONCONTRACT SERVICE

§ 120.7 Compensation for transportation of foreign mails—

(a) **Limits of compensation; appropriation—(1) Authorization.** Except as provided in subdivision (b) [subparagraph (2) of this paragraph], for transportation of the mails, (1) between the United States or its Territories or possessions and any foreign country, (2)

between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of 80 cents a pound for letters and post cards and 8 cents a pound for other articles (including parcel post), and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention: * * *. (R. S. 4009, as amended; 39 U. S. C. 654 (a).)

(2) **Contract service excepted.** The provisions of subdivision (a) [subparagraph (1) of this paragraph] of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 652 of this title, [§ 120.2] * * *. (R. S. 4009, as amended; 39 U. S. C. 654 (b).)

(3) **Appropriation from which paid.** In the case of mails transported between the United States or its Territories or possessions and any foreign country and in the case of mails transported between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails. (R. S. 4009, as amended; 39 U. S. C. 654 (c).)

(b) **Definite rates.** Unless otherwise specially provided, payment shall be made for the transportation of United States mails and foreign closed transit mails on steamships of both United States registry and foreign registry, and for the transportation to the United States of mails which the United States is obligated to convey, at the rates of 8.8 cents a pound for mails consisting of letters and postcards and 1.1 cents a pound for mails consisting of other articles, including parcel post, for distances up to and including 300 nautical miles; 23.7 cents a pound for mails consisting of letters and postcards and 2.9 cents a pound for mails consisting of other articles, including parcel post, for distances from 300 up to and including 1,500 nautical miles, and 35.5 cents a pound for mails consisting of letters and postcards and 4.7 cents a pound for mails consisting of other articles, including parcel post, for distances exceeding 1,500 nautical miles.

(c) **Exceptions to above rates.** As an exception to the rates specified in paragraph (b) of this section, payment for mails which the United States is obligated to convey shall be made at the rates specified in the schedule stated below in the following services:

(1) Onward from the Canal Zone covering mails dispatched from Canal Zone ports to any ports, except those in continental United States;

(2) From any port in the countries signatory to the conventions of the Postal Union of the Americas and Spain (except continental United States, Canada

and Spain, and Havana, Cuba, for mails forwarded from continental United States for transshipment) to any other port (except ports in continental United States, Canada and Spain, and Havana, Cuba, for mails destined to the United States); also from ports in countries not signatory to the conventions of the Postal Union of the Americas and Spain, to any other port (except ports in continental United States, Canada and Spain, and Havana, Cuba, for mails destined to the United States), covering regular mails originating in signatory countries.

	Letters and post-cards	Other articles, including parcel post where conveyance is obligated
Up to 300 nautical miles.....	<i>Cents per pound</i> 6.7	<i>Cents per pound</i> 1.50
From 300 to 1,500 nautical miles.....	11.8	2.00
Over 1,500 nautical miles.....	20.0	3.00

§120.8 Rates for rail service across Isthmus of Panama. Unless otherwise specially provided, the sums to be allowed for the transportation by railroad across the Isthmus of Panama, of United States and foreign closed transit mails shall be \$0.0525 per pound for letters and post cards and \$0.007 per pound for other articles, including parcel post.

PART 121—FOREIGN AIR MAIL SERVICE

Sec.	Sec.
121.1 Transportation of foreign air mail.	121.2 Rates to be charged foreign countries for air mail transportation.
	121.3 Control of rates.

§121.1 Transportation of foreign air mail. (a) Nothing in this chapter shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country. (Sec. 405 (h) (1), 52 Stat. 994; 49 U. S. C. 485 (h) (1).)

(b) The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the mail for a foreign country, make arrangements, without advertising, with such person for transporting mail by aircraft to or within any foreign country. (Sec. 405 (h) (2), 52 Stat. 994, as amended; 49 U. S. C. 485 (h) (2).)

§121.2 Rates to be charged foreign countries for air mail transportation—(a) How fixed. Any air carrier holding a certificate to engage in foreign air transportation and transporting mails of foreign

countries shall transport such mails subject to control and regulation by the United States. The Postmaster General shall from time to time fix the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements between any such air carrier and any foreign country covering the transportation of mails of such country, under which mails of such country have been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mails at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may authorize any such air carrier, under such limitations as the Postmaster General may prescribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country. (Sec. 405 (i) (1), 52 Stat. 994, as amended; 49 U. S. C. 485 (i) (1).)

(b) Collection by air carrier of its compensation from foreign countries. In any case where such air carrier has an arrangement with any foreign country for transporting its mails, made or approved in accordance with the provisions of subdivision (1) [paragraph (a) of this section] of this subsection, it shall collect its compensation from the foreign country under its arrangement, and in case of the absence of any arrangement between the air carrier and the foreign country consistent with this subsection, the collections made from the foreign country by the United States shall be for the account of such air carrier: *Provided*, That no such air carrier shall be entitled to receive compensation both from such foreign country and from the United States in respect of the transportation of the same mail or the same mails of foreign countries. (Sec. 405 (i) (2), 52 Stat. 994, as amended; 49 U. S. C. 485 (i) (2).)

(c) Collection of compensation by United States—(1) Offsets; accounting. In all cases where, pursuant to the provisions of subsection (i) (2) of section 485 of this title [paragraph (b) of this section], the Postmaster General shall have heretofore fixed and put into effect, or shall hereafter fix and put into effect, the rates of compensation to be charged foreign countries for the transportation of their mail

by air carriers and where the collections from such foreign countries of the amounts owing by them for such transportation are required by such subsection to be made by the United States for the account of such air carriers, the Postmaster General may simplify and expedite the settlement of accounts for such carriage by offsetting against any balance due a foreign country resulting from the transaction of international money order business or otherwise, such amounts as may be then due from such country to the United States and to the United States for the account of such carriers; and the Postmaster General and the General Accounting Office shall thereupon give the foreign country involved the appropriate credit for such payment by offset, paying to the carrier that portion of the amount so charged as may be owing to the carrier for its services in transporting the mail of such foreign country and depositing as "miscellaneous postal receipts" that portion of the amount so charged as may be due the United States on its own account: *Provided*, That no adjustment of accounts authorized by sections 485a-485c of this title [subparagraphs (1), (2), and (3) of this paragraph] shall apply to appropriations for fiscal years prior to the fiscal year 1940: *Provided further*, That any adjustments made under the authority of this section shall be subject to the right of the United States to deduct from any sums due or thereafter becoming due to a carrier such amounts as may have been paid it on account of foreign countries which amounts, for any reason, the United States shall have been unable to collect, either by offset or otherwise, from the debtor country. (Sec. 1, 54 Stat. 862, 49 U. S. C. 485a.)

(2) **Advances to carriers.** In any case where collections are to be made by the United States from a foreign country for the transportation of mails of such countries for the account of an air carrier pursuant to section 485 (i) (2) of this title [paragraph (b) of this section], whether such transportation occurred before or after the passage of sections 485a-485c of this title [subparagraphs (1), (2), and (3) of this paragraph], the Postmaster General, taking into consideration the state of the balance carried in the appropriation, in his discretion, is authorized to make advances to such air carrier out of sums appropriated for "balances due foreign countries", upon determination by the Postmaster General from time to time of the amounts due from any such foreign countries for transportation, and thereafter such amounts shall be collected by the United States from foreign countries by set-off, or otherwise, in the manner hereinbefore provided, and the appropriation for payment of "balances due foreign countries" shall be reimbursed by collections so made by the United States: *Provided, however*, That if the United States shall fail to collect any such amount or any part of such amount from such foreign country

owing same within twelve months after the United States has paid such amount to the carrier, the United States may deduct such uncollected amounts from any sums owing by it to the carrier. (Sec. 2, 54 Stat. 863; 49 U. S. C. 485b.)

(3) **General Accounting Office transactions.** The General Accounting Office shall make the necessary credits and debits in the respective appropriations and accounts involved and adopt such procedure as may be necessary to conform to and effect the purposes of secs. 485a-485c of this title [subparagraphs (1), (2), and (3) of this paragraph]. Sec. 3, 54 Stat. 863; 49 U. S. C. 485c.)

§ 121.3 Control of rates. In any case where air transportation is performed between the United States and any foreign country, both by aircraft owned or operated by one or more air carriers holding a certificate under this subchapter and by aircraft owned or operated by one or more foreign air carriers, the Postmaster General shall not pay to or for the account of any such foreign air carrier a rate of compensation for transporting mail by aircraft between the United States and such foreign country, which, in his opinion, will result (over such reasonable period as the Postmaster General may determine, taking account of exchange fluctuations and other factors) in such foreign air carrier receiving a higher rate of compensation for transporting such mail than such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and the United States, or receiving a higher rate of compensation for transporting such mail than a rate determined by the Postmaster General to be comparable to the rate such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and an intermediate country on the route of such air carrier between such foreign country and the United States. (Sec. 406, 52 Stat. 998; 49 U. S. C. 486f.)

NOTE: See Part 96 and §§ 121.1 and 121.2 for authorization and other details of operation of service.

PART 122—SEA POST SERVICE

Sec. 122.1	Maintenance of sea post service.		Sec. 122.2	Sea post offices.
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§ 122.1 Maintenance of sea post service. The Postmaster General is authorized to expend such sums as may be necessary, not to exceed the amounts appropriated by Congress, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States; * * * (34 Stat. 1214, as amended; 39 U. S. C. 667.)

§ 122.2 **Sea post offices—(a) Establishment and operation.** Sea post offices duly authorized by the Post Office Department shall be established and operated on such ocean steamships as may be designated.

(b) **Compensation and subsistence of sea post clerks.** United States sea post clerks shall be of two classes: clerks of class 1 shall receive pay at the rate of \$3,750 per annum, each; clerks of class 2, who shall be clerks in charge, shall receive pay at the rate of \$4,250 per annum, each. In addition thereto, they shall be entitled to first-class accommodations on the steamships to which they are assigned and to commutation for board and lodging while in foreign countries and possessions of the United States, at rates fixed by the Post Office Department. They shall be subject to the ship's discipline to the same extent as passengers.

(c) **Appointment of sea post clerks.** Vacancies in the sea post service shall be filled by transfer from the Railway Mail Service or from the classified personnel of first- and second-class post offices engaged in the distribution of mail in accordance with the postal regulations and instructions of the Second Assistant Postmaster General. Each unsuccessful applicant should renew his application at the expiration of one year. If the application is not renewed it shall be taken for granted that the transfer is no longer desired. Employees receiving a salary of less than \$3,550 per annum shall not be eligible for transfer.

(d) **Temporary assignment as substitute sea post clerk.** The Postmaster General is authorized to assign railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks whenever, in his opinion, such employment is necessary. Such employees shall receive credit on their Railway Mail Service records for the time employed in the sea-post service but shall be allowed the salary and expenses of a Class I sea-post clerk, payable out of the appropriation available for maintaining sea-post service, in lieu of any other salary and expense. (45 Stat. 1175; 39 U. S. C. 640.)

(e) **Bonds of sea post clerks.** United States sea post clerks shall give bond to the United States, with good and approved security, in the sum of \$1,000 each. Each clerk shall pay the premium chargeable to himself. Bonds shall be filed with the Second Assistant Postmaster General.

NOTE: See § 135.7 (j) as to renewal of bonds; § 97.53 as to letters mailed on vessels carrying sea post clerks.

See § 135.51 concerning the payment of compensation in the case of disability or death of sea post clerks.

PART 123—NAVY, MARINE CORPS, COAST GUARD, AND ARMY MAIL SERVICE

Sec.

123.1 Navy, Marine Corps, or Coast
Guard mail clerks and assist-
ants.

Sec.

123.2 Army mail clerks and assistants.

§ 123.1 **Navy, Marine Corps, or Coast Guard mail clerks and assistants—(a) Selection, authorization, compensation.** Enlisted men of the United States Navy, Marine Corps, or Coast Guard may, upon selection by the Secretary of the Navy in the case of the Navy

or Marine Corps, and by the Secretary of the Treasury in the case of the Coast Guard, be designated by the Post Office Department as "Navy mail clerks" and "assistant Navy mail clerks" and as "Coast Guard mail clerks" and "assistant Coast Guard mail clerks," who shall be authorized to receive and open all pouches and sacks of mail addressed to naval and Coast Guard vessels, as the case may be, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks and as Coast Guard mail clerks and assistant Coast Guard mail clerks with expeditionary forces on shore or for duty at stations and shore establishments under the Navy Department and the Treasury Department, respectively, where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall be amenable in all respects to naval and Coast Guard discipline, as the case may be, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department or from the Treasury Department, as the case may be, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed \$500 per annum, and in that of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the Navy Department and by the Treasury Department, respectively. (Sec. 9 (a), 55 Stat. 586; 39 U. S. C. 134.)

NOTE: See § 135.21 as to bonds for Navy Mail Clerk, Assistant Navy Mail Clerk, Coast Guard Mail Clerk, and Assistant Coast Guard Mail Clerk.

(b) Not qualified until oath or oath and bond accepted. No Navy mail clerk or assistant Navy mail clerk, and no Coast Guard mail clerk or assistant Coast Guard mail clerk, shall be deemed to be fully qualified until his oath, if bond is waived by the Secretary of the Navy as authorized by 39 U. S. C. 135 or his oath and bond have been executed, and accepted by the Postmaster General, and his designation is in effect.

(c) **Custody of supplies, equipment, and funds.** Post Office Department supplies, equipment, and funds (the property of the United States) shall be issued to a bonded Navy mail clerk, or qualified (as provided in par. (b) of this section) Coast Guard mail clerk, in accordance with the instructions in the current edition of the pamphlet "Mail Service Manual, United States Navy, Part II," and he shall be the sole custodian of such postal effects and shall be wholly responsible for their safekeeping at all times except when he may deliver them or a portion of them for temporary custody to an assistant Navy mail clerk, or assistant Coast Guard mail clerk, or to a commissioned officer designated by the commanding officer, as provided in the aforesaid pamphlet. Postal effects shall be receipted for upon receipt from postmasters and upon each change of custody within the Navy or Coast Guard services.

(d) **Post office to which attached.** Navy or Coast Guard post offices in charge of Navy mail clerks or assistant Navy mail clerks, or Coast Guard mail clerks or assistant Coast Guard mail clerks, on board Navy or Coast Guard vessels, or with the expeditionary forces on shore, shall be attached to the post office at New York, N. Y. Navy or Coast Guard post offices in charge of Navy mail clerks or assistant Navy mail clerks, or Coast Guard mail clerks or assistant Coast Guard mail clerks, established at shore establishments under the jurisdiction of the Navy Department, or the Treasury Department, as the case may be, in this country and its possessions, shall be attached to the nearest post office, preferably of the first or second class.

(e) **Coast Guard; control of organization.** The Coast Guard * * * shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. (Sec. 1, 38 Stat. 800, as amended; 14 U. S. C. 1.)

NOTE: The pamphlet, "Mail Service Manual, United States Navy," containing detailed instructions for the guidance of Navy mail clerks and assistant Navy mail clerks, and Coast Guard mail clerks and assistant Coast Guard mail clerks, is published by the Post Office Department and is furnished each Navy and Coast Guard post office and postmaster concerned.

§123.2 **Army mail clerks and assistants.** Enlisted men of the Army of the United States may, upon selection by the Secretary of War [Secretary of the Army], be designated by the Post Office Department as "Army mail clerks" and "assistant Army mail clerks", who shall be authorized to receive and open all pouches and sacks of mail addressed to Army posts, military reservations, and defense bases, owned or leased, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding Army officer at the base, post, or reservation. Each Army mail clerk and assistant Army mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall give bond to the United States in such sum as the Postmaster

General may deem sufficient for the faithful performance of his duties as such mail clerk, and shall be amenable in all respects to Army discipline, except that, as to their duties as such clerks, the commanding officer at the base, post, or reservation at which they are stationed shall require them to be governed by the Postal Laws and Regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by such commanding officer to perform the duties of mail clerk. (55 Stat. 656, as amended; 39 U. S. C., Sup. I, 138.)

PART 124—POSTAL AGENCIES

Sec.		Sec.
124.1 Agencies in foreign countries.		124.2 Agents on mail steamers.

§ 124.1 Agencies in foreign countries. The Postmaster General may establish postal agencies at such foreign seaports or airports at which United States mail steamers or airships touch to land and receive mails, as may in his judgment promote the efficiency of the foreign mail service; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for office rent, office furniture, clerk hire, and incidental expenses. (R. S. 4021, as amended; 39 U. S. C. 672.)

§ 124.2 Agents on mail steamers. The Postmaster General may appoint an agent in charge of the mail on board of each of the mail steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of \$2,000 a year. (R. S. 4022; 39 U. S. C. 673.)

NOTE: See § 122.2 as to sea post-office clerks.

PART 125—MISCELLANEOUS

Sec.		Sec.
125.1 Carriage by vessels of mail not received from post office forbidden.		125.6 Carrying letters out of mail on board vessels.
125.2 Mails carried by foreign vessels.		125.7 Deposit of receipts from transportation of foreign mails.
125.3 Duty of vessels to carry mail tendered.		125.8 Transportation through United States of mails of adjoining countries.
125.4 Vessels to deliver letters at post offices before entry.		125.9 Retaliatory postage on certain foreign matter.
125.5 Fines on carriers transporting mails beyond borders of United States.		125.10 Correspondence with foreign officials.

§ 125.1 Carriage by vessels of mail not received from post office forbidden. No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section 500 of this title [§ 91.3]; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section. (R. S. 3987; 39 U. S. C. 496.)

§ 125.2 Mails carried by foreign vessels—(a) Must be deposited in post office. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than \$1,000. (62 Stat. 784; 18 U. S. C. 1724.)

NOTE: See §§ 97.55 to 97.58 as to ship letters.

(b) Must be hauled and protected by steamship companies. Mails for dispatch by outgoing steamers shall be delivered from the post office and steamship companies shall haul the sacks to the steamers. Each truck (or wagon) shall be provided with a man to ride on the rear and protect the mail. The red-label sacks shall be separately delivered to the steamship company's representative at the post office; sacks and seals shall be carefully examined at time of receipt; and when a rack (open) truck is used the sacks shall be covered by a tarpaulin. The registered (red label) sacks shall be specially protected during transfers and on board vessels. Unless special arrangements

are made, mails shall be ready for delivery at the post office in time, designated by the postmaster, to connect with the conveying steamer.

§ 125.3 Duty of vessels to carry mail tendered. Except as otherwise provided by treaty or convention the Postmaster General may require the transportation by any steamships of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postmaster General or his representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance until the collector or other officer of the port is informed by the Postmaster General or his representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postmaster General. (62 Stat. 784; 18 U. S. C. 1724.)

§ 125.4 Vessels to deliver letters at post offices before entry. No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ———, of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ——— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than \$100. (62 Stat. 777; 18 U. S. C. 1699.)

NOTE: See §§ 97.54 and 125.2 as to delivery at post office of letters and other mailable matter; § 97.54 as to payment for ship letters; § 34.16 as to postage on ship letters, and Official Postal Guide, Part II, as to postage on other mail matter.

§ 125.5 Fines on carriers transporting mails beyond borders of United States. (a) The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails. (46 Stat. 1049; 39 U. S. C. 655.)

(b) Steamship companies shall be answerable to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage

resulting to any of such mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

§ 125.6 Carrying letters out of mail on board vessels. Whoever carries any letter or packet on board any vessel which carries the mail, otherwise than in such mail, shall, except as otherwise provided by law, be fined not more than \$50, or imprisoned not more than thirty days, or both. (62 Stat. 777; 18 U. S. C. 1695.)

NOTE: See § 91.2.

§ 125.7 Deposit of receipts from transportation of foreign mails. Funds received from the transportation of mails on behalf of foreign countries arising under the Universal Postal Union Convention and other postal conventions, and balances due the United States from foreign countries which are paid by remittances to the Post Office Department, upon periodical adjustments, shall be deposited in the Treasury as "foreign-mail transit service."

§ 125.8 Transportation through United States of mails of adjoining countries. The Postmaster General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post office department of the country whose privilege is to be annulled. (R. S. 4012; 39 U. S. C. 669.)

NOTE: See § 90.5 as to contracts for transporting domestic mails over foreign territory; § 113.1 as to authority of Postmaster General to make postal conventions with foreign countries.

§ 125.9 Retaliatory postage on certain foreign matter. The Postmaster General, under the direction of the President of the United States, is authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet ship or other vessel, the same rate or rates of charge for American postage which the Government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such Government, and at any time to revoke the same; and all customhouse

officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post office. (R. S. 4015; 39 U. S. C. 671.)

NOTE: See § 125.2 as to letters brought to United States on foreign vessels.

§ 125.10 Correspondence with foreign officials. Postmasters, except those at exchange offices in certain cases, shall not correspond with foreign postal officials on postal business. All matters requiring foreign correspondence shall be reported to the Second Assistant Postmaster General, International Postal Service, except where otherwise directed herein. (See §§ 1.9, 1.11, 1.12, 44.1, and 62.1.)

NOTE: For additional laws and regulations applicable to matters in the International Postal Service not included in this title, see the following sections:

Canadian mail for foreign destinations.....	\$ 108.26
Diplomatic correspondence.....	§§ 37.8, 43.19
Forwarding to foreign countries mail with due stamps affixed.....	\$ 43.16
Loss of foreign mail involving indemnity, investigation of.....	\$ 44.12
Metric postal balances.....	\$ 6.15
Money-order service, international and semidomestic.....	§ 70.2, Part 74; and §§ 75.1 and 75.12
Offenses against foreign mail in transit.....	\$ 130.60
Publications, foreign.....	\$ 34.23
Regulations, orders, and inquiries.....	§§ 25.8, 25.9
Routed, specially, foreign mail.....	\$ 108.25
Second-class matter for Canada, Cuba, Mexico, and Panama.....	\$ 34.40
Ship letter defined.....	\$ 97.55
Unmailable matter.....	\$ 36.1
Return receipts for foreign mail, complaints of failure to receive.....	\$ 114.9

Title Thirteen

CRIMES AND OFFENSES

PART 130

Sec.		Sec.	
	PROSECUTION OF OFFENSES UNDER POSTAL LAWS: JURISDICTION OF COURTS AND OFFICERS	130.26	Counterfeiting of postmarking stamp.
130.1	Courts having jurisdiction.	130.27	Counterfeiting, forging, altering, or unlawful issuing of money orders.
130.2	Preliminary proceedings.	130.28	Issuance of money orders with- out payment.
130.3	Reports of violations of laws.	130.29	Forging, counterfeiting, or altering of bonds, bids, or records; transmission thereof.
130.4	Arrests for violations of postal laws.	130.30	Imitation of United States se- curities or printing of adver- tisements thereon.
130.5	Preliminary hearings.	130.31	Killing or interfering with officer.
130.6	Reports of arrests made by other than United States officers.	130.32	Conspiracy to commit offense against United States.
	OFFENSES AGAINST THE GOVERN- MENT AND THE REVENUES	130.33	Falsely pretending to be United States officer.
130.7	Misprision of felony.	130.34	False representation.
130.8	Embezzlement of public moneys or other property.	130.35	Illegal payment for official favor.
130.9	Receiver of stolen property tri- able before or after principal.	130.36	Acceptance by Senator, Member of Congress, or officer or clerk in employ of United States of pay for services in matters af- fecting United States.
130.10	Embezzlement of money or prop- erty not otherwise punishable.	130.37	Assistance by officers in prosecu- tion of claims against United States; exception as to Na- tional Guard of District of Columbia.
130.11	"Principals" defined.		OFFENSES AGAINST PROPERTY BE- LONGING TO, OR IN USE BY, THE POST OFFICE DEPARTMENT
130.12	Misappropriation of postal funds or property.	130.38	Breaking into and entering post office.
130.13	Receipting for larger sums than are paid.	130.39	Robbery of personal property of United States.
130.14	Failure to render accounts.	130.40	Stealing of post-office property.
130.15	Failure to account for postage due.	130.41	Stealing of United States prop- erty.
130.16	Failure in custody of public moneys intrusted for safe- keeping.	130.42	Injury of mail bags or other equipment.
130.17	Failure to deposit as required.	130.43	Stealing or forging of mail locks or keys.
130.18	Unlawful handling of public moneys.		
130.19	False returns.		
130.20	Destroying or mishandling of public records.		
130.21	False, fictitious, or fraudulent presentations.		
130.22	Collection of unlawful postage.		
130.23	Use of canceled stamps and stamped paper.		
130.24	Counterfeiting or forging.		
130.25	Counterfeiting of foreign stamps.		

<p>Sec. 130.44 Violation of mail receptacles. 130.45 Special-delivery messengers deemed carriers. 130.46 Unlawful entry of post-office car or vessel carrying mail. OFFENSES AGAINST THE MAILS 130.47 Detention, destruction, or embezzlement of mail by postmaster or postal employee. 130.48 Theft of newspapers. 130.49 Theft, secretion, embezzlement, or destruction of mail matter. 130.50 Punishment of accessories after the fact. 130.51 Assault of mail custodian with intent to rob, and robbing of mail. 130.52 Misuse of mails. 130.53 Extortion. 130.54 Importing and transporting of obscene matter.</p>	<p>Sec. 130.55 Aiding of trade in obscene or subversive literature. 130.56 Importing and handling of lottery matter. OFFENSES IN CONNECTION WITH THE TRANSPORTATION OF THE MAILS 130.57 Unlawful claim of vessels or vehicles to be mail carriers. 130.58 Obstruction of mails generally. 130.59 Desertion of the mail. 130.60 Offenses against foreign mail in transit. 130.61 Illegal approval of bond by postmaster. 130.62 Postmaster acting as lottery agent. 130.63 Criminal statutes made applicable to postal-savings funds. 130.64 Conspiracy to prevent officer from performing duties. 130.65 "Postal Service" defined.</p>
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PROSECUTION OF OFFENSES UNDER POSTAL LAWS; JURISDICTION OF COURTS AND OFFICERS

§ 130.1 Courts having jurisdiction. (a) The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. (62 Stat. 826; 18 U. S. C. 3231.)

(b) The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to the postal service. (62 Stat. 932; 28 U. S. C. 1339.)

(c) The district courts shall have original jurisdiction, exclusive of the courts of the States, of any action or proceeding for the recovery or enforcement of any fine, penalty, or forfeiture, pecuniary or otherwise, incurred under any Act of Congress. (62 Stat. 934; 28 U. S. C. 1355.)

(d) All causes of action arising under the postal laws may be sued, and all offenders against the same may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of * * * prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. (R. S. 3833; 39 U. S. C. 825.)

NOTE: See § 18.33 as to jurisdiction of courts in civil cases under the postal laws.

§ 130.2 Preliminary proceedings. For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States commissioner, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or commissioner shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining to hold the prisoner for trial or to discharge him from arrest. (62 Stat. 815; 18 U. S. C. 3041.)

§ 130.3 Reports of violations of laws. Postmasters and all others in the Postal Service shall report *immediately* any violation of the postal laws, or other laws herein referred to, to the proper inspector in charge, unless otherwise specifically provided in these regulations. If the postmaster has reason to believe that a postal law violator can be arrested by speedy action he shall at once report all the facts and evidence *by telephone or telegram* to the local inspector and *by letter* to the inspector in charge of the division in which his office is located. If the local inspector is not available he shall make such report at once to the nearest United States marshal or deputy marshal *or to a responsible local officer of the law*.

NOTE: See § 25.12 as to report of robbery of post office; §§ 44.1, 44.2, and 118.1 as to reports of loss, damage, delay, wrong delivery, nondelivery, or improper handling of mail matter.

§ 130.4 Arrests for violations of postal laws. When an arrest for the alleged violation of any postal law is made at the instance of a postmaster, the prisoner shall be put in custody of the United States marshal for the proper district, or his deputy, at the earliest possible moment.

§ 130.5 Preliminary hearings. (a) Persons arrested for mail depreations or other violations of the postal laws shall be taken with reasonable promptness before a United States commissioner or district judge for examination or commitment.

(b) If examination of the accused cannot conveniently be had before a judge or commissioner of the United States, he should be taken before a justice of the peace, or some other State officer authorized to examine and hold to bail, and if such officer has any doubt as to his jurisdiction his attention shall be called to section 3041, Title 18, United States Code, (§ 130.2).

§ 130.6 Reports of arrests made by other than United States officers. When a criminal is apprehended by other than a United States marshal or deputy marshal, the United States attorney for the district in which the offense was com-

mitted shall be promptly informed of the facts, and his advice and, if necessary, his personal attention be obtained.

OFFENSES AGAINST THE GOVERNMENT AND THE REVENUES

§ 130.7 Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both. (62 Stat. 684; 18 U. S. C. 4.)

§ 130.8 Embezzlement of public moneys or other property. Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater. (62 Stat. 725; 18 U. S. C. 641.)

§ 130.9 Receiver of stolen property triable before or after principal. A person charged with receiving or concealing stolen property may be tried either before or after the trial of the principal offender. (62 Stat. 831; 18 U. S. C. 3435.)

NOTE: See § 130.8 as to receipt of stolen property.

§ 130.10 Embezzlement of money or property not otherwise punishable. Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both; but if the sum embezzled is \$100 or less, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 728; 18 U. S. C. 654.)

§ 130.11 "Principals" defined. (a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

(b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such. (62 Stat. 684; 18 U. S. C. 2.)

§ 130.12 Misappropriation of postal funds or property—(a) Unauthorized handling. Whoever, being a postmaster or Postal Service employee, loans, uses, pledges, hypothecates, or converts to his own use, or deposits in any bank, or exchanges for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner, in the execution or under color of his office, employment, or service; whether or not the same shall be the money or property of the United States; or fails or refuses to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required to do so by law or the regulations of the Post Office Department, or upon demand or order of the Postmaster General, either directly or through a duly authorized officer or agent, is guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined in a sum equal to the amount or value of the money or property embezzled or imprisoned not more than ten years, or both; but if the amount or value thereof does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

This section shall not prohibit any postmaster from depositing, under the direction of the Postmaster General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster General, for the purpose of remitting surplus funds from one post office to another. (62 Stat. 780; 18 U. S. C. 1711.)

(b) **Account as evidence of embezzlement.** Upon the trial of any indictment against any person for embezzling public money it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the General Accounting Office. (62 Stat. 836; 18 U. S. C. 3497.)

NOTE: See § 7.21 as to deposit of postal funds; § 76.13 as to deposit of money-order funds; §§ 8.8, 130.24, and 130.25 as to offenses concerning postage stamps, etc.

§ 130.13 Receipting for larger sums than are paid. Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, pays to any clerk or other employee of the United States, or of any department or agency thereof, a sum less than that provided by law, and requires such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld or imprisoned not more than two years, or both; but if the amount embezzled is \$100 or less, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 727; 18 U. S. C. 652.)

§ 130.14 Failure to render accounts. Whoever, being an officer, employee or agent of the United States or of any department or agency thereof, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 726; 18 U. S. C. 643.)

§ 130.15 Failure to account for postage due. Whoever, being a postmaster or other person engaged in the Postal Service, collects and fails to account for the postage due upon any article of mail matter which he may deliver, without having previously affixed and canceled the special stamp provided by law, or fails to affix such stamp, shall be fined not more than \$50. (62 Stat. 785; 18 U. S. C. 1727.)

§ 130.16 Failure in custody of public moneys intrusted for safe-keeping. Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank or exchanges for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 727; 18 U. S. C. 648.)

NOTE: See §§ 7.19 and 7.20 as to deposits of postal funds in banks; § 76.13 as to deposit of money-order funds in banks; § 130.18 as to penalty where bankers receive unlawful deposits.

§ 130.17 Failure to deposit as required. (a) Whoever, having money of the United States in his possession or under his control, fails

to deposit it with the Treasurer or some public depository of the United States, when required so to do by the Secretary of the Treasury or the head of any other proper department or agency or by the General Accounting Office, is guilty of embezzlement, and shall be fined in a sum equal to the amount of money embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is \$100 or less, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) This section and sections 643, 648, 650 and 653 of this title shall apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be charged as receivers or depositaries of the same. (62 Stat. 727; 18 U. S. C. 649.)

§ 130.18 Unlawful handling of public moneys—(a) By bankers and others. Whoever, not being an authorized depository of public moneys, knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law is guilty of embezzlement and shall be fined not more than the amount so embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 726; 18 U. S. C. 644.)

(b) **By disbursing officers.** Whoever, being a disbursing officer of the United States, or any department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depository, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is \$100 or less, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 728; 18 U. S. C. 653.)

NOTE: See § 130.16 as to unlawful deposits in banks; §§ 7.19 and 76.13 as to authorized deposits of postal and money-order funds.

§ 130.19 False returns—(a) By postmasters or others to increase compensation. Whoever, being a postmaster or Postal Service employee, makes a false return, statement, or account to any officer

of the United States, or makes a false entry in any record, book, or account, required by law or the rules or regulations of the Post Office Department to be kept in respect of the business or operations of any post office or other branch of the Postal Service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post office; or

Whoever, being a postmaster or employee in any post office or station thereof, for the purpose of increasing the emoluments or compensation of his office, induces, or attempts to induce, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post office—

Shall be fined not more than \$500 or imprisoned not more than two years, or both. (62 Stat. 780; 18 U. S. C. 1712.)

(b) **Falsification of records and accounts.** Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of keeping accounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (62 Stat. 795; 18 U. S. C. 2073.)

§130.20 **Destroying or mishandling of public records.** (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. (62 Stat. 795; 18 U. S. C. 2071.)

§ 130.21 False, fictitious, or fraudulent presentations—(a) Claims. Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. (62 Stat. 698; 18 U. S. C. 287.)

(b) Statements or entries generally. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. (62 Stat. 749; 18 U. S. C. 1001.)

§ 130.22 Collection of unlawful postage. Whoever, being a postmaster or other person authorized to receive the postage of mail matter, fraudulently demands or receives any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter, shall be fined not more than \$100 or imprisoned not more than six months, or both. (62 Stat. 784; 18 U. S. C. 1726.)

§ 130.23 Use of canceled stamps and stamped paper. Whoever uses or attempts to use in payment of postage, any canceled postage stamp, whether the same has been used or not, or removes, attempts to remove, or assists in removing, the canceling or defacing marks from any postage stamp, or the superscription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same, or knowingly possesses any such postage stamp, stamped envelope, or postal card, with intent to use the same or knowingly sells or offers to sell any such postage stamp, stamped envelope, or postal card, or uses or attempts to use the same in payment of postage; or

Whoever unlawfully and willfully removes from any mail matter any stamp attached thereto in payment of postage; or

Whoever knowingly uses in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose—

Shall be fined not more than \$500 or imprisoned not more than one year, or both; but if he is a person employed in the Postal Service,

he shall be fined not more than \$500 or imprisoned not more than three years, or both. (62 Stat. 783; 18 U. S. C. 1720.)

§ 130.24 Counterfeiting or forging—(a) Of postage stamps.

Whoever forges or counterfeits any postage stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving therefor; or

Whoever makes or prints, or knowingly uses or sells, or possesses with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or

Whoever makes, or knowingly uses or sells, or possesses with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or

Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, without the special authority and direction of said department; or

Whoever after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department, to receive it—

Shall be fined not more than \$500 or imprisoned not more than five years, or both. (62 Stat. 713; 18 U. S. C. 501.)

(b) Secretion or embezzlement of tools and materials for printing securities. Whoever, without authority from the United States, secretes within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put

in circulation on behalf of the United States as one of such papers, instruments, or obligations, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not—

Shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (62 Stat. 725; 18 U. S. C. 642.)

(c) Uttering of forged obligations. Whoever, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or with like intent brings into the United States or keeps in possession or conceals any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than \$5,000 or imprisoned not more than fifteen years, or both. (62 Stat. 705; 18 U. S. C. 472.)

NOTE: U. S. Code, Title 18, sec. 474, prohibits the importation of counterfeit stamps.

§ 130.25 Counterfeiting of foreign stamps. Whoever forges, or counterfeits, or knowingly utters or uses any forged or counterfeit postage stamp or revenue stamp of any foreign government, shall be fined not more than \$500 or imprisoned not more than five years, or both. (62 Stat. 713; 18 U. S. C. 502.)

The term "foreign government", as used in this title, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States. (62 Stat. 686; 18 U. S. C. 11.)

§ 130.26 Counterfeiting of postmarking stamp. Whoever forges or counterfeits any postmarking stamp, or impression thereof with intent to make it appear that such impression is a genuine postmark, or makes or knowingly uses or sells, or possesses with intent to use or sell, any forged or counterfeited postmarking stamp, die, plate, or engraving, or such impression thereof, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. (62 Stat. 713; 18 U. S. C. 503.)

§ 130.27 Counterfeiting, forging, altering, or unlawful issuing of money orders. Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department, or by any postmaster or agent thereof; or

Whoever forges or counterfeits the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or

Whoever falsely alters in any material respect, any such money order or postal note; or

Whoever, with intent to defraud, passes, utters or publishes, any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or

Whoever issues any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer, employee, or agent thereof, any sum of money whatever; or

Whoever, with intent to defraud the United States or any person, transmits or presents to any officer or employee, or at any office of the United States, any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (62 Stat. 712; 18 U. S. C. 500.)

§ 130.28 Issuance of money orders without payment. Whoever, being a postmaster or other person employed in any branch of the Postal Service, issues a money order without having previously received the money therefor, shall be fined not more than \$500. (62 Stat. 781; 18 U. S. C. 1713.)

§ 130.29 Forging, counterfeiting, or altering of bonds, bids, or records; transmission thereof. Whoever falsely makes, alters, forges, or counterfeits any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or

Whoever utters or publishes as true or possesses with intent to utter or publish as true, any such false, forged, altered, or counterfeited writing, knowing the same to be false, forged, altered, or counterfeited; or

Whoever transmits to, or presents at any office or to any officer of the United States, any such false, forged, altered, or counterfeited writing, knowing the same to be false, forged, altered, or counterfeited—

Shall be fined not more than \$1,000 or imprisoned not more than ten years, or both. (62 Stat. 711; 18 U. S. C. 494.)

§ 130.30 Imitation of United States securities or printing of advertisements thereon—(a) Prohibition and penalty. Whoever designs, engraves, prints, makes or executes, or utters, issues, distributes, circulates, or uses any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any obligation or security of the United States issued under or authorized by any Act of Congress or writes, prints, or otherwise impresses upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement whatever, shall be fined not more than \$500. (62 Stat. 706; 18 U. S. C. 475.)

(b) Definition of terms. The term "obligation or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps. (62 Stat. 685; 18 U. S. C. 8.)

(c) Penalty when with intent to defraud. Whoever, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or other security of the United States, shall be fined not more than \$5,000 or imprisoned not more than fifteen years, or both. (62 Stat. 706; 18 U. S. C. 471.)

§ 130.31 Killing or interfering with officer—(a) Killing Federal officer. Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of

the Interior, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title. (62 Stat. 756; 18 U. S. C. 1114.)

NOTE: See § 130.31 (b) (2).

(b) Interfering with officer. (1) Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (62 Stat. 688; 18 U. S. C. 111.)

(2) (i) Whoever forcibly assaults, resists, opposes, prevents, impedes, intimidates, or interferes with any person authorized to serve or execute search warrants or to make searches and seizures while engaged in the performance of his duties with regard thereto or on account of the performance of such duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both; and—

(ii) Whoever, in committing any act in violation of this section, uses any deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (62 Stat. 802; 18 U. S. C. 2231.)

§ 130.32 Conspiracy to commit offense against United States. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor. (62 Stat. 701; 18 U. S. C. 371.)

§ 130.33 Falsely pretending to be United States officer. Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (62 Stat. 742; 18 U. S. C. 912.)

§ 130.34 False representation—(a) Impersonation of Federal officer, agent, or employee. Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (62 Stat. 742; 18 U. S. C. 913.)

(b) Illegal reproduction or possession of official badges or other insignia. Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than six months, or both. (62 Stat. 731; 18 U. S. C. 701.)

§ 130.35 Illegal payment for official favor—(a) Acceptance by or offer to Member of Congress. Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or being an officer, employee, or agent of the United States, directly or indirectly takes, receives, or agrees to receive, any money or thing of value, for giving, procuring or aiding to procure to or for any person, any contract from the United States or from any officer, department or agency thereof; or

Whoever, directly or indirectly, offers, gives, or agrees to give any money or thing of value for procuring or aiding to procure, any such contract—

Shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

The President may declare void any such contract or agreement. (62 Stat. 694; 18 U. S. C. 216.)

(b) Acceptance of bribe by Member of Congress. Whoever, being a Member of, or Delegate to, Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, asks, accepts, receives, or agrees to receive, any money or thing of value, or any promise, check, order, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced on

any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law may be brought before him in his capacity as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received or imprisoned not more than three years, or both; and shall forfeit his office or place, and be disqualified from holding any office of honor, trust, or profit under the United States. (62 Stat. 692; 18 U. S. C. 205.)

§ 130.36 Acceptance by Senator, Member of Congress, or officer or clerk in employ of United States of pay for services in matters affecting United States. Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

Retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by Act of Congress. (62 Stat. 697; 18 U. S. C. 281.)

§ 130.37 Assistance by officers in prosecution of claims against United States; exception as to National Guard of District of Columbia. Whoever, being an officer or employee of the United States or any department or agency thereof, or of the Senate or House of Representatives, acts as an agent or attorney for prosecuting any claim against the United States, or aids or assists in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of

such claim, shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress. (62 Stat. 697; 18 U. S. C. 283.)

OFFENSES AGAINST PROPERTY BELONGING TO, OR IN USE BY,
THE POST OFFICE DEPARTMENT

§ 130.38 Breaking into and entering post office. Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. (62 Stat. 797; 18 U. S. C. 2115.)

NOTE: The acts making appropriations for the Postal Service for several years past have contained provisions for the payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers; and for rewards to be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest. (See Official Postal Guide.)

§ 130.39 Robbery of personal property of United States. Whoever robs another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than fifteen years. (62 Stat. 796; 18 U. S. C. 2112.)

§ 130.40 Stealing of post-office property. Whoever steals, purloins, or embezzles any property used by the Post Office Department, or appropriates any such property to his own or any other than its proper use, or conveys away any such property to the hindrance or detriment of the public service, shall be fined not more than \$1,000 or imprisoned not more than three years, or both; but if the value of such property does not exceed \$100, he shall be fined not more than \$500 or imprisoned not more than one year, or both. (62 Stat. 779; 18 U. S. C. 1707.)

§ 130.41 Stealing of United States property. Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, shall be punished as follows:

If the damage to such property exceeds the sum of \$100, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both; if the damage to such property does not exceed the sum of \$100, by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both. (62 Stat. 764; 18 U. S. C. 1361.)

NOTE: See § 130.8 as to embezzlement of public moneys or other property.

§ 130.42 Injury of mail bags or other equipment. Whoever tears, cuts, or otherwise injures any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or draws or breaks any staple or loosens any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (62 Stat. 779; 18 U. S. C. 1706.)

§ 130.43 Stealing or forging of mail locks or keys. Whoever steals, purloins, embezzles, or obtains by false pretense any key suited to any lock adopted by the Post Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or

Whoever knowingly and unlawfully makes, forges, or counterfeits any such key, or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any finished or unfinished lock or the interior part thereof, or key, used or designed for use by the department, to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer—

Shall be fined not more than \$500 or imprisoned not more than ten years, or both. (62 Stat. 778; 18 U. S. C. 1704.)

§ 130.44 Violation of mail receptacles—(a) Destruction of letter boxes or mail. Whoever, having charge or control of any conveyance destroys any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or breaks open the same, or willfully or maliciously injures, defaces, or destroys any mail deposited therein, shall be fined not more than \$1,000 or imprisoned not more than three years. (62 Stat. 779; 18 U. S. C. 1705.)

(b) Theft or receipt of stolen mail matter generally. Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstracts or removes from any

such letter, package, bag, or mail, any article or thing contained therein, or secretes, embezzles, or destroys any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or

Whoever steals, takes, or abstracts, or by fraud or deception obtains any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or

Whoever buy[s], receives, or conceals, or unlawfully has in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted—

Shall be fined not more than \$2,000 or imprisoned not more than five years, or both; but if the value or face value of any such article or thing does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 779; 18 U. S. C. 1708.)

(c) Deposit of mailable matter in letter boxes without postage.

Whoever knowingly and willfully deposits any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined not more than \$300. (62 Stat. 784; 18 U. S. C. 1725.)

§ 130.45 Special-delivery messengers deemed carriers. Every special-delivery messenger, when actually engaged in carrying or delivering letters or other mail matter under contract, directly or indirectly, with the Post Office Department, or employed by the Post Office Department, shall be deemed a carrier or person intrusted with the mail and having custody thereof within the meaning of sections 2113, 1705, 1708, and 1701 of Title 18. (Sec. 4, 32 Stat. 1176; 39 U. S. C. 174.)

§ 130.46 Unlawful entry of post-office car or vessel carrying mail. Whoever, by violence, enters a post-office car, or any part of any car, steamboat, or vessel, assigned to the use of the mail service, or willfully or maliciously assaults or interferes with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (62 Stat. 797; 18 U. S. C. 2116.)

OFFENSES AGAINST THE MAILS

§ 130.47 Detention, destruction, or embezzlement of mail by postmaster or postal employee—(a) Delay or destruction of mail.

(1) Whoever, being a postmaster or Postal Service employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or secrets [secretes], or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than \$500 or imprisoned not more than five years, or both.

(2) Whoever, being a postmaster or Postal Service employee, improperly detains, delays, or destroys any newspaper, or permits any other person to detain, delay, or destroy the same, or opens, or permits any other person to open, any mail or package of newspapers not directed to the office where he is employed; or

Whoever, without authority, opens, or destroys any mail or package of newspaper[s] not directed to him, shall be fined not more than \$100 or imprisoned not more than one year, or both. (62 Stat. 778; 18 U. S. C. 1703.)

(b) Theft of mail matter by postmaster or employee. Whoever, being a postmaster or Postal Service employee, embezzles any letter, postal card, package, bag, or mail or any article or thing contained therein intrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (62 Stat. 780; 18 U. S. C. 1709.)

§ 130.48 Theft of newspapers. Whoever, being a postmaster or Postal Service employee, takes or steals any newspaper or package of newspapers from any post office or from any person having custody thereof, shall be fined not more than \$100 or imprisoned not more than one year, or both. (62 Stat. 780; 18 U. S. C. 1710.)

NOTE: See § 130.47 (a) (2) as to detention, delay, or destruction of newspapers.

§ 130.49 Theft, secretion, embezzlement, or destruction of mail matter. Whoever takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any

letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (62 Stat. 778; 18 U. S. C. 1702.)

NOTE: See § 130.44 (b) as to theft or receipt of stolen mail matter generally.

See § 130.47 as to similar offenses by persons in Postal Service; §§ 50.24 and 130.44 as to letter boxes.

§ 130.50 Punishment of accessories after the fact. Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years. (62 Stat. 684; 18 U. S. C. 3.)

§ 130.51 Assault of mail custodian with intent to rob, and robbing of mail. Whoever assaults any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or robs any such person of mail matter, or of any money, or other property of the United States, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he wounds the person having custody of such mail, money, or other property of the United States, or puts his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years. (62 Stat. 797; 18 U. S. C. 2114.)

NOTE: See § 130.44 as to injury to letter boxes, etc.

§ 130.52 Misuse of mails—(a) To promote frauds. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose or [of], loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do,

places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Post Office Department, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. (62 Stat. 763; 18 U. S. C. 1341.)

(b) Fictitious name or address. Whoever, for the purpose of conducting, promoting, or carrying on by means of the Post Office Department of the United States, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. (62 Stat. 763; 18 U. S. C. 1342.)

NOTE: See §§ 36.7, 36.8, and 36.9 as to nonmallability of green goods and fraudulent matter; § 36.10 as to identification of persons claiming mail bearing fictitious addresses, etc.

§ 130.53 Extortion—(a) Under threat of informing or for not informing. Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined not more than \$2,000 or imprisoned not more than one year, or both. (62 Stat. 740; 18 U. S. C. 873.)

(b) Deposit of letters of threat or extortion in domestic mails—(1) Demand for ransom, or threat to kidnap or injure person, property, or reputation. Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Post Office Department or knowingly causes to be delivered by the Post Office Department according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be

fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both. (62 Stat. 741; 18 U. S. C. 876.)

(2) Place of prosecution. Any defendant indicted under sections 875, 876 or 877 of this title, with respect to communications originating in the United States, shall, upon motion duly made, be entitled as of right to be tried in the district in which the matter mailed or otherwise transmitted was first set in motion, in the mails or in commerce between the States. (62 Stat. 827; 18 U. S. C. 3239.)

(c) Deposit of letters of threat or extortion in foreign mails. Whoever knowingly deposits in any post office or authorized depository for mail matter of any foreign country any communication addressed to any person within the United States, for the purpose of having such communication delivered by the post office establishment of such foreign country to the Post Office Department of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post office establishment of such foreign country to the Post Office Department of the United States and by it delivered to the address to which it is directed in the United States, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits as aforesaid, any communication for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both. (62 Stat. 741; 18 U. S. C. 877.)

NOTE: See § 130.53 (b) (2) as to place of prosecution.

§ 130.54 Importing and transporting of obscene matter. Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly deposits with any express company or other common carrier, for carriage in interstate or foreign commerce any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of such mentioned articles, matters, or things may be obtained or made; or

Whoever knowingly takes from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (62 Stat. 768; 18 U. S. C. 1462.)

§ 130.55 Aiding of trade in obscene or subversive literature. Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or

tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than \$5,000, or by imprisonment at hard labor for not more than ten years, or both. (Sec. 305 (b), 46 Stat. 688; 19 U. S. C. 1305.)

NOTE: See § 36.2 as to obscene matter in the mails; § 130.54 as to importation of obscene matter; § 117.2 as to instructions to postmasters.

§ 130.56 Importing and handling of lottery matter. Whoever brings into the United States for the purpose of disposing of the same, or knowingly deposits with any express company or other common carrier for carriage, or carries in interstate or foreign commerce any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or knowingly takes or receives any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall be fined not more than \$1,000 or imprisoned not more than two years, or both. (62 Stat. 762; 18 U. S. C. 1301.)

OFFENSES IN CONNECTION WITH THE TRANSPORTATION OF THE MAILS

§ 130.57 Unlawful claim of vessels or vehicles to be mail carriers. It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States Mail", or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used.

Whoever violates, and every owner, receiver, lessee, or managing operator who suffers, or permits the violation of, any provision of this section, shall be fined not more than \$500 or imprisoned not more than six months, or both. (62 Stat. 785; 18 U. S. C. 1731.)

§ 130.58 Obstruction of mails generally. Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined not more than \$100 or imprisoned not more than six months, or both. (62 Stat. 778; 18 U. S. C. 1701.)

NOTE: Mail carriers are not exempt from the obligations to pay toll or ferriage.

§ 130.59 Desertion of the mail. Whoever, having taken charge of any mail, voluntarily quits or deserts the same before he has deliv-

ered it into the post office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the Postal Service authorized to receive the same, shall be fined not more than \$500 or imprisoned not more than one year, or both. (62 Stat. 778; 18 U. S. C. 1700.)

§ 130.60 Offenses against foreign mail in transit. Every foreign mail, while being transported across the territory of the United States under authority of law, is mail of the United States, and any depredation thereon, or offense in respect thereto, shall be punishable as though it were United States mail. (62 Stat. 776; 18 U. S. C. 1692.)

§ 130.61 Illegal approval of bond by postmaster. Whoever, being a postmaster, affixes his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or knowingly, or without the exercise of due diligence, approves any bond of a bidder with insufficient sureties, or knowingly makes any false or fraudulent certificate, shall be fined not more than \$5,000 or imprisoned not more than one year, or both; and shall be dismissed from office and disqualified from holding the office of postmaster. (62 Stat. 785; 18 U. S. C. 1732.)

NOTE: See § 97.15 as to bond to accompany bids for transporting the mails; § 97.16 as to swearing falsely as to responsibility of bidder.

§ 130.62 Postmaster acting as lottery agent. Whoever, being a postmaster or other person employed in the Postal Service, acts as agent for any lottery office, or under color of purchase or otherwise, vends lottery tickets, or knowingly sends by mail or delivers any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than \$100 or imprisoned not more than one year, or both. (62 Stat. 763; 18 U. S. C. 1308.)

NOTE: See §§ 36.6 and 36.7 as to lottery matter in the mails.

§ 130.63 Criminal statutes made applicable to postal-savings funds. All the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds, false returns of postal and money-order business, forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the

dies, plates, and engravings therefor, with the punishments provided for such offenses are extended and made applicable to postal savings depository business and funds and related matters. (62 Stat. 776; 18 U. S. C. 1691.)

§ 130.64 Conspiracy to prevent officer from performing duties. If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than \$5,000 or imprisoned not more than six years, or both. (62 Stat. 701; 18 U. S. C. 372.)

§ 130.65 "Postal Service" defined. The term "Postal Service," as used in this title, includes the "Post Office Department" and every employee thereof, whether or not he has taken the oath of office. (62 Stat. 686; 18 U. S. C. 12.)

NOTE: All statutes relating to offenses against the Postal Service could not properly be grouped under this title, inasmuch as many of them contained provisions relative to the civil administration of the Postal Service. These statutes will be found under their appropriate headings, as follows:

§ 135.30 Soliciting, receiving, or making assessments or subscriptions either directly or indirectly for political purposes by or from any officer or employee of the United States.

§ 135.30 (d) Discharging, promoting, degrading clerk or employee, or threatening so to do, for making or refusing to make a political contribution.

135.31 Unlawful to give or receive consideration for appointment to public office.

135.31 (b) Official accepting bribe.

4.2 Member of Congress interested in public contracts.

4.5 Postal employees interested in mail contracts.

5.6 Failure to make reports.

6.5 (c) Collusion among bidders.

8.8 Selling stamps, etc., for more or less than the lawful price chargeable therefor.

17.1 Expenditures in excess of appropriations.

18.17 Postmaster's neglect to render accounts.

18.46 Offenses for which penalty is recoverable by suit.

24.1 Conducting post office without authority.

25.13 (i) False dating of pension vouchers by fourth-class postmasters.

34.36 Submitting false evidence as to character of publication.

34.39 Failing to mark paid editorials.

35.7 Inclosing higher class in lower class matter.

35.13 Sending through the mails poisons, liquors, etc.

35.28 Failing to mark package containing plants so that contents may be ascer-

tained.

§ 36.2 Depositing to be sent by mail or receiving obscene, lewd, or lascivious books, pamphlets, pictures, papers, writings, prints, or indecent publications, or any article or thing designed or intended to prevent conception or procure abortion, or adapted for any indecent or immoral use, or any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where or how, or of whom, or by what means, such books, etc., articles, or things may be obtained.

§ 36.4 Depositing in or taking from the mails any letter or other matter bearing on its outside indecent, obscene, scurrilous, or threatening language, delineations, epithets, or terms.

36.5 Use of mails for transmission of treasonable matter.

36.6 Depositing to be sent by mail or receiving letters of circulars concerning lotteries, etc.

36.11 Depositing matter concerning procurement of divorce in foreign country.

36.12 Depositing firearms for mailing or delivery.

36.13 Dentures and prosthetic devices in the mails.

- § 37.9 Unlawful use of official or penalty envelope, label, or indorsement to avoid payment of postage or registry fee on private matter.
- 37.11 Using penalty indorsement for census matter to avoid payment of postage.
- 50.23 (f) Depositing mailable matter without postage with intent to avoid payment of postage.
- 58.12 Using registration indorsement for census matter to avoid payment of registry fee.
- 63.2 False claims for indemnity for lost registered matter.
- 91.1 Conveying mail by private express.
- 91.4 Transporting persons unlawfully conveying mail.
- 91.5 Sending letters by private express.
- 91.6 Carrying letters out of the mail over post routes.
- 91.7 Illegal carrying of mail by carriers and others.
- § 91.10 and 126.6 Carrying letters out of mail on vessels.
- 97.16 Swearing falsely as to responsibility of a surety on a bidder's bond, etc.
- 97.54 Failure of master of vessel to deliver letter.
- 125.2 Foreign vessels carrying mail, failure to deliver into post office.
- 125.4 Vessel failing to deliver letters at post office.
- 137.84 Unlawfully wearing uniform of a letter carrier.

Title Fourteen

PERSONNEL

Part
135 General
136 Departmental Service

Part
137 Field Service

PART 135—GENERAL

Sec.		Sec.	
	APPOINTMENTS		
135.1	Appointments.	135.24	Commissions of postmasters.
135.2	Payment for influence in procur- ing position.	135.25	Commissions of inspectors.
135.3	Officer or employee not to in- struct for examinations.		RESTRICTIONS ON HOLDING OTHER OFFICES
	OATHS	135.26	Receiving of more than one sal- ary forbidden.
135.4	Oath of office.	135.27	Holding of State or municipal of- fices forbidden.
135.5	Administering of oaths.		POLITICAL CONDUCT
135.6	Affidavit of no payment for as- sistance in securing appoint- ment.	135.28	Political activities.
	SURETY BONDS	135.29	Membership in subversive or- ganizations.
135.7	Surety bonds of officers and em- ployees.	135.30	Political contributions.
135.8	Sureties.		GIFTS TO SUPERIORS
135.9	Record of bonds.	135.31	Prohibition of gifts or bribes.
135.10	Priority of sureties.		TRAVEL EXPENSES
135.11	Bonds of postmasters.	135.32	Travel expenses of officers and employees.
135.12	Bonds of assistant postmasters or persons designated to act as postmasters.		MILITARY DUTY
135.13	Bonds of officers and employees in post offices.	135.33	Resumption of duties after mili- tary service.
135.14	Bonds of employees in post of- fices.	135.34	Exemption from militia duty.
135.15	Bonds of rural carriers.	135.35	Members of National Guard.
135.16	Bonds of employees at fourth- class offices.	135.36	Members of Naval Reserve and Marine Corps Reserve.
135.17	New bonds not required upon transfer; exceptions.	135.37	Members of Coast Guard Re- serve.
135.18	Bonds of letter carriers.	135.38	Members of Officers Reserve Corps.
135.19	Bonds of clerks in charge of rural or contract stations.	135.39	Employment while on military terminal leave.
135.20	Bonds of railway postal clerks.		COURT, JURY, AND ROAD DUTY; MEMBERSHIP ON CIVIL SERVICE EXAMINING BOARDS
135.21	Bonds of Navy, Coast Guard, and Marine Corps personnel.	135.40	Leave and compensation while on jury duty.
135.22	Bonds of Army mail clerks.	135.41	Exemptions from public duties.
	COMMISSIONS	135.42	Leave with pay while perform- ing certain public duties.
135.23	Commissions of officers under di- rection of Postmaster General.		

Sec.		Sec.	
	REMOVALS, SUSPENSIONS, REDUCTIONS, AND OTHER DISCIPLINARY ACTION	135.57	Reemployment of person receiving annuity.
135.43	Removals or suspensions without pay.	135.58	Application for retirement annuity.
	LETTER OF CHARGES	135.59	Commencement and duration of annuity.
135.44	Preferment of charges.	135.60	Definition of "annuitant."
135.45	Essentials of letter of charges.	135.61	Retirement payments and deductions from salary.
135.46	Type 1: Employees NOT entitled to veteran preference.	135.62	Retirement and disability fund.
135.47	Type 2: Employees ENTITLED to veteran preference.	135.63	Return of retirement deductions.
	REINSTATEMENTS	135.64	Payment of annuity upon death after five years of service.
135.48	Reinstatement under civil service rules.	135.65	Payment of retirement credit upon death before five years of service or without survivor.
	PAYMENT FOR ACCRUED ANNUAL LEAVE	135.66	Payment of retirement credit.
135.49	Lump-sum payment for accrued annual leave.	135.67	Designation of beneficiary.
135.50	Payment or credit for accrued annual leave.	135.68	Definition of terms.
	COMPENSATION IN CASE OF DISABILITY OR DEATH	135.69	Determinations and administration.
135.51	Compensation for disability or death.	135.70	Time and method of payment of annuities.
135.52	Retention of injured employee on rolls while paid under Federal Compensation Act.	135.71	Annuity moneys not assignable or attachable.
	RETIREMENT	135.72	Retirement system duties of Civil Service Commission.
135.53	Retirement.	135.73	Separation from service before eligible for retirement; deferred annuity.
135.54	Computation of annuities.	135.74	Redeposit of returned funds by person reentering service.
135.55	Disability retirement.	135.75	Deposits to retirement and disability fund.
135.56	Automatic separation.	135.76	Changes of annuity.
		135.77	Civil pension roll prohibited.

APPOINTMENTS

§ 135.1 **Appointments**—(a) **Civil service examination.** No officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the classes of employees existing on January 16, 1883, or that may thereafter exist, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. Nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by section 35 of this title, nor to take from the President any authority not inconsistent with sections 632, 633, 635, 637, 638, 640 to 642 of this title, conferred by section 631 of this title; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (Sec. 7, 22 Stat. 406; 5 U. S. C. 638.)

(b) Temporary or intermittent service of experts or consultants.

The head of any department, when authorized in an appropriation or other act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 7309, Revised Statutes, as amended by this act. (42 Stat. 1488, as amended; 5 U. S. C. 661-674.)

(c) Preference in appointments and retention of ex-servicemen and ex-servicewomen, and their wives, widows, and mothers.

In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by Acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the Department of the Army or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions; (5) widowed mothers (if they have not remarried)—

(A) of deceased ex-servicemen or ex-servicewomen who lost their lives while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or

(B) of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen,

if said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions; and (6) a mother of a deceased ex-serviceman or ex-servicewoman who lost his or her life while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or of a service-connected permanently and totally disabled ex-serviceman or ex-servicewoman, if (A) said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions, (B) the mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) the mother has not remarried. (Sec. 2, 58 Stat. 387, as amended; 5 U. S. C. 851.)

§135.2 Payment for influence in procuring position—(a) Offer or promise. Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Acceptance or solicitation. Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 694; 18 U. S. C. 214, 215.)

§135.3 Officer or employee not to instruct for examinations. No officer or employee of the Government shall, directly or indirectly, instruct or be concerned in any manner in the instruction of any person or classes of persons, with a view to their special preparation for the examinations of the United States Civil Service Commission. The fact that any officer or employee is found so engaged shall be considered sufficient cause for his removal from the service.

OATHS

§135.4 Oath of office—(a) Provision for. The oath to be taken by any person elected or appointed to any office of honor or profit * * * in the civil * * * service * * * shall be as follows:

(b) Requirement. Before entering upon the duties, and before they shall receive any salary, the Postmaster General, and all persons employed in the Postal Service, shall respectively take and subscribe before some magistrate or other competent officer authorized to administer oaths by the laws of the United States, or of any State or Territory, the following oath or affirmation. (R. S. 391, 392, 1757, as amended; 5 U. S. C. 16, 365.)

(c) Form. The oaths required to be taken by the Postmaster General and all other officers and employees of the Post Office Department and the Postal Service are combined in the following form:

I (name of appointee), do solemnly swear (or affirm) that—

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I do hereby solemnly swear (or affirm) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post offices and post roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control; and I also further swear (or affirm) that I will support the Constitution of the United States; so help me God.

I am not a Communist or Fascist. I do not advocate nor am I a member of any organization that advocates the overthrow of the Government of the United States by force or violence or other unconstitutional means or seeking by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) I will not so advocate, nor will I become a member of such organization during the period that I am an employee of the Federal Government.

I am not engaged in any strike against the Government of the United States and that I will not so engage while an employee of the Government of the United States; that I am not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, and that I will not, while a Government employee, become a member of such an organization.

I have not paid, or offered or promised to pay, any money or other thing of value to any person, firm or corporation for the use of influence to procure my appointment.

The answers contained in my Application for Federal Employment * * *, which I have reviewed, are true and correct * * *.

NOTE: See 5 U. S. C. 16 for first paragraph above, and 5 U. S. C. 365 for second paragraph. The language of third and fourth paragraphs is used to comply with sec. 301, Public Law 727, approved June 19, 1948. The language of fifth paragraph is used to comply with Revised 18 U. S. C. 214.

Mail contractors, subcontractors, carriers, mail messengers, assistant mail messengers, and other persons concerned in the transportation of the mails, except employees of railroads and steamboats, must take the special oath prescribed in the second paragraph above. Taken separately this special oath begins "I, A. B., do solemnly swear," etc. Contractors cannot receive pay until such oath is taken and filed in the Post Office Department. (See §§ 97.37 and 98.7.)

(d) Who may administer. (1) The oath of office required by section 16 of this title may be taken before any officer who is authorized either by the laws of the United States or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. (R. S. 1758; 5 U. S. C. 18.)

(2) In all cases in which, under the laws of the United States, oaths or acknowledgments might be taken or made on June 22, 1874, before any justice of the peace of any State or Territory, or in the District of Columbia, they may be also taken or made by or before any notary public duly appointed in any State, District, or Territory, or any of the United States commissioners, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace. (R. S. 1778, as amended; 5 U. S. C. 92.)

(3) (The) oath (of office) or affirmation (required by this section of the U. S. Code) may be taken before any officer, civil or military, holding a commission under the United States, and such officer is authorized to administer and certify such oath or affirmation. (R. S. 391, 392, as amended; 5 U. S. C. 365.)

NOTE: The general oath of office prescribed by 5 U. S. C. 16, which is combined in § 135.4 with the special oath required by 5 U. S. C. 365, may be taken as provided in this section. The special oath is to be taken in practically the same manner; so that the combined oath may be taken before any of the officers named in this section. Postmasters, post-office inspectors, United States judges and district attorneys, United States commissioners, United States marshals, collectors of customs and internal revenue, and all other officers, civil or military, holding commissions under the United States, may administer the oaths.

See § 18.11 as to jurat to postal accounts.

(4) The chief clerks of the several executive departments and of the various bureaus and offices thereof in Washington, District of Columbia, are authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion. (Sec. 1, 26 Stat. 371; 5 U. S. C. 19.)

(e) Renewal of oath. Civilian employees of the executive departments and independent establishments of the United States * * * who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes [5 U. S. C. 16] shall not be required to renew the said oath because of any change in status so long as their services are continuous in the department or independent establishment in which employed. * * *, unless in the opinion of the head of the department or independent establishment * * * the public interests require such renewal. (50 Stat. 640, as amended; 5 U. S. C. 17b.)

(f) No fee to be charged for administering. No officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive

any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein. (Sec. 1, 26 Stat. 371; 5 U. S. C. 20.)

(g) Filing of. The oaths of office of postmasters and acting postmasters, after execution, shall be transmitted to the First Assistant Postmaster General, Division of Postmasters, for approval, acceptance, and filing. The oaths of office of all other officers and employees, except rural carriers and Railway Mail Service employees, shall be filed in the bureau or office where employed. The oaths of rural carriers shall be transmitted to the proper rural disbursing postmaster for approval, acceptance, and filing. The oaths of Railway Mail Service employees shall be filed in their official personnel folders.

(h) All employees liable. The term "Postal Service", as used in this title, includes the "Post Office Department" and every employee thereof, whether or not he has taken the oath of office. (62 Stat. 686; 18 U. S. C. 12.)

§ 135.5 **Administering of oaths—(a) No fee to be charged for notary service; exceptions.** No officer, clerk, or employee in the executive service of the Government who is also a notary public shall charge or receive any compensation whatever for performing any notarial act for another officer, clerk, or employee in his official relation to the Government, nor charge or receive any compensation for performing a notarial act for any person during the hours of such notary's service to the Government, which hours shall include the half hour allowed each week day for luncheon, except that fourth-class postmasters and rural carriers are permitted to charge a fee for administering oaths at any time in connection with the execution of pension vouchers. (See § 25.13.)

(b) To expense accounts—(1) Administering by postmasters and assistants. Postmasters and assistant postmasters are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Sec. 8, 37 Stat. 487, as amended; 39 U. S. C. 33.)

(2) Administering by chief clerks and other designated persons. Chief clerks of the various executive departments, independent establishments, and other Government agencies, or of bureaus thereof, chiefs of field parties and any officer or employee of any executive department, independent establishment, or other Government agency, in the District of Columbia or elsewhere, who shall have been designated in writing for such purpose by the head of the department, establishment, or agency concerned, are required, empowered, and authorized,

when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Sec. 8, 37 Stat. 487, as amended; 5 U. S. C. 97.)

(c) To customs documents—(1) Who may administer. The postmaster or assistant postmaster of the United States at any post office where customs officers are not stationed is hereby authorized to administer any oaths required to be made to statements in customs documents by importers of merchandise, not exceeding \$100 in value, through the mails. (Sec. 486, 46 Stat. 725; 19 U. S. C. 1486 (b).)

(2) No fee to be charged. No compensation or fee shall be demanded or accepted for administering any oath under the provisions of this * * * [paragraph]. (Sec. 486, 46 Stat. 725; 19 U. S. C. 1486 (c).)

NOTE: See §§ 116.1 to 116.26, inclusive, as to treatment of mail matter received from foreign countries involving the customs revenue.

(d) By postmasters in Alaska—(1) Authorization. Each postmaster within the Territory of Alaska is hereby authorized and directed to administer oaths and affirmations and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within said Territory, whenever an oath, affirmation, or acknowledgment or a certificate thereof is authorized, permitted, or required by any Act or Acts of Congress, or of the Legislature of the Territory of Alaska. (Sec. 1, 53 Stat. 1219, as amended; 48 U. S. C. 35a.)

(2) Procedure and records. Each certificate of oath, affirmation, or acknowledgment executed by a postmaster within the Territory of Alaska under the authority of this Act shall be signed by the postmaster, with a designation of his title as such postmaster, shall have affixed thereto the cancellation stamp of the post office, and shall state the name of the post office and the date on which such oath or affirmation is administered or such acknowledgment is taken. Postmasters shall keep a memorandum of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property, which memorandum shall be transmitted to their successors in the office of postmaster and which shall be subject to public inspection. (Sec. 2, 53 Stat. 1219, as amended; 48 U. S. C. 35b.)

(3) **Fees.** Except as otherwise provided or required by an Act of Congress, for administering an oath or affirmation, or taking an acknowledgment, or performing any other function of a notary public within the Territory of Alaska as herein provided, the postmaster is authorized to charge and receive the fees prescribed by law for a notary public for similar services in said Territory. (Sec. 3, 53 Stat. 1219; 48 U. S. C. 35c.)

(e) **By inspectors and certain R. M. S. officers.** Post office inspectors are empowered and authorized with like force and effect as officers having a seal to administer oaths required or authorized by law or regulation promulgated thereunder in respect of any matter coming before them in the performance of their official duties and likewise oaths to accounts for travel or other expenses against the United States, but no compensation or fee shall be demanded or accepted for administering any such oaths. Chief clerks and assistant chief clerks in the Railway Mail Service are required, empowered, and authorized, when requested, to administer oaths to employees on appointment or promotion and to accounts for travel or other expenses against the United States with like force and effect as officers having a seal: *Provided*, That for such service no charge shall be made and no fee or money paid for such service shall be paid or reimbursed by the United States. (48 Stat. 963; 39 U. S. C. 704.)

NOTE: The titles of "chief clerk" and "assistant chief clerk" were changed to "district superintendent" and "assistant district superintendent" by administrative action effective November 1, 1946.

(f) **To witnesses in investigations.** Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, * * * shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation. (R. S. 183, as amended; 5 U. S. C. 93.)

§ 135.6 **Affidavit of no payment for assistance in securing appointment.** Each individual after Dec. 11, 1926, appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within 30 days after the effective date of his appointment, file with the Comptroller General of the United States an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment. No salary shall be paid to any individual required under section 21a of this title to file an affidavit

until such an affidavit has been filed. (Sec. 1, 22, 44 Stat. 918, 919, as amended; 5 U. S. C. 21a; sec. 22, 44 Stat. 919; 5 U. S. C. 21a, 21b.)

SURETY BONDS

§ 135.7 Surety bonds of officers and employees—(a) Of others than specified in law. In addition to the persons employed in the Post Office Department and the Postal Service required to give bond under specific provisions of law, the Postmaster General may, whenever he deems it to the best interests of the Government, require any other persons employed in the Post Office Department or the Postal Service to give bond to the United States in such form and with such security as he shall prescribe.

NOTE: See § 24.11 as to bonds of employees designated to sign checks.

(b) Purchasing Agent. There shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post Office Department, * * * who shall give bond to the United States in such sum as the Postmaster General may determine, * * *. (Sec. 3, 33 Stat. 440; 5 U. S. C. 366.)

(c) Superintendent of Finance. The Superintendent * * * of Finance * * * shall give bond in such amount as the Postmaster General may determine for the faithful discharge of his duties. (34 Stat. 438.)

(d) Superintendent Division of Finance and Disbursing Officer. The Superintendent Division of Finance and Disbursing Officer shall give bond in the sum of \$25,000, and the Assistant Superintendent Division of Finance and Assistant Disbursing Officer shall give bond in the sum of \$10,000.

(e) Inspectors—(1) When to be given. Whenever a post-office inspector is required to collect or disburse any public money, he shall, before entering upon such duty, give bond in such sum and form, and with such security, as the Postmaster General may approve. (R. S. 4017, 4018, as amended; 39 U. S. C. 696.)

(2) Amount. Every inspector, before he shall receive any compensation, shall give a bond in the sum of \$5,000, with sureties qualifying to double that sum, but in lieu thereof corporate bond in the sum of \$5,000 may be furnished.

(f) To be in name of United States. All bonds taken and contracts entered into by the Post Office Department shall be made to and with the United States of America. (R. S. 403; 5 U. S. C. 377.)

(g) Approval of postmasters' bonds. The bonds of all postmasters may by the direction of the Postmaster General be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster General * * * in the name of the Postmaster General. (Sec. 2, 19 Stat. 335, as amended; 39 U. S. C. 35.)

(h) Release of sureties and demand for new bond. Whenever any postmaster, clerk, carrier, or other person in the postal service, employed in the Post Office Department or elsewhere, notifies the

Postmaster General of his desire to execute a new bond, or whenever any of the sureties of such postmaster, clerk, carrier, or other person, notifies the Postmaster General of his desire to be released from such suretyship, or whenever the Postmaster General deems a new bond necessary or expedient, the execution of the new bond may be directed by the Postmaster General. When accepted by the Postmaster General the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bonds shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative. (33 Stat. 1259; 39 U. S. C. 815.)

(i) Periodic examination of bonds. Every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary. (Sec. 5, 28 Stat. 807; 6 U. S. C. 2.)

(j) Renewal of bonds. Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or that part of section 27 of Title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in said sections shall be construed to repeal or modify section 38 of Title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title. [See

§§ 135.11 (b) and 137.7.] (Sec. 5, 28 Stat. 807, as amended; 6 U. S. C. 3.)

§ 135.8 Sureties—(a) United States bonds acceptable in lieu of surety—(1) Authorization. Wherever, by the laws of the United States, or regulations made pursuant thereto, any person, firm, or corporation is required to furnish any recognizance, stipulation, bond, guarantee, or undertaking with surety or sureties, United States Liberty bonds, or other bonds of the United States, will be accepted by the Post Office Department in lieu of individual or corporate sureties in accordance with the general regulations of the Department of the Treasury set out in circular No. 154 of that department, based upon the authority of section 1126 of the revenue act approved February 26, 1926, as amended by the Act of February 4, 1935 (sec. 1320, 40 Stat. 1148, as amended; 6 U. S. C. 15).

(2) Definition. * * * "bonds or notes of the United States" shall be deemed, for the purposes of this section, to mean any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States. (Sec. 1320, 40 Stat. 1148, as amended; 6 U. S. C. 15.)

(b) Agent of surety company. No such [surety] company shall do business under the provisions of sections 6-13 of this title beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located, nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall by a written power of attorney appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State, Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under sections 6-13 of this title. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to

the company, and state such fact in his return. * * * (Sec. 2, 28 Stat. 279; 6 U. S. C. 7.)

(c) Requirements and qualifications. Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings. Such recognizance, stipulation, bond, or undertaking shall be approved by the head of department, * * * required to approve or accept the same. No officer or person having the approval of any bond shall exact that it shall be furnished by a guaranty company or by any particular guaranty company. (Sec. 1, 28 Stat. 279; 6 U. S. C. 6.)

(d) Limitation of premium—(1) Basis. Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight. The United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States. (36 Stat. 125; 6 U. S. C. 14.)

(2) Certificate required. On every bond of an officer or employee of the Postal Service accepted from any surety or bonding company there shall appear a certificate, signed by the person signing for the surety or bonding company, stating the amount of the premium per \$1,000 on said bond and the rate of premium charged by said company for a like bond during the calendar year 1908, where such bonds were issued by said company during that year. If no such bond was issued during said year, that fact shall be stated.

NOTE: See Manual of Instructions for Postal Personnel as to surety companies acceptable on bonds.

(e) Surety companies—(1) Restrictions. No company having authority under the provisions of sections 6 to 13 of the United States Code, Title 6, to do business with the United States shall be accepted as sole surety on any recognizance, stipulation, bond, or undertaking under this department the penal sum of which is greater than 10 percent of the paid-up capital and surplus of such company.

(2) Two or more companies as sureties. Two or more companies may be accepted as sureties on any recognizance, stipulation, bond, or undertaking under this department the penal sum of which does not exceed the limit herein prescribed of their aggregate paid-up capital and surplus; and in such cases each company may limit its liability, in terms, upon the face of the bond, to a definite

specified amount, such amount to be in all cases, however, within the limitations herein prescribed. In cases where the law expressly or impliedly requires or contemplates it, every such recognizance, stipulation, bond, or undertaking shall be executed by the principal and sureties jointly and severally.

(3) **Limitation to penal sum.** No company shall be accepted as surety on any recognizance, stipulation, bond, or undertaking under this department which shall execute any recognizance, stipulation, bond, or undertaking on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the penal sum of which is greater than 10 percent of the paid-up capital and surplus of such company, except under the conditions and limitations herein prescribed.

(4) **Reinsurance.** No portion of any recognizance, stipulation, bond, or undertaking shall be included in determining the limitations herein prescribed which shall have been reinsured at the time of execution and delivery of the original obligation, or within 20 days thereafter, in a company authorized to do business under the act above referred to, within the limitations herein prescribed, or in such companies and under such limitations as the Secretary of the Treasury shall have approved: Provided, that on every such recognizance, stipulation, bond, or undertaking in which the United States is interested as a party, the reinsurance agreement shall be executed simultaneously with the original obligation by a company authorized to do business under the act of August 13, 1894, as amended by the act of March 23, 1910, and shall run directly to the United States.

(5) **Status and qualifying power.** The amount of paid-up capital and surplus of every such company shall be determined by the annual and semiannual financial statements filed with the Secretary of the Treasury as herein provided. The Secretary of the Treasury will keep the other executive departments advised, from time to time, as to the status and qualifying power of the various companies under these instructions.

(6) **Waiver of limitations.** In the event that it becomes necessary to waive the limitations herein prescribed on any recognizance, stipulation, bond, or undertaking given to the United States, notice of such waiver and the manner in which the excess is required to be covered shall in each instance be immediately transmitted by letter to the head of each of the other executive departments.

(7) **Failure to meet regulations.** Failure on the part of any company to comply with the provisions of these regulations will be considered sufficient ground for refusing to accept further such company as surety on obligations under this department during the continuance of such delinquency, and in the event of persistent failure to observe the provisions of these regulations the name of any such company will be eliminated from the published list of sureties acceptable to this department.

§ 135.9 **Record of bonds.** All officials having custody of bonds in favor of the United States shall segregate and file the bonds (except postmaster's bonds), or maintain corresponding collective record thereof, in such manner as to enable them to furnish promptly, when requested, complete information as to the bonds furnished by given surety companies.

§ 135.10 **Priority of sureties.** Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond,

or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon. (R. S. 3468; 31 U. S. C. 193.)

§ 135.11 Bonds of postmasters—(a) Requirement. Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the department. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the General Accounting Office. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole. (R. S. 3834, as amended; 39 U. S. C. 34.)

(b) Liability of postmasters and sureties. * * * and every postmaster and his sureties shall be responsible under their bond for the safekeeping of the public property of the post office, and the due performance of the duties thereof, * * * until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster General; and the Postmaster General may, when the exigencies of the service require, place such office in charge of a special agent (post-office inspector) until the vacancy can be regularly filled; and when such special agent shall have taken charge of such post office, the liability of the sureties of the postmaster shall cease. (See § 135.7 (i) (j).) (R. S. 3836, as amended; 39 U. S. C. 38.)

(c) Execution of bonds. An official bond shall be executed by every person appointed postmaster or acting postmaster on a blank furnished by the First Assistant Postmaster General. The official bond shall be signed by the appointee as principal and one or more approved bonding companies or two or more individual sureties and the signatures of the principal and sureties attested by witnesses. An authorized officer shall administer the oath of justification to the individual sureties as to their financial responsibility.

(d) **Examination and filing.** After execution the official bond shall be transmitted to the First Assistant Postmaster General, Division of Postmasters, for examination and, if satisfactory, for approval, acceptance, and filing.

(e) **Record of bond in post office.** Every postmaster shall keep a record in his office of the name of the surety on his bond and the amount of the penalty of the bond. This record shall be kept in the postmaster's current account book. In two-division plan offices the record shall be kept with the files maintained in the postmaster's office.

(f) **New bonds by postmasters when required.** Postmasters shall furnish new bonds whenever deemed necessary by the First Assistant Postmaster General; also upon the death, insolvency, or other disability of one or more of the personal sureties on the postmaster's bond, or whenever any postmaster under bond with personal sureties shall have remained in office for four years from the effective date of his last official bond. (See § 135.7 (i) (j).) Postmasters shall promptly report to the department the death, insolvency, or other disability of a personal surety, and failure to do so will be deemed sufficient cause for removal.

§ 135.12 **Bonds of assistant postmasters or persons designated to act as postmasters.** The person appointed assistant postmaster at a first- or second-class office, or the person designated to perform the duties of a postmaster at first-, second-, or third-class office, shall, if he has not already done so, furnish bond on Form 1117. The bonds of all such employees shall be filed by the postmasters in their offices.

§ 135.13 **Bonds of officers and employees in post offices.** Assistant postmasters and cashiers at first-, second-, and third-class post offices, and when deemed necessary by the Postmaster General for the better protection of the interests of the Government any other employees in such offices, shall, before entering upon the duties of their office, give bond to the United States with good and approved security, and in such penalty as the Postmaster General shall prescribe, conditioned for the faithful discharge of all duties and trusts imposed upon them either by law or the rules and regulations of the Post Office Department. (Sec. 3, 30 Stat. 444; 39 U. S. C. 132.)

NOTE: Cashiers are allowed only at first-class post offices. The title of cashier was changed to superintendent of postal finance. (59 Stat. 435; 39 U. S. C. 851 ff.)

§ 135.14 **Bonds of employees in post offices—(a) Requirement.** All employees of first-, second-, and third-class post offices and regular, auxiliary, and substitute rural carriers at all offices shall furnish bonds executed to the United States in accordance with the forms prescribed by the department.

(b) **Cover all duties imposed.** The bonds given to the United States by clerks and employees in post offices under their roster designation shall apply to and cover the faithful discharge of all duties and trusts imposed upon them, and the due accounting of all moneys which may come into their possession while performing the duties of any other clerk or employee or of any position under any other roster designation or classification whatever.

(c) **Amount.** The amount of bond in each instance shall be fixed by the postmaster, based according to financial responsibility upon the amount as fixed by the department in the schedule printed in the Manual of Instructions for Postal Personnel. If at any time the financial responsibility of an employee is increased, postmasters shall see to it that the amount of bond is correspondingly in-

creased. Postmasters shall require all such bonds to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; to examine the sufficiency of the amount thereof and approve or fix said amount at least once in two years and oftener as they may deem it necessary. When the financial responsibility of the employee is increased, the postmaster shall require such employee to furnish a bond in an ample amount consistent with the financial responsibility or trust imposed on the employee. (See § 135.7 (h) (i) (j).)

(d) **Negotiation of premium rates by postmaster.** Postmasters may represent the employees of their offices in negotiating premium rates with surety companies, but shall not solicit or accept commissions from such companies, nor seek to compel their clerks to do business with any particular company.

(e) **Acceptance.** Bonds of assistant postmasters at first-, and second-class offices and other employees at first-, second-, and third-class offices (except rural carriers) shall be accepted by the postmaster for and on behalf of the Postmaster General.

§ 135.15 **Bonds of rural carriers—(a) Acceptance and filing.** The bonds of regular, auxiliary, temporary, and substitute rural carriers shall be accepted by the rural delivery disbursing postmaster. After approval of a bond postmasters shall require the name of the surety and bonding company and amount of surety thereunder to be entered on each employee's roster card. All bonds shall be filed in alphabetical order and in a place safe from the destruction by fire and protected from unauthorized access or withdrawal.

(b) **Sureties.** Bonds of rural carriers to be acceptable shall be signed by two personal sureties, each of whom is worth the sum of \$500 in property over and above his debts and personal liabilities, or by an indemnity company that is authorized to qualify as sole surety on an official bond.

(c) **When surety removes from locality.** When a person who has qualified as surety on a bond of a rural carrier dies, removes from the locality of the route, or becomes insolvent, the postmaster shall at once notify the disbursing postmaster.

(d) **New bonds.** The execution of new bonds for regular, auxiliary, temporary, or substitute rural carriers may be required by the Postmaster General whenever it is deemed necessary or expedient.

§ 135.16 **Bonds of employees at fourth-class offices.** Persons designated assistant postmasters and clerks at fourth-class post offices shall not be required to furnish bond to the United States, but such clerks and designated persons at fourth-class post offices may be required to give bond in favor of the postmaster if he so desires. Postmasters will be held responsible for any losses of money, stamps, registered mail, or other valuable matter chargeable to an unbonded employee, regardless of the class of the office.

NOTE: The taking of bonds by the United States directly from assistant postmasters and clerks in post offices does not in anywise affect the liability of postmasters upon their official bonds for the proper discharge of all the duties of their office and the due accounting for all public funds which may be in, or come into, their custody as postmaster; and postmasters and their sureties are responsible on their official bonds to the same extent as theretofore for the defaults and defalcations of their subordinates. The bonds taken from assistants and clerks in post offices are simply additional security of which the United States may avail itself in case of loss.

Money received by a clerk in a post office is, in contemplation of law, received into the official-custody of the postmaster; and the fact that such money is embezzled by the clerk does not constitute a defense to an action to recover. (Bryan v. U. S., 90 Fed. Rep. 473, 474, citing opinions of the United States Supreme Court; and Pond v. U. S., 111 Fed. Rep. 992).

§ 135.17 **New bonds not required upon transfer; exceptions.** Employees of the motor-vehicle service, when transferred from one post office to another, will not

be required to furnish new bonds if the bonds covering them are executed on Form 1117, as this form covers an employee in any post office to which he may be transferred. The bonds should be forwarded promptly to the postmaster at which office the employee has been assigned. Substitutes promoted to a regular position or transferred to another position in the post office, need not file new bonds unless, in the opinion of the postmaster, the increased responsibility of the employee demands that a new bond shall be furnished.

§ 135.18 Bonds of letter carriers. Every letter carrier shall give bonds, with sureties, to be approved by the Postmaster General, for the safe custody and delivery of all mail matter, and the faithful account and payment of all money received by him. (R. S. 3870; 39 U. S. C. 157.)

§ 135.19 Bonds of clerks in charge of rural or contract stations. Clerks in charge of rural stations and clerks in charge of contract stations shall furnish bonds in a designated sum.

§ 135.20 Bonds of railway postal clerks—(a) When required. Railway postal clerks, except those who are assigned to clerical duties in which they do not have access to the mails, shall give bond to the United States in the sum of \$1,000 each, with good and approved security and in such form as may be prescribed by the Department. Each clerk shall pay the premium on his bond promptly when due. Bonds shall be filed with the Second Assistant Postmaster General, Surface Postal Transport.

(b) When collection made on bond. When a collection is made on the bond of a railway postal clerk, such clerk shall, if he remains in the service, furnish a new bond effective from the date collection was made on the old bond.

§ 135.21 Bonds of Navy, Coast Guard, and Marine Corps personnel—(a) Conditions. Every Navy mail clerk and assistant Navy mail clerk and every Coast Guard mail clerk and assistant Coast Guard mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk: *Provided*, That the Secretary of the Navy may waive the giving of bond in cases of Navy mail clerks and assistant Navy mail clerks. Navy mail clerks and assistant Navy mail clerks whose bonds are so waived shall not be entitled to the extra compensation otherwise authorized to be paid them by law. The Post Office Department shall be reimbursed annually by the Navy Department in an amount equal to funds embezzled by unbonded Navy mail clerks, assistant Navy mail clerks, and commissioned officers of the Navy and Marine Corps, and funds expended in payment of claims arising from errors, losses, or defalcations by unbonded Navy mail clerks, assistant Navy mail clerks, and commissioned officers of the Navy and Marine Corps: *Provided further*, That "commissioned officers of the Navy and Marine Corps" as used in the foregoing provision shall be construed to mean only those commissioned officers of the Navy and Marine Corps who have been designated custodians of postal

effects by the commanding officer. (Sec. 3, 37 Stat. 554, as amended; 39 U. S. C. 135.)

(b) **Acceptance by Postmaster General.** No Navy mail clerk or assistant Navy mail clerk, and no Coast Guard mail clerk or assistant Coast Guard mail clerk, shall be deemed to be fully qualified until his oath and bond have been executed, and accepted by the Postmaster General, and his designation is in effect.

§135.22 **Bonds of Army mail clerks.** * * * Each Army mail clerk and assistant Army mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall give bond to the United States in such sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such mail clerk, * * *. (55 Stat. 656; 39 U. S. C. 138.)

COMMISSIONS

§135.23 **Commissions of officers under direction of Postmaster General.** The commissions of all officers under the direction and control of * * * the Postmaster General * * * shall be made out and recorded in the * * * (Post Office Department) under which they are to serve, and the department seal affixed thereto, any laws to the contrary notwithstanding: * * *. (Sec. 14, 18 Stat. 420, as amended; 5 U. S. C. 11.)

§135.24 **Commissions of postmasters—(a) Issuance before duties assumed.** A commission shall be issued to every person appointed postmaster upon the filing and acceptance of his bond and oath of office. The duties of the office shall not be assumed by the person appointed until after he has received his commission or notice that the commission has been issued.

(b) **Former postmaster to continue until successor takes charge.** After a new postmaster has been commissioned the old postmaster shall continue to be recognized as such, and his requisitions shall be honored until his successor has actually taken possession of the office.

(c) **Transfer of office and records upon presentation.** The postmaster shall transfer the post office and all records, supplies, and other Government property in his custody to his successor upon presentation of his commission, or notice that the commission has been issued, or at such time thereafter as may suit the convenience of the new postmaster. (§§ 7.27, 7.28, 18.19, 18.27, and 76.28.)

§135.25 **Commissions of inspectors.** Inspectors shall exhibit as evidence of their authority the commission issued by the Postmaster General. At the end of each calendar year, or in the event of death, resignation, or removal, the commissions issued to inspectors or to other field inspection personnel shall be transmitted to the inspector in charge of the division to which they are assigned. Commissions issued to all other officers in the service shall be returned through official channels to the Chief Inspector at the end of each calendar year, or in the event of the death, resignation, or removal of the holder. The Chief Inspector and the inspectors in charge shall arrange in their offices to check the returned commissions with the list of those issued and cancel such commissions.

RESTRICTIONS ON HOLDING OTHER OFFICES

§ 135.26 Receiving of more than one salary forbidden. Unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia. (R. S. 1763 and sec. 6, 39 Stat. 120, as amended; 5 U. S. C. 58, 59.)

§ 135.27 Holding of State or municipal offices forbidden—(a) Limitations. No person holding a classified or unclassified position under the Post Office Department shall be a candidate for or accept or hold any office in any State, Territorial, county, or municipal government, with or without pay or compensation, except as hereinafter specified:

(b) **Excepting certain types of positions.** An employee of the Post Office Department may be a member of or hold a commission in the National Guard; he may serve as a notary public, as a member of a volunteer fire department, as a member of a school committee, board of education, public library, or religious or eleemosynary institution, incorporated or established or sustained by State or municipal authority, provided the duties of the position do not involve any political activity. Service in any of the above-mentioned capacities will not be permitted if it interferes with the regular and efficient discharge by the employee of the duties of his Federal position or office.

(c) **The Hatch Act.** The permission to hold local offices is now subject to the general prohibition of section 9 of the Act of August 2, 1939 (18 U. S. C. 1940 ed. 61h, known as the Hatch Act), as amended (18 U. S. C. 1940 ed. 61r), against the participation in political management and in political campaigns by Federal employees. If the acceptance or holding of any local office whatever involves participation in political management or in political campaigns, its incumbency by a Federal employee is prohibited. There is no prohibition to activity which is confined to elections of strictly local character, the issues of which, and the personalities of the candidates as such, being divorced entirely from State and National political parties. Questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party.

POLITICAL CONDUCT

§ 135.28 Political activities—(a) Use of position for political purposes forbidden. No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express their opinions on all political subjects, shall take no active part in political management or in political campaigns. (E. O. 8705, March 5, 1941; 6 F. R. 1313.)

(b) **Political privileges not to be restricted.** Officers and employees of the Post Office Department and Postal Service shall not be precluded from exercising their political privileges, but shall not use their official positions to control elections or political movements.

§ 135.29 **Membership in subversive organizations—(a) Prohibited.** It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States. (Sec. 9A (1), 53 Stat. 1148.)

(b) **Removal because of.** Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person. (Sec. 9A (2), 53 Stat. 1148.)

§ 135.30 **Political contributions—(a) By Government officer or employee prohibited.** Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both. (62 Stat. 722; 18 U. S. C. 602.)

(b) **Place of solicitation.** Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose from any such person, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. (62 Stat. 722; 18 U. S. C. 603.)

(c) **Making political contributions.** Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not

more than \$5,000 or imprisoned not more than three years, or both. (62 Stat. 722; 18 U. S. C. 607.)

(d) Intimidation to secure political contributions. Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both. (62 Stat. 722; 18 U. S. C. 606.)

GIFTS TO SUPERIORS

§ 135.31 Prohibition of gifts or bribes—(a) Gifts to superiors. No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R. S. 1784; 5 U. S. C. 113.)

(b) Bribes. Whoever, being an officer or employee of, or person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or agency thereof, or an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, asks, accepts, or receives any money, or any check, order, contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of such money or value of such thing or imprisoned not more than three years, or both; and shall forfeit his office or place and be disqualified from holding any office of honor, trust, or profit under the United States.

This section shall not apply to violations of section 213 of this title. (62 Stat. 691; 18 U. S. C. 202.)

TRAVEL EXPENSES

§ 135.32 Travel expenses of officers and employees—(a) Citations. Sections 821 to 833 of this title may be cited as the "Subsistence Expense Act of 1926."

(b) Definitions of terms. When used in sections 821 to 833 of this title—

The term "departments and establishments" means any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

The term "actual expenses" means the actual amounts necessarily expended by the traveler for subsistence and itemized in accounts for reimbursement.

The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses. (Sec. 2, 44 Stat. 689; 5 U. S. C. 821, 822.)

(c) Per diem allowance for subsistence—(1) Amount. Civilian officers and employees of the departments and establishments, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the head of the department or establishment concerned, not to exceed the rate of \$6 within the limits of continental United States, and not to exceed an average of \$7 beyond the limits of continental United States. (Sec. 3, 44 Stat. 689, as amended; 5 U. S. C. 823.)

(2) Authority for fixing and payment. The fixing and payment, under section 823 of this title, of per diem allowance, or portions thereof, shall be in accordance with regulations which shall be promulgated by the heads of departments and establishments and which shall be standardized as far as practicable and shall not be effective until approved by the President of the United States. (Sec. 7, 44 Stat. 689, as amended; 5 U. S. C. 827.)

(d) Advance of funds for travel expenses—(1) Authorization. The heads of departments and establishments, under regulations which shall be prescribed by the Secretary of the Treasury for the protection of the United States, may advance through the proper disbursing officers from applicable appropriations to any person entitled to actual expenses or per diem allowance under sections 821 to 833 of this title such sums as may be deemed advisable considering the character and

probable duration of the travel to be performed. Any sums so advanced shall be recovered from the person to whom advanced, or his estate, by deduction from any amount due from the United States or by such other legal method of recovery as may be necessary. (Sec. 8, 44 Stat. 689; 5 U. S. C. 828.)

(2) **Requisitions for.** Advances of funds to meet necessary traveling expenses of officers, clerks, and employees of the Post Office Department traveling on the business of the department may be made by the Third Assistant Postmaster General on requisition approved by the head of the bureau having administration of the appropriation applicable. Employees not under bond shall give a bond to indemnify the United States against loss.

(e) **Exceptions—(1) Certain statutory provisions.** All laws or parts of laws which are inconsistent with or in conflict with the provisions of sections 821 to 833 of this title, except such laws or parts of law as specially fix or now permit rates higher than the maximum rates established in said sections, are hereby repealed or modified only to the extent of such inconsistency or conflict. (Sec. 9, 44 Stat. 689; 5 U. S. C. 829.)

(2) **Presidential travel.** Sections 821 to 833 of this title shall not be construed to modify or repeal section 43 of Title 3 providing for the traveling expenses of the President of the United States or any Acts specifically fixing or permitting mileage rates for travel and/or subsistence expenses. (Sec. 10, 44 Stat. 689; 5 U. S. C. 830.)

(3) **Railway postal clerks.** Sections 821 to 833 of this title shall not be construed to modify or repeal the per diem travel allowances granted railway postal clerks, acting railway postal clerks, and substitute railway postal clerks in section 633 of Title 39. (Sec. 11, 44 Stat. 690; 5 U. S. C. 831.)

(f) **Allowance for use of private vehicles; tolls.** Civilian officers or employees or others rendering service to the Government shall, under regulations prescribed by the President, and unless otherwise provided in the appropriation concerned or other law, and whenever such mode of transportation is authorized or approved as more advantageous to the Government, be paid in lieu of actual expenses of transportation not to exceed 2 cents per mile for the use of privately-owned motorcycles or 5 cents per mile for the use of privately-owned automobiles or airplanes when engaged in necessary travel on official trips from their designated posts of duty or places of service, or 2 cents per mile for the use of privately-owned motorcycles or 4 cents per mile for the use of privately-owned automobiles when used on official business wholly within the limits of their official stations or places of service. In addition to the mileage allowances provided for in this section, there may be allowed reimbursement for the actual cost of

ferry fares and bridge, road, and tunnel tolls. (46 Stat. 1103, as amended; 5 U. S. C. 73a.)

(g) Persons employed intermittently as consultants or experts. Persons in the Government service employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence while at place of such employment, in accordance with the Standardized Government Travel Regulations, sections 73a, 821-823 and 827-833 of this title, and persons serving without compensation or at \$1 per annum may be allowed, while away from their homes or regular places of business, transportation in accordance with said regulations and said Act of February 14, 1931, as so amended, and not to exceed \$10 per diem in lieu of subsistence en route and at place of such service or employment unless a higher rate is specifically provided in an appropriation or other Act. (Sec. 5, 60 Stat. 808; 5 U. S. C. 37b-2.)

(h) Restricted to lowest first-class rate. Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security. (Sec. 10, 47 Stat. 1516, as amended; 5 U. S. C. 73b.)

(i) Per diem for personnel holding travel commissions. Any officer, clerk, or employee of the Post Office Department, holding a permanent travel commission issued by the Postmaster General, traveling on the business of the Department shall be allowed, in lieu of subsistence, a per diem allowance of \$6 within the limits of continental United States, and \$7 beyond the limits of continental United States, which shall be paid out of the appropriation for the service for which said travel is performed.

(j) Witnesses for Government—(1) Authorization. When any officer or employee of the United States is summoned as a witness for the Government, his necessary expenses incident to travel by common carrier, and if travel is made by privately owned automobile, mileage at a rate not to exceed 5 cents per mile, together with a per diem allowance not to exceed \$6 in lieu of subsistence under such regulations as may be prescribed by the Attorney General, shall, when sworn to, be paid by the United States marshal upon certificate of the United States

attorney, assistant United States attorney, or United States commissioner, but no other mileage or compensation in addition to his salary shall in any case be allowed. Whenever any such officer or employee of the United States performs travel in order to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, his travel expenses and per diem allowance in lieu of subsistence in connection therewith shall be payable from the appropriation otherwise available for the travel expenses of such officer or employee, such payment to be made by the disbursing officer charged with the disbursement of funds under that appropriation after proper certification by a certifying officer of the department or agency concerned. (R. S. 850, as amended; 28 U. S. C. 604.)

(2) **Submission of voucher.** Whenever an employee of the Post Office Department or of the Postal Service not holding a travel commission issued by the Postmaster General complies with a subpoena requiring travel to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, he should transmit to the bureau of the Department having jurisdiction over the service in which he is employed Standard Form No. 1012 (VOUCHER FOR PER DIEM AND/OR REIMBURSEMENT OF EXPENSES INCIDENT TO OFFICIAL TRAVEL), which should be accompanied by subpoena and court attendance certificate, for his travel expenses and subsistence in connection therewith.

(3) **Issuance of travel order.** Upon receipt of the completed official travel voucher in proper form the bureau of the department having jurisdiction over the service to which the employee is assigned will cause to be issued an official travel order authorizing the travel expenses and per diem at the rate of \$6 per day in lieu of subsistence. Such travelers are authorized to use a privately owned conveyance and to receive compensation therefor at not to exceed 5 cents per mile in those instances where the use of such conveyance is necessary in order to report at court at the time ordered in the subpoena, or where such use otherwise will be more economical and advantageous to the United States. As the economy and advantage to result from the use of a privately owned conveyance may not be determined in advance as required by law, a showing of the necessity for the use of such conveyance in order to report at court at the time ordered in the subpoena or that such use otherwise is more economical and advantageous to the United States should be attached to the travel voucher.

(4) **Attendance at departmental hearings.** Whenever a department is authorized by law to hold hearings and to subpoena witnesses for appearance at said hearings, witnesses summoned to and attending such hearings shall be entitled to the same fees and mileage, or expenses in the case of Government officers and employees, as provided by law for witnesses attending in the United States courts. (Sec. 10, 60 Stat. 809; 5 U. S. C. 95a.)

(k) **Standardized Government Travel Regulations.** The Standardized Government Travel Regulations, as amended March 7, 1941, and approved by the

President, issued for the guidance of civilian officials and employees of the several departments and establishments, including their field services, except the Postal Service, while traveling on official business of the Government, are hereby made applicable to the Postal Establishment effective July 1, 1941, except paragraphs 5, 13 (note), 15 (note), 17 to 37, inclusive (note), and 83 (b), which are amended as follows:

I. AUTHORITY FOR TRAVEL

5. *Form of authority.*—All travel shall be either authorized or approved in writing by the Postmaster General or by an official to whom such authority has been properly delegated, *except that no travel order shall be required where the travel is performed by holders of permanent travel commissions issued by the Postmaster General.*

II. TRANSPORTATION

13. *Accommodations on trains and steamers.*—

NOTE.—*Holders of travel commissions issued by the Postmaster General will secure such accommodations by cash payments without surcharge and will be reimbursed for the amount so expended.*

15. *Extra fare trains.*—

NOTE.—*This regulation does not apply to holders of travel commissions issued by the Postmaster General.*

III. TRANSPORTATION REQUESTS

17 to 37, inclusive.

NOTE.—*These regulations are not applicable to holders of travel commissions issued by the Postmaster General, except that when cash payment for airplane or steamship fares is impracticable because of the amount involved, the use of transportation requests may be authorized.*

XII. EXPENSE ACCOUNTS

83. *Expense accounts.*—

(b) Every expense account must be supported where practicable by a copy of the travel authorization, or, if travel authorization has been filed or attached to previous expense account, proper reference thereto should be made, *except in those cases specified in paragraph 5, in which no travel order is required.*

NOTE: These regulations do not apply to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks.

(1) **Railway Mail Service—(1) Provisions.** The Superintendent and the Assistant General Superintendent and Chief Clerk of the Railway Mail Service shall be paid their necessary and actual expenses while traveling on the business of the department. (Sec. 1, 21 Stat. 374, as amended; 39 U. S. C. 601.)

NOTE: The titles mentioned above are no longer used in the Post Office Department. The principal administrative officers in the Department having jurisdiction over the Railway Mail Service are the Second Assistant Postmaster General, the Deputy Second Assistant in Charge of Surface Postal Transport, the Director of Transportation, and the Director, Divisions of Personnel and Facilities.

(2) Supervisors. Supervisory employees of the Railway Mail Service shall be paid their actual expenses as fixed by law. (Sec. 2, 43 Stat. 1055; 39 U. S. C. 604.)

NOTE: This section relates to expenses incurred while traveling under special orders and not to the expenses of railway postal clerks while engaged on their runs.

(3) Per diem allowance. The officers and supervisory employees of the Railway Mail Service and railway postal clerks, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem at the rate of \$6.00 within the limits of the continental United States and an average of \$7.00 beyond the limits of the continental United States, unless otherwise provided. (See Act of June 30, 1932, 47 Stat. 382.)

NOTE: See § 137.65 as to allowances in lieu of actual expenses to railway postal clerks and substitute railway postal clerks assigned to road duty.

(m) Restrictions on travel expenses. Except as otherwise provided by law, only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States * * *. All allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this section. (Sec. 1, 18 Stat. 452; 5 U. S. C. 73.)

(n) When officer or employee transferred—(1) Transportation of self and family and personal effects. Under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided in this section, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with section 73a of this title) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under section 828 of this title: * * * *Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State)

shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred. * * * (Sec. 1, 60 Stat. 806; 5 U. S. C. 73b-1.)

(2) **Reimbursement on commuted basis.** * * * In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President. * * * (Sec. 1, 60 Stat. 806; 5 U. S. C. 73b-1.)

(3) **Availability of funds.** * * * Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of things shall also be available for the transportation of household goods and effects, as authorized by this * * * [section]. (Sec. 1, 60 Stat. 806; 5 U. S. C. 73b-1.)

NOTE: See Executive Order 9805, dated November 25, 1946 (11 F. R. 13823), as to regulations governing payment of travel and transportation expenses of civilian officers and employees of the United States when transferred from one official station to another for permanent duty.

By a specific provision in the act, the effective date of section 2, Public Law 600, approved August 2, 1946, is November 1, 1946. This section specifically repeals " * * * other acts relating to allowances to civilian officers and employees in the executive branch of the Government * * * on transfer from one official station to another for permanent duty."

MILITARY DUTY

§135.33 **Resumption of duties after military service.** Any postal employee who has entered or shall enter the military service of the United States shall, upon being honorably discharged therefrom, be permitted to resume the position in the postal department which he left to enter such military service. * * * (Sec. 1, 39 Stat. 413, as amended; 39 U. S. C. 818.)

NOTE: Section 8 of the Selective Training and Service Act of 1940 (50 Appendix, U. S. C. 308) as amended (58 Stat. 798; 50 Appendix, U. S. C. 308) provides, in part, that any person in the employ of the United States Government who is inducted into the land or naval forces, and who—

(a) satisfactorily completes his period of training and service,

(b) receives a certificate to that effect,

(c) is still qualified to perform the duties of his former position, and

(d) makes application for reemployment within . . . 90 days after being relieved from such training and service or from hospitalization continuing after discharge for a period of not more than 1 year,

shall be restored to such position or to a position of like seniority, status, and pay; and that he shall be considered as having been on furlough or leave of absence during the period of training and service, and shall not be discharged from such position without cause within 1 year after such restoration.

Section 3 of the Army Reserve and Retired Personnel Service Law of 1940 (50 Appendix, U. S. C. 403) as amended (50 U. S. C. 403; Section 2, 58 Stat. 799) carries identical provisions with respect to reemployment benefits of members of units of reserve components and retired personnel of the Regular Army ordered into active military service.

Section 9 of the Selective Service Act of 1948 (Public Law 759, approved June 24, 1948), carries provisions identical to section 8 of the Selective Training and Service Act of 1940 with respect to reemployment benefits of persons inducted into the armed forces, with the exception that the following benefits have been added:

(1) If the employee is not qualified to perform the duties of his former position by reason of disability sustained during service with the armed forces, but is qualified to perform the duties of any other position "in the employ of the employer," he shall "be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case"; and

(2) It is declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of the law should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

The joint resolution of Congress approved August 18, 1941 (50 U. S. C. 357), provides in part that any person who shall have entered upon active military or naval service subsequent to May 1, 1940, and prior to the termination of the President's authority to extend the periods of such active service, is entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended, to the same extent as in the case of persons inducted under that act, and without regard to whether the position he held shall have been covered into the classified civil service during the period of his military or naval service.

Sections 1 and 2 of the Act of June 23, 1943 (50 U. S. C. 1471, 1472), carries almost identical provisions with respect to reemployment benefits of employees entering the merchant marine service, except that such employees must make application for reemployment within 40 days after completion of such service.

§ 135.34 Exemption from militia duty. * * * persons employed by the United States in the transmission of the mail * * * shall be exempt from militia duty * * *. (Sec. 59, 39 Stat. 197; 32 U. S. C. 3.)

§ 135.35 Members of National Guard—(a) Leave for parades and encampments. All officers and employees of the United States and of the District of Columbia who are members of the National Guard [of the District of Columbia] shall be entitled to leave of absence from their respective duties without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this title. This section shall be construed as covering all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general. (Sec. 49, 25 Stat. 779; 32 Stat. 615; 35 Stat. 634; 39 D. C. Code 608.)

NOTE: The Comptroller General has held (19 Comp. Gen. 687, 690) that this paragraph is "limited to active military duty to which members of the District of Columbia National Guard clearly may be ordered to perform in the District of Columbia by the commanding general." (Also see 2 Comp. Gen. 1, 54.)

(b) Leave for training periods. All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating on all days during which they shall be engaged in field or coast-defense training ordered or authorized, under the provisions of this title, for periods not to exceed fifteen days in any one calendar year: *Provided*, That all members of the National Guard who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty,

be restored to the positions held by them when ordered to duty: *And provided further*, That no existing law shall be construed to prevent any member of the National Guard from accepting employment in any civil branch of the public service nor from receiving the pay incident to such employment in addition to any pay and allowances to which he may be entitled under the provisions of law relating to the National Guard, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. (Sec. 80, 39 Stat. 203, as amended; 32 U. S. C. 75.)

§ 135.36 Members of Naval Reserve and Marine Corps Reserve—(a) Leave for training periods. All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve [also Marine Corps Reserve] shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating, on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on training duty for periods not to exceed 15 days in any one calendar year.

(b) When ordered to duty. All members of the Naval Reserve [and Marine Corps Reserve] who are in the employ of the United States Government or of the District of Columbia, and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (Secs. 2 and 9, 52 Stat. 1175, 1177, as amended; 34 U. S. C. 853a, 853g.)

§ 135.37 Members of Coast Guard Reserve. Officers and employees of the United States or the District of Columbia who may become members of the [Coast Guard] Reserve shall be entitled to the same leave of absence with pay while on training duty and, except as otherwise provided by this chapter, to all other benefits which are now or hereafter may be applicable by law to officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve. (Sec. 213, 55 Stat. 13; 14 U. S. C. 313.)

NOTE: By specific provision in Public Law 153, approved July 1, 1947, the words "officers and employees of the United States or of the District of Columbia" as used in §§ 135.35 to 135.38, inclusive, "shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite without regard to classification or terminology peculiar to the Federal Civil Service System."

§ 135.38 Members of Officers Reserve Corps—(a) Leave for training periods. All officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps or the Enlisted Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty

with troops or at field exercises or for instruction, for periods not to exceed 15 days in any one calendar year; and when relieved from duty they shall be restored to the positions held by them when ordered to duty. (40 Stat. 72, as amended; 10 U. S. C. 371.)

NOTE: See 1 Comp. Gen. 544; 2 Comp. Gen. 29.

(b) When ordered to duty. Members of the Officers' Reserve Corps or the Enlisted Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall when relieved from duty be restored to the positions held by them when ordered to duty. (40 Stat. 72, as amended; 10 U. S. C. 371.)

(c) Civilian employment not to be restricted. No existing law shall be construed to prevent any member of the Officers' Reserve Corps or the Enlisted Reserve Corps from accepting employment in any civil branch of the public service nor from receiving the pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Officers' Reserve Corps and Enlisted Reserve Corps, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. (40 Stat. 72, as amended; 10 U. S. C. 1946 ed., Supp. I, 371b.)

NOTE: See note following § 135.37.

§ 135.39 Employment while on military terminal leave—(a) Authorization for pay. Any person, who, subsequent to May 1, 1940, shall have performed active service in the armed forces, may, while on terminal leave pending separation from or release from active duty in such service under honorable conditions, enter or reenter employment of the Government of the United States, * * * and, in addition to compensation for such employment, shall be entitled to receive pay and allowances from the armed forces for the unexpired portion of such terminal leave at the same rates and to the same extent as if he had not entered or reentered such employment.

(b) Lump-sum payment—(1) On previous account. Any such person who, prior to the date of enactment of this section, entered or reentered such employment without having used all accumulated and current accrued leave to which he would have been entitled as a result of such service had he not entered or reentered such employment, shall, upon application therefor filed with the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, or the Federal Security Administrator, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he would have been entitled while on terminal leave for the unused portion of such

accumulated and current accrued leave had he not entered or reentered such employment.

(2) On subsequent account. Any such person who, while on terminal leave from the armed forces, performed or shall hereafter perform services for the Government of the United States, * * * for which he would have been entitled to be paid had he regularly become employed or reemployed in a civilian position prior to performing such service, and had he not been receiving pay and allowances from the armed forces for the period during which such services were performed, shall, if he has not otherwise been compensated for such services, be entitled, upon application therefor filed with the General Accounting Office, * * * to be paid a lump sum equal in amount to the compensation he would have received for such services had he been regularly employed or reemployed and had he not been receiving pay and allowances from the armed forces.

(3) Prior waiver not to obstruct payment. No waiver effectuated prior to the date of enactment of this section of any right to receive any payment to which a person would otherwise be entitled under this section shall operate to deny such person entitlement to such payment.

(c) Definition of "armed forces." As used in this section, the term "armed forces" includes the Army, Navy, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey, and their respective components. (Sec. 2, 59 Stat. 584; 5 U. S. C. 61a.)

COURT, JURY, AND ROAD DUTY; MEMBERSHIP ON CIVIL SERVICE EXAMINING
BOARDS

§ 135.40 Leave and compensation while on jury duty—(a) Provisions. The compensation of any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States shall not be diminished during the term of such jury service by reason of such absence, except as provided in section 30p of this title, nor shall such period of service be deducted from the time allowed for any leave of absence authorized by law. (Sec. 1, 54 Stat. 689; 5 U. S. C. 30n.)

(b) May not receive compensation from U. S. courts. Any employee specified in section 30n of this title who may be called upon for jury service in any court of the United States shall not receive any compensation for such service. (Sec. 2, 54 Stat. 689; 5 U. S. C. 30o.)

(c) Compensation from State courts credited against salary. There shall be credited against the amount of compensation payable by the United States to any employee specified in section 30n of this

title for such period as such employee may be absent on account of jury service in the court of any State any amounts which such employee may receive from such State on account of such jury service. (Sec. 3, 54 Stat. 689; 5 U. S. C. 30p.)

§135.41 Exemptions from public duties—(a) Postmasters and employees. Postmasters and other employees of the Postal Service are not exempt by reason of their employment from jury or road duty, or from any other obligation as citizens arising under the laws of any State or municipality.

(b) Rural carriers and rural-station clerks. Rural carriers and clerks in charge of rural stations are not, by reason of their official character, entitled to any special privileges, nor are they exempt from performing jury or road duty (unless the court should excuse the employee summoned to serve on a Federal grand jury), or from any other obligations imposed by the laws of any State, county, or municipality upon its citizens, but are exempt from militia duty without regard to their ages.

§135.42 Leave with pay while performing certain public duties—(a) On C. S. examining boards. Employees serving as members on local civil-service boards during examinations shall be given leave with full pay during necessary absence occasioned by such services.

NOTE: See § 137.18 as to assignments to Civil Service Examining Boards.

(b) As witnesses for Government in courts. Employees serving as witnesses for the United States Government in courts shall be given leave with full pay during necessary absence occasioned by such service.

NOTE: See § 135.32 as to reimbursement for travel expenses of witnesses.

(c) Rural carrier serving as witness, on jury, or on C. S. examining board. A rural carrier serving in court as a witness for the Government, serving on a jury in a Federal court, or serving as a member of a Civil Service Examining Board, shall be allowed leave with pay, not to be charged to his annual leave credit, during the period of such service. A rural carrier serving on a jury in a State court shall be allowed leave with pay, not to be charged to his annual leave credit, and any fees received shall be collected and forwarded to the disbursing postmaster for deposit in his accounts as miscellaneous receipts.

(d) Railway postal clerk serving as witness—(1) Salary and travel expenses. When a railway postal clerk is subpoenaed to attend court as a witness for the Government, his salary shall continue. If compliance with such subpoena required travel to appear as a witness on behalf of the United States in any case involving the Postal Service, he should transmit, to his District Superintendent, Standard Form No. 1012 (VOUCHER FOR PER DIEM AND/OR REIMBURSEMENT OF EXPENSES INCIDENT TO OFFICIAL TRAVEL), which should be accompanied with the subpoena and court attendance certificate, for his travel expenses and subsistence in connection therewith. (See 62 Stat. 950, 951, 953; Revised 28 U. S. C. 1823, 1825, 1871.)

(2) Employment of substitute. While a railway postal clerk is in attendance at court as a witness for the Government a substitute may be employed to keep up his run.

(3) Certificate of court. A clerk subpoenaed as a witness for the Government by a court shall furnish an official certificate of an officer of the court issuing the

subpena, showing the number of days and the dates on which the clerk was in attendance on the court.

NOTE: When a clerk resides at the place at which the court is held he is not entitled to expenses.

REMOVALS, SUSPENSIONS, REDUCTIONS, AND OTHER DISCIPLINARY ACTION

§ 135.43 Removals or suspensions without pay—(a) Conditions.

No person in the classified civil service of the United States shall be removed or suspended without pay therefrom except for such cause as will promote the efficiency of such service and for reasons given in writing. Any person whose removal or suspension without pay is sought shall (1) have notice of the same and of any charges preferred against him; (2) be furnished with a copy of such charges; (3) be allowed a reasonable time for filing a written answer to such charges, with affidavits; and (4) be furnished at the earliest practicable date with a written decision on such answer. No examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer or employee directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for removal or suspension without pay, and the order of removal or suspension without pay shall be made a part of the records of the proper department or agency, as shall also the reasons for reduction in grade or compensation; and copies of the same shall be furnished, upon request, to the person affected and to the Civil Service Commission. This subsection shall apply to a person within the purview of section 14 of the Veterans' Preference Act of 1944, as amended, only if he so elects.

(b) Appeals; compensation if restored to duty—(1) Provisions.

Any person removed or suspended without pay under subsection (a) who, after filing a written answer to the charges as provided under such subsection or after any further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

(2) **Veterans' preference eligibles.** Any person who is discharged, suspended, or furloughed without pay, under section 14 of the Veterans' Preference Act of 1944, as amended, who, after answering the reasons advanced for such discharge, suspension, or furlough or after an appeal to the Civil Service Commission, as provided under such section, is reinstated or restored to duty on the ground that such discharge, suspension, or furlough was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such discharge, suspension, or furlough for the period for which he received no compensation with respect to the position from which he was discharged, suspended, or furloughed, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period.

(3) **In reduction in force.** Any person removed or suspended without pay in a reduction in force who, after an appeal to proper authority, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

(c) **Membership in organizations.** Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. (Sec. 6, 37 Stat. 555, 62 Stat. 354; 5 U. S. C. 652.)

(d) **Right to petition Congress.** The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish

information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

(e) Not for illness less than one year. The Postmaster General shall not approve or continue any rule or regulation which terminates the employment of any employee by reason of absence on account of illness for a period of less than one year. (Sec. 1, 39 Stat. 413; 39 U. S. C. 819.)

LETTER OF CHARGES

§135.44 Preferment of charges—(a) Requirements. In all cases where the facts justify a recommendation for removal from the service, reduction in grade, suspension, or other disciplinary action with respect to any employee who has completed a probationary or trial period, charges shall be preferred in writing. The letter of charges must be complete and in full justification of the recommendation.

(b) Disciplinary action—(1) Authority. Postmasters or other postal officials shall not take any disciplinary action with respect to classified employees without authority from the Department, except that:

(2) Emergency cases. (i) In emergency cases, or when reasonable grounds exist to believe that an employee has committed an offense involving moral turpitude or tending to bring the Department or the Service into disrepute or disrespect, requiring prompt suspension for thirty days or less, the employee may be required to answer the charges and submit affidavits within such a time as under the circumstances would be reasonable but not less than 24 hours.

(ii) In cases where the circumstances are such that the retention of the employee in an active-duty status in his position, pending decision on the charges, may result in damage to Government property, may be detrimental to the interests of the Government, injurious to the employee, his fellow workers, or the general public, the employee may be (1) temporarily assigned to duties in which these conditions would not exist; (2) placed on annual leave, provided he has sufficient leave to his credit to cover the required period; or (3) placed on leave without pay with his consent. In cases where suspension is imperative and it is not possible to follow the procedure outlined in (1), (2), or (3) in the preceding sentence, written charges must be preferred against the employee immediately. In such cases the employee should be carried in a pay status for the next 24 hours.

(c) Report of action. In handling the exceptional cases listed in section 3 the postmaster or other postal official shall report promptly by telegraph to the Department the essential facts together with the action taken or recommended. When, as the result of an investigation by a post-office inspector, it appears that an employee should be suspended, the inspector shall report promptly by telegraph or TWX to the Chief Inspector the essential facts and the action taken or recommended by the postmaster or other postal official.

(d) Temporary or probationary employees. It is not a requirement that charges be preferred with respect to the separation of any temporary employee or any classified employee who is serving a probationary or trial period.

(e) Furlough without pay. In cases of furlough without pay due to unforeseeable circumstances, such as sudden break-downs in equipment, acts of God, or emergencies requiring immediate curtailment of activities, advance notice in writing shall not be necessary.

(f) **Previous offenses; demerits.** Inasmuch as an employee should not be disciplined twice for the same offense, care must be exercised not to include in the letter of charges to the employee offenses that have been considered in the past and on which definite action has been taken. The assessment of demerits is not considered disciplinary action, but only a record of previous offenses.

§ 135.45 **Essentials of letter of charges.** (a) The letter of charges must be prepared on the basis of conditions, facts, and circumstances applicable only to the case. The rights of the employee must be respected.

(b) Faulty preparation of a letter of charges may result in an appeal from the decision reached in a disciplinary case. It is essential, therefore, that the letter of charges be prepared strictly in accordance with the instructions of this order; that the reports to the Department of the postmaster or other postal official be complete as to the pertinent facts and contain information necessary to permit the Department to make a judicial determination.

(c) A letter of charges should consist of three parts:

1. Citation.
2. Charges.
3. Request for a written reply.

§ 135.46 **Type 1: Employees NOT entitled to veteran preference—(a) Citation.**

(1) No person in the classified service shall be removed, reduced in grade, or suspended except for such cause as will promote the efficiency of the service.

(2) The first paragraph of the letter should be phrased substantially as follows:

In accordance with section 135.43, Postal Laws and Regulations (5 U. S. Code 652), and pertinent material in the Federal Personnel Manual, you are charged with the following offenses considered to be against the interests of the Postal Service. Therefore, it is necessary that your removal or other disciplinary action be considered by the Post Office Department to promote the efficiency of the Postal Service.

Charge No. 1 * * *

(b) **Charges.** (1) The charges enumerated must be specific as to time, place, and circumstances. Postmasters or other postal officials must not include generalities or allegations for which sustaining evidence has not been obtained and which are not susceptible of proof.

(2) In order that an employee may clearly understand the grounds for the proposed action and be in a position to submit his defense, the numbered charges must be stated in factual detail so that the employee may know the particular offenses or deficiencies charged against him. A decision adverse to the employee must be based only on the reasons set forth in the letter of charges which the employee has had an opportunity to answer. No other reasons can serve as a basis for adverse decision.

(c) **Request for written reply.** (1) The employee shall be given an opportunity to file a written answer to such charges and to furnish affidavits in support of his answer.

(2) The employee is entitled to a reasonable time in which to file an answer. Practical experience has demonstrated that five days is generally sufficient time, but the circumstances in each case should be the determining factor. (See § 135.44 (b) for exceptions.) He should be informed that if additional time is needed, it will be granted upon written application showing the necessity. Statements should not be made to the effect that failure to receive a reply within

the time limit specified will be construed to mean the employee has no defense to offer.

(3) A closing paragraph substantially as follows contains all essentials:

You will be allowed _____ days from the receipt of this letter for answering in writing and submitting with your reply any affidavits or other evidence in support thereof. If additional time is needed, it will be granted upon written application to me showing the necessity.

(d) Delivery of letter of charges—(1) Fact of must be established. Ordinarily, the letter of charges should be sent by registered mail to the last-known address of the employee; it must, in all cases, be delivered to him in such a way that the fact of delivery or, at least, the attempt at delivery can be established without question.

(2) When not made or when unclaimed. If no answer is returned within a reasonable time, the report should so state; and if the letter of charges is returned as "unclaimed," it should be submitted with the report of the postmaster or other postal official.

(e) Time to be allowed for reply. The postmaster or other postal official should wait a reasonable time for a reply after expiration of the time limit before submitting his report in order to allow for factors beyond control of the employee. Otherwise, a recommendation for removal or other disciplinary action may amount to a judgment of the case without all the facts.

(f) Report to Department. The report of the postmaster or other postal official to the Department and the letter of charges must agree as to the details of a charge. If further investigation is necessary to substantiate or disprove evidence submitted by the employee, it should be made. The postmaster or other postal official shall comment upon each statement of the employee relating to the charges. If the employee answers the charges, his answer must be transmitted to the Department with the report submitted by the postmaster or other postal official.

(g) Decision of Department. Immediately following consideration of the report and the employee's answer the Department will notify the postmaster or other postal official of its decision. A written, dated notice of the decision must be furnished the employee at the earliest practicable date. In the event the Department decides that disciplinary action is warranted, the written notice shall include the reasons for the action taken and its effective date.

(h) Retention and furnishing of copies. Copies of the charges, answer, and reasons for the disciplinary action shall be retained in and made a part of the records of the Department. Copies of the same shall be furnished, upon request, to the person affected and to the Civil Service Commission.

§ 135.47 Type 2: Employees ENTITLED to veteran preference—(a) Citation.

(1) No veteran-preference employee in the classified service shall be discharged, suspended for more than thirty (30) days, furloughed without pay, or reduced in rank or compensation except for such cause as will promote the efficiency of the service.

(2) The first paragraph of the letter should be phrased substantially as follows:

In accordance with section 135.43, Postal Laws and Regulations (5 U. S. Code 652), section 14 of the Veterans' Preference Act of 1944, and pertinent material in the Federal Personnel Manual, you are charged with the following offenses considered to be against the interest of the Postal Service.

Therefore, it is necessary that your removal or other disciplinary action be considered by the Post Office Department to promote the efficiency of the Postal Service.

Charge No. 1 * * *

(b) Charges. Follow procedure outlined in § 135.46 (b).

(c) Opportunity for answer. (1) In addition to the instructions outlined in paragraphs (c) (1) and (2) of § 135.46, the employee must be informed of his right to answer the charges personally and in writing and for furnishing affidavits in support of such answer. He must also be informed that, in case an adverse decision is made in his case, adverse action will not take effect until at least 30 days after the receipt of the letter of charges.

(2) A closing paragraph substantially as follows contains all essentials:

You have a right to answer these charges within _____ days from the receipt of this notice of proposed adverse action personally and in writing and to furnish affidavits in support of such answer. In case an adverse decision is made in your case, adverse action will not take effect until at least thirty (30) days after the receipt of this notice by you.

(3) The letter of charges must be submitted to a veteran-preference employee at least 30 days before the effective date of the proposed disciplinary action except that: In cases where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed, the employee need not be given 30 days' advance written notice, but must be given such advance notice and opportunity to answer as under the circumstances will be reasonable, but not less than 24 hours.

(d) Retention in active-duty status. (1) Whether the employee is given 30 days' advance notice, or less than 30 days' notice under paragraph (c) (3) of § 135.47, he shall be retained in an active-duty status during such notice period, except that circumstances may warrant the handling of the case under the provisions of paragraph (b) (2) (ii) of § 135.44.

(2) The reasonableness of the applications of such exceptions in any case will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision.

(e) Delivery of letter of charges; report to Department. Follow procedure outlined in § 135.46 (d), (e), and (f).

(f) Decision of Department. (1) Immediately following consideration of the report and the employee's answer the Department will furnish the postmaster or other postal official with a written, dated notice of its decision which must be submitted to the employee promptly. In the event the Department decides that disciplinary action is warranted the notice of adverse decision to be given the employee shall state the reasons for the action taken and its effective date. It shall also contain a statement of the right of the employee to appeal the decision to the appropriate office of the Civil Service Commission within ten (10) days after the effective date of the adverse decision.

(2) The notice of adverse decision should be prepared substantially as follows:

The first paragraph should state the nature of the decision.

The second paragraph should contain a statement that the adverse decision is in accordance with the charges set forth in the letter of charges dated _____, and that the answer and evidence, if any, submitted by the employee have been considered.

The third paragraph should contain a statement of the right of the employee to appeal the adverse decision within ten (10) days after the effective date of the adverse decision to the Director of the appropriate Civil Service Region.

(g) **Retention and furnishing of copies.** Copies of the charges, answer, reasons for the disciplinary action, and notice of adverse decision shall be retained in and made a part of the records of the Department. Copies of the same shall be furnished, upon request, to the person affected and to the Civil Service Commission.

NOTE: The procedures in §§ 135.44 to 135.47, inclusive, were promulgated by Order of the Postmaster General, No. 38269, dated August 11, 1948, entitled "Letter of Charges," in accordance with § 135.43, Postal Laws and Regulations (5 U. S. C. 652), the Veterans' Preference Act of 1944, and pertinent material in the Federal Personnel Manual.

REINSTATEMENTS

§ 135.48 **Reinstatement under civil service rules—(a) Limitations.** The civil service rules provide that a person separated without delinquency, misconduct, or inefficiency from a civilian position in the federal service after absolute appointment may be reinstated upon certificate of the Commission subject to the following limitations:

(1) Upon requisition for reinstatement by the appointing office having a vacancy to fill, made within one year of separation if the period of service was less than two years; within two years if the period of service was two years or more but less than three years; within three years if the period of service was three years or more but less than four years; within four years if the period of service was four years or more but less than five years; and without time limit if the period of service was five years or more.

(2) A former classified employee entitled to military preference in appointment may be reinstated without time limit.

(3) A former classified employee retired upon annuity under the Civil Service Retirement Act by reason of total disability who is eligible for reinstatement by reason of recovery and termination of annuity, shall be eligible for reinstatement subject to the conditions and limitations of the civil service rules.

(4) No person may be reinstated to a position in the classified service who did not have a classified status at the time of separation, or eligibility for such status through examination.

(5) No person may be reinstated to a position in the classified service without passing an appropriate noncompetitive examination testing fully his present fitness for the position when the Commission shall so require.

(b) **Reinstatement discretionary, not a right.** Reinstatement is a question of administrative discretion and is not to be granted except when consistent with the interests of the public service.

NOTE: See opinion of the Attorney General, August 27, 1902, 24 Atty. Gen. 103.

(c) **Application for.** Applications for reinstatement to the service should be made through the postmaster or local Railway Mail Service or Air Postal Transport official to the proper bureau of the Department.

PAYMENT FOR ACCRUED ANNUAL LEAVE

§ 135.49 **Lump-sum payment for accrued annual leave—(a) Authorization.** Whenever any civilian officer or employee of the

Federal Government or the government of the District of Columbia is separated from the service or elects to be paid compensation for leave in accordance with the act of August 1, 1941, as amended by the act of April 7, 1942, or section 4 of the act of June 23, 1943, he shall be paid compensation in a lump sum for all accumulated and current accrued annual or vacation leave to which he is entitled under existing laws. Such lump-sum payment shall equal the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave: *Provided*, That if such employee is reemployed in the Federal service or in or under the government of the District of Columbia under the same leave system prior to the expiration of the period covered by such leave payment, he shall refund to the employing agency an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period, and the amount of leave represented by such refund shall be credited to him in the employing agency. In the case of reemployment in the Federal service the sum so refunded shall be covered into the Treasury as "Miscellaneous Receipts," * * *: *Provided further*, That the lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions. (Sec. 1, 58 Stat. 845; 5 U. S. C. 61b.)

(b) Of deceased officer or employee. Upon the death of any civilian officer or employee of the Federal Government, * * * compensation for all of his accumulated and current accrued annual or vacation leave in a lump sum equal to the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the Retirement Act applicable to his service;

Second, if there be no such designated beneficiary, to the estate of such deceased employee. (Sec. 2, 58 Stat. 845; 5 U. S. C. 61c.)

(c) Upon transfer to agency under different leave system. All accumulated and current accrued [annual or vacation] leave [shall] be liquidated by a lump-sum payment to any civilian officer or employee of the Federal Government * * * in cases involving transfer to agencies under different leave systems. Such lump-sum payment shall equal the compensation that such employee would have received had he not been transferred until the expiration of the period of such leave: *Provided*, That the lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compen-

sation and shall not be subject to retirement deductions. (Sec. 3, 58 Stat. 846; 5 U. S. C. 61d.)

§ 135.50 **Payment or credit for accrued annual leave—(a) Employees entering active military or naval service.** Employees of the United States Government * * * who, subsequent to May 1, 1940, shall have entered upon active military or naval service in the land or naval forces of the United States by voluntary enlistment or otherwise, shall be entitled to receive, in addition to their military pay, compensation in their civilian positions covering their accumulated or current accrued [annual] leave, or to elect to have such leave remain to their credit until their return from active military or naval service. (55 Stat. 616, as amended; 5 U. S. C. 61a.)

(b) **Employees entering merchant marine.** Employees of the United States Government, * * * who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued [annual] leave, or to elect to have such leave remain to their credit until their return from such service. (Sec. 4, 57 Stat. 163, as amended; 50 App. U. S. C. 1474.)

COMPENSATION IN CASE OF DISABILITY OR DEATH

§ 135.51 **Compensation for disability or death—(a) Authorization.** The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. (Sec. 1, 39 Stat. 742; 5 U. S. C. 751.)

(b) **Notice of injury—(1) How made.** Every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail. (Sec. 15, 39 Stat. 746; 5 U. S. C. 765.)

(2) **Particulars required.** The notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice. (Sec. 16, 39 Stat. 746; 5 U. S. C. 766.)

(3) **Failure to give notice.** Unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury. (Sec. 17, 39 Stat. 746, as amended; 5 U. S. C. 767.)

NOTE: Original claims for compensation for disability must be made within 60 days after the injury and those for death within one year after death, addressed to the Bureau of Employees' Compensation, Federal Security Agency, 4th and Independence Ave., S. W., Washington 25, D. C., on forms furnished by the bureau. The bureau determines the amount of compensation to be paid in each case. In certain cases medical treatment, hospital services, and burial expenses may be provided by the bureau. An employee cannot assign his claim. (See Manual of Instructions for Postal Personnel. See title 5, ch. 45, U. S. Code.) Acting postmasters at offices of the first, second, and third classes, but not postmasters, come within the purview of the above law.

§ 135.52 **Retention of injured employee on rolls while paid under Federal Compensation Act.** An employee who is injured in the performance of his duties and is being paid compensation under the Federal Compensation Act of September 7, 1916, shall not be separated from the service, but shall be continued on the rolls of the office without pay until the Federal Security Agency discontinues his compensation or the retirement age is reached while he is receiving compensation. When retirement age is reached and the employee has a retirement status (at least 15 years of allowable service) he shall be dropped from the post-office rolls regardless of the fact that he is receiving compensation from the Federal Security Agency. Employees shall receive credit in connection with their retirement status for periods during which they receive compensation from the agency. When compensation is discontinued by the agency and the employee is unable to return to duty but has sufficient service to his credit to entitle him to retirement on account of physical disability (at least 5 years of allowable service), he shall not be separated from the service until he has been given an opportunity to retire in accordance with the act of May 29, 1930.

RETIREMENT

§ 135.53 **Retirement—(a) Eligibility.** (1) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act [§ 135.54 (e)], or who shall have attained or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service, shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act [§ 135.54].

(2) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of fifty-five years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act [§ 135.54 (e)], shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act [§ 135.54], reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years.

(b) Involuntary. Any officer or employee to whom this Act applies, after having rendered at least twenty-five years of service computed as prescribed in section 5 of this Act [§ 135.54 (e)], shall, upon involuntary separation from the service not by removal for cause on charges of misconduct or delinquency, be paid an immediate life annuity computed as provided in section 4 of this Act [§ 135.54] reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years. This subsection shall become effective July 1, 1947. (Sec. 1, 41 Stat. 614, as amended; 5 U. S. C. 691.)

(c) To whom provisions applicable—(1) Provisions. This chapter shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers: *Provided*, That this chapter shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: * * * (Sec. 1, 41 Stat. 614, as amended; 5 U. S. C. 693.)

NOTE: Section 2 of Public Law 540, approved July 24, 1946 (60 Stat. 659), provides that this act shall be effective, with respect to any head of a department, at the beginning of his first pay period commencing in the second month following the month in which this act is enacted. As used in this section the term "department" means any department, independent establishment, or agency (including corporations) in the executive branch of the Government.

(2) Exclusion from provisions by order of President. The President shall have power, in his discretion, to exclude from the operation of this chapter any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration. * * *. (Sec. 1, 41 Stat. 614, as amended; 5 U. S. C. 693.)

(d) Date of retirement. Retirement authorized by law of Federal personnel of whatever class, * * * and for whatever cause retired, shall take effect on the 1st day of the month following the month in which said retirement would otherwise be effective, and said 1st day of the month for retirements made after July 1, 1930, shall be for all purposes in lieu of such date for retirement as was on April 23, 1930, authorized; except that the rate of active or retired pay or allowance shall be computed as of the date retirement would have occurred if this section had not been enacted. (Sec. 1, 46 Stat. 253; 5 U. S. C. 47a.)

§ 135.54 Computation of annuities—(a) Method. The annuity of an officer or employee retired under this Act shall be a life annuity, terminable upon the death of the annuitant and shall be an amount equal to the following: (1) $1\frac{1}{2}$ per centum of the average annual

basic salary, pay, or compensation received by the officer or employee during any five consecutive years of allowable service at the option of the officer or employee multiplied by the years of service, or (2) 1 per centum of the average annual basic salary, pay, or compensation received by the officer or employee during any five consecutive years of allowable service at the option of the officer or employee multiplied by the years of service, plus a sum equal to \$25 for each year of such service: *Provided*, That in no case shall the annuity exceed an amount equal to 80 per centum of the highest average annual basic salary, pay, or compensation received by the officer or employee during five consecutive years of allowable service.

(b) Joint and survivorship annuity—(1) Married person. Any officer or employee, if a husband, retiring under the provisions of section 1, 2, or 6 of this Act [§§ 135.53, 135.55–135.57] may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity and an annuity after his death payable to his surviving widow designated by him at time of retirement equal to 50 per centum of such life annuity. The annuity of the officer or employee making such election shall be equal to 90 per centum of such life annuity, reduced by three-fourths of 1 per centum of such life annuity for each full year, if any, his wife is under the age of sixty at the date of such retirement, but shall in no case be less than 75 per centum of such life annuity. The annuity of such widow shall begin on the first day of the month in which the death of the husband occurs or the first day of the month following the widow's attainment of age fifty, whichever is the later, and such annuity or any right thereto shall terminate upon her death or remarriage.

(2) Unmarried person. Any unmarried officer or employee in good health retiring under the provisions of section 1 or 2 of this Act [§§ 135.53, 135.56, and 135.57] may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity payable to him during his life, and an annuity after his death payable to a survivor annuitant having an insurable interest in such officer or employee, duly designated in writing and filed with the Civil Service Commission at the time of his retirement, during the life of such survivor annuitant equal to 50 per centum of such reduced annuity and upon the death of such survivor annuitant all payments shall cease and no further annuity shall be due and payable. The annuity hereunder payable to the officer or employee shall be 90 per centum of the life annuity otherwise payable if the survivor annuitant is the same age or older than the annuitant, or is less than five years younger than the annuitant; 85 per centum if the survivor annuitant is five but less

than ten years younger; 80 per centum if the survivor annuitant is ten but less than fifteen years younger; 75 per centum if the survivor annuitant is fifteen but less than twenty years younger; 70 per centum if the survivor annuitant is twenty but less than twenty-five years younger; and 60 per centum if the survivor annuitant is twenty-five or more years younger. No such election shall be valid until the retiring officer or employee shall have satisfactorily passed a physical examination as prescribed by the Civil Service Commission. No person shall be eligible to receive an annuity under this subsection and an annuity under subsection (c) of section 12 [§ 135.64], based upon the service of the same officer or employee, covering the same period of time.

(c) Fixing of monthly amount. For the purpose of this Act all periods of service shall be computed in accordance with section 5 hereof [§ 135.54 (e)], and the monthly annuity installment shall be fixed at the nearest dollar.

(d) Definition of term. Except as provided in sections 501 and 522 (b) of the Federal Employees Pay Act of 1945, as amended, the term "basic salary, pay, or compensation", wherever used in this Act, shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation. (Sec. 2, 41 Stat. 614, as amended; 5 U. S. C. 698.)

(e) Aggregate period of service—(1) Provisions. Subject to the provisions of section 9 [§ 135.76] hereof, the aggregate period of service which forms the basis for calculating the amount of any annuity provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified officer or employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an officer or employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of an officer or employee who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or resulting from an explosion of an instrument of war, the period of the military service shall be included: *Provided*, That an officer or employee must have served for a total period of not less than

five years exclusive of such military or naval service before he shall be eligible for annuity under this Act. Nothing in this Act shall be construed as to affect in any manner an officer's or employee's right to retired pay, pension, or compensation in addition to the annuity herein provided.

(2) **Leaves of absence.** In computing length of service for the purposes of * * * [this act] all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under sections 751-791 and 793 of this title, and in the case of substitutes in the postal service credit shall be given from date of original appointment as a substitute.

(3) **War service.** No officer or employee to whom this act applies who during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the armed forces of the United States shall be considered as separated from such position for the purposes of this act by reason of his service with the armed forces of the United States. This paragraph shall not be so construed as to prevent the payment of refunds as provided by section 7 (a) or 12 (b) of this act [§§ 135.63 and 135.73].

The amendment made by the first section of this act shall become effective as of September 8, 1939.

(4) **Fractional parts.** In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated. (Sec. 3, 41 Stat. 615, as amended; 5 U. S. C. 707.)

(f) **Administration under civil service.** For the purpose of administration, except as otherwise provided herein, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this chapter into full force and effect. (Sec. 4, 41 Stat. 616, as amended; 5 U. S. C. 709.)

§ 135.55 **Disability retirement—(a) Authorization.** Any officer or employee to whom this Act applies who shall have served for a total period of not less than five years computed as provided in section 5 of this Act [§ 135.54 (e)], and who, before meeting the age and service requirements for retirement under section 1 (a) hereof

[§ 135.53], becomes totally disabled for useful and efficient service in the grade or class of position occupied by the officer or employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof [§ 135.54]: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No officer or employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Civil Service Commission for that purpose, and found to be disabled in the degree and in the manner specified herein. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. The time limitation for execution of claims for retirement under the terms of this section may be waived by the Civil Service Commission in case of an officer or employee who at the date of separation from service or within six months thereafter is receiving hospital treatment, but the application in such case must be filed with the Civil Service Commission not later than six months after the termination of such hospitalization; in the case of any such person heretofore separated from service application may be filed within six months after the effective date of this Act. Such time limitation may similarly be waived in the case of an officer or employee who at the date of separation from service or within six months thereafter is mentally incompetent, but the application in such case must be filed with the Civil Service Commission within one year from the date of restoration of such person to competency or the appointment of a fiduciary whichever is the earlier. (Sec. 5, 41 Stat. 616, as amended; 5 U. S. C. 710.)

(b) Examination; restoration to service. Every annuitant retired under the provisions of this section unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching age sixty, be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Civil Service Commission for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any.

If an annuitant shall recover before reaching age sixty and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding one year from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Civil Service Commission may order or direct at any time such medical or other examination as it shall deem necessary to determine the facts relative to the nature and degree of disability of any officer or employee retired on an annuity under this section. (Sec. 5, 41 Stat. 616, as amended; 5 U. S. C. 711.)

(c) Fees for medical examinations. Fees for examinations made under the provisions of sections 710 and 711 of this title, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Civil Service Commission, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this chapter. (Sec. 5, 41 Stat. 616, as amended; 5 U. S. C. 712.)

(d) Recovered disability annuitant involuntarily separated from service. If a recovered disability annuitant whose annuity is discontinued subsequent to June 30, 1945, shall fail to obtain reemployment in any position included in the provisions of this Act, he shall be considered as having been separated from the service within the meaning of section 7 of this Act [§ 135.73] as of the date he was retired for disability and shall, after the discontinuance of the disability annuity, be entitled to a deferred annuity in accordance with the provisions of such section. (Sec. 5, 41 Stat. 617, as amended; 5 U. S. C. 713.)

(e) Annuity and compensation under Federal Compensation Act at same time—(1) Prohibited. No person shall be entitled to receive an annuity under the provisions of this act, and compensation for injury or disability to himself under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time, nor shall this provision nor

any provision in such act of September 7, 1916, be construed so as to deny to any person an annuity accruing to such person under this act on account of service rendered by him, or to deny any concurrent benefit to such person under such act of September 7, 1916, on account of the death of any other person.

This amendment shall become effective as of July 1, 1941. (Sec. 5, 41 Stat. 617, as amended; 5 U. S. C. 714.)

(2) **When compensation award paid in lump sum.** Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this act [Civil Service Retirement Act of May 29, 1930, as amended] shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended [5 U. S. C. 764], except that where such annuity is payable on account of the same disability for which compensation under such section of such act of September 7, 1916, has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this act [Civil Service Retirement Act of May 29, 1930, as amended], which amount shall be transmitted to such Commission for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the United States Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding. (Sec. 5, 41 Stat. 617, as amended; 5 U. S. C. 714.)

§ 135.56 **Automatic separation—(a) Continuation in service only by Executive Order.** On and after July 1, 1932, no person rendering civilian service in any branch or service of the United States Government * * * who shall have reached the retirement age prescribed for automatic separation from the service, applicable to such person, shall be continued in such service, notwithstanding any provision of law or regulation to the contrary: *Provided*, That the President may, by Executive Order, exempt from the provisions of

this section any person when, in his judgment, the public interest so requires: *Provided further*, That no such person heretofore or hereafter separated from the service of the United States * * * under any provision of law or regulation providing for such retirement on account of age shall be eligible again to appointment to any appointive office, position, or employment under the United States * * *. (Sec. 204, 47 Stat. 404; 5 U. S. C. 715a.)

(b) When applicable. Except as provided in section 204 of the Act of June 30, 1932 (47 Stat. 404), and section 3 of the Act of July 13, 1937 (50 Stat. 512), any officer or employee to whom this Act applies who shall have completed fifteen years of service computed as provided in section 5 of this Act shall, on the last day of the month in which he attains the age of seventy years, or completes fifteen years of service if then beyond such age, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and the head of each department, branch, or independent office of the Government concerned shall notify each such employee under his direction of the date of his separation from the service at least sixty days in advance thereof: *Provided*, That should the head of the department, branch, or independent office fail, through error, to give timely notification, the employee's separation from the service shall not be effected without his consent until the expiration of said sixty-day period. Upon such separation, the officer or employee shall be eligible for retirement on annuity as provided in section 4 hereof. (Sec. 6, 41 Stat. 617, as amended; 5 U. S. C. 715.)

§ 135.57 Reemployment of person receiving annuity. No person who is receiving an annuity under the provisions of this Act and who has reached the age of sixty years shall be eligible again to appointment to any appointive office, position, or employment under the Government of the United States or of the District of Columbia, unless the appointing authority determines that he is possessed of special qualifications: *Provided*, That no deductions for the retirement fund shall be withheld from the salary, pay, or compensation of such person, but there shall be deducted from his salary, pay, or compensation otherwise payable a sum equal to the retirement annuity allocable to the period of actual employment: *Provided further*, That the annuity in such case shall not be redetermined upon such person's subsequent separation from the service. (Sec. 6, 41 Stat. 617, as amended; 5 U. S. C. 715.)

§ 135.58 Application for retirement annuity. Applications for annuity shall be in such form as the Civil Service Commission may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government

in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Civil Service Commission shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant. (Sec. 7, 41 Stat. 618, as amended; 5 U. S. C. 716, 717.)

§ 135.59 Commencement and duration of annuity. An annuity granted for retirement under the provisions of section 1 or 2 of this Act [§§ 135.53, 135.56, and 135.57] shall commence the first day of the month following the date of separation from the service, or on the first day of the month following the month in which salary shall cease provided the employee meets the age and service requirements for retirement at that time, and shall continue during the life of the annuitant. An annuity granted under the provisions of section 6 or 7 [§§ 135.55 and 135.74] hereof shall be subject to the limitations specified in said sections. (Sec. 7, 41 Stat. 618, as amended; 5 U. S. C. 718.)

§ 135.60 Definition of "annuitant." The term "annuitant" as used in this chapter shall include any employee who has met all requirements of the chapter for title and has filed claim therefor, notwithstanding final administrative action was not taken by the Civil Service Commission prior to his death. Nothing in sections 716-718a and 725 of this title shall be so construed as to reduce any benefit otherwise payable. (Sec. 7, 41 Stat. 618, as amended; 5 U. S. C. 718a.)

§ 135.61 Retirement payments and deductions from salary—

(a) Authorization. Beginning as of July 1, 1942, there shall be deducted and withheld from the basic salary, pay, or compensation of each officer or employee to whom this Act applies a sum equal to 5 per centum of such officer's or employee's basic salary, pay, or compensation: *Provided*, That from and after the first day of the first pay period which begins after June 30, 1948, there shall be deducted and withheld from the basic salary, pay, or compensation of each officer or employee to whom this Act applies a sum equal to 6 per centum of such officer's or employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each officer or employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the civil-service retirement and disability fund created by the Act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act. (Sec. 8, 41 Stat. 618, as amended; 5 U. S. C. 719.)

(b) Consent of employee. Every employee coming within the

provisions of this chapter shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of said chapter, notwithstanding the provisions of sections 167 and 168 of the Revised Statutes of the United States, and section 43 of this title, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this chapter applies. (Sec. 9, 41 Stat. 618, as amended; 5 U. S. C. 722.)

(c) Voluntary deposit of additional sums. Any officer or employee may at his option and under such regulations as may be prescribed by the Civil Service Commission deposit additional sums in multiples of \$25 but not to exceed 10 per centum of his annual basic salary, pay, or compensation, for service rendered since August 1, 1920, which amount together with interest thereon at 3 per centum per annum compounded as of December 31 of each year, shall, at the date of his retirement, be available to purchase, as he shall elect, and in accordance with such rules and regulations as may be prescribed by the Civil Service Commission, an annuity in addition to the annuity provided by this Act. The life annuity shall consist of \$7 for each \$100, increased by 20 cents for each full year, if any, such officer or employee is over the age of 55 years at the date of retirement. In the event of death or separation from the service of such officer or employee before becoming eligible for retirement on annuity, the total amount so deposited, with interest at 3 per centum per annum to date of death or separation compounded on December 31 of each year, shall be refunded in accordance with the provisions of section 12 of this Act. In case a retired employee who is receiving a life annuity under this paragraph shall die without having received in annuity purchased by the total amount so deposited, with interest at 3 per centum per annum compounded on December 31 of each year, to date of retirement, the difference shall be paid, upon the establishment of a valid claim therefor, in the order of procedure prescribed in section 12 (e) [§ 135.65]. (Sec. 10, 46 Stat. 475, as amended; 5 U. S. C. 719-1.)

§ 135.62 Retirement and disability fund—(a) Investment and accounts. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein pro-

vided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 724 of this title. (Sec. 8, 41 Stat. 618, as amended; 5 U. S. C. 720.)

(b) Acceptance of donations. The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this chapter to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of said chapter all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally. (Sec. 8, 41 Stat. 618, as amended; 5 U. S. C. 721.)

(c) Individual accounts of employees. Under such regulations as may be prescribed by the Civil Service Commission the amounts deducted and withheld from the basic salary, pay, or compensation of each officer or employee for credit to the "civil-service retirement and disability fund" created by the Act of May 22, 1920, covering service from and after August 1, 1920, shall be credited to an individual account of such officer or employee. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.63 Return of retirement deductions—(a) Authorization. In the case of any officer or employee to whom this Act applies who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed as prescribed in section 5 of this Act [§ 135.54 (e)], or who shall be transferred to a position not within the purview of this Act, the amount credited to his individual account together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year to date of separation shall be returned to such officer or employee: *Provided*, That in computing interest under this subsection, a fractional part of a month in the total service covered by the refund shall be disregarded, and no interest shall be allowed in any case unless the service covered by the refund aggregates more than one year.

(b) Interest. All amounts returned to an officer or employee under this subsection must, upon reinstatement, retransfer, or reappointment to a position within the purview of this Act, be redeposited, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, by such officer or employee before he may receive any credit for the service covered by the refund. Such interest shall not be required

for any period during which the officer or employee is separated from the service. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.64 Payment of annuity upon death after five years of service—(a) To widow. In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed in section 5 of this Act [§ 135.54 (e)] and is survived by a widow, such widow shall be paid an annuity beginning the first day of the month following the death of the officer or employee or following the widow's attainment of age fifty, whichever is the later, equal to one-half the amount of an annuity computed as provided in section 4 (a) [§ 135.54] hereof with respect to such officer or employee: *Provided*, That such payments or any right thereto shall cease upon death or remarriage of the widow.

(b) To widow and children. In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed in section 5 of this Act [§ 135.54 (e)] or after having retired subsequent to such date of enactment under section 1, 2, or 6 [§§ 135.53, 135.55–135.57], and is survived by a widow and a child or children, such widow shall be paid an immediate annuity terminable upon death, remarriage, or attainment of age fifty. The annuity payable to the widow of such officer or employe shall be equal to one-half the amount of an annuity computed as provided in section 4 (a) hereof [§ 135.54] with respect to such officer or employee. The annuity payable to the widow of such annuitant shall be equal to one-half the amount of the annuity which such annuitant was receiving at the time of his death excluding any portion thereof purchased by voluntary contributions under the second paragraph of section 10 [§ 135.61 (e)], or, if such annuitant had elected a reduced annuity under subsection (b) or (c) of section 4 [§ 135.54], one-half of the annuity which such annuitant would have received if he had not made such election. There shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed \$900 divided by the number of such children or \$360, whichever is lesser. Upon the death of such widow, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection.

(c) To children only—(1) Provisions. In case any officer or employee to whom this Act applies shall die subsequent to the date of enactment of this Act after having rendered at least five years of civilian service computed as prescribed in section 5 of this Act [§ 135.54 (e)] or after having retired subsequent to such date of enact-

ment under section 1, 2 or 6 [§§ 135.53, 135.55-135.57], and leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, but not to exceed \$1,200 divided by the number of such children or \$480, whichever is lesser.

(2) **Termination.** The annuity payable to a child under this subsection shall be terminable upon (A) his attaining the age of eighteen years, (B) his marriage, or (C) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability. In any case in which the annuity of a child, under this subsection, is terminated, the annuities of any other child or children, based upon the service of the same officer or employee, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such officer or employee. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.65 Payment of retirement credit upon death before five years of service or without survivor. In any case in which—

(1) an officer or employee to whom this Act applies shall die before having rendered five years of civilian service computed as prescribed in section 5 [§ 135.54 (e)], or after having rendered five years of civilian service but without a survivor or survivors entitled to annuity benefits provided by subsection (c), or

(2) the right of all persons entitled to annuity under subsection (c) based on the service of such officer or employee shall terminate before a valid claim therefor shall have been established, the total amount credited to the individual account of such officer or employee with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of death of such officer or employee, shall be paid upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries designated in writing by such officer or employee and recorded with the Civil Service Commission;

Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such officer or employee;

Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the officer or employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be

legally entitled thereto, and such payment shall be a bar to recovery by any other person. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.66 Payment of retirement credit—(a) Upon death before establishment of claim for annuity. In case any separated officer or employee who is entitled to a deferred annuity as provided in section 7 [§ 135.73] hereof shall die before having established a valid claim for annuity, the total amount credited to his individual account with interest at 4 per centum per annum to December 31, 1947, or the date of separation, whichever is earlier, and 3 per centum per annum thereafter, compounded on December 31 of each year, to date of death, shall be paid upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e).

(b) Upon death without survivor or when rights to annuity have terminated. In any case in which—

(1) a retired officer or employee shall die without a survivor entitled to annuity benefits provided by subsection (b) or (c) of section 4 [§ 135.54] or subsection (c) of this section, or

(2) a retired officer or employee shall die leaving a survivor or survivors entitled to such annuity benefits and the right to annuity of all such survivors shall terminate before a valid claim therefor shall have been established, or

(3) the annuities of all persons entitled to annuity based upon the service of an officer or employee shall terminate,

before the aggregate amount of annuity paid equals the total amount credited to the individual account of such officer or employee with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to date of death or retirement of such officer or employee, whichever first occurs, the difference shall be paid, upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e).

(c) Order of precedence of claims. Any accrued annuity remaining unpaid upon the death of any retired officer or employee shall be paid, upon the establishment of a valid claim therefor, in the order of precedence prescribed in subsection (e). Any accrued annuity remaining unpaid upon the termination (other than by death) of the annuity of any person based upon the service of an officer or employee shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving annuity based upon the service of an officer or employee shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the duly appointed executor or administrator of the estate of such person;

Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such person, to such individual or individuals as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other individual.

(d) To minor or incompetent. Where any payment under this Act is to be made to a minor, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the State of residence of the claimant, the Civil Service Commission shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(e) Refund to former employee who becomes incompetent. In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed \$1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of thirty days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§135.67 Designation of beneficiary. Each employee or retired employee to whom this Act applies shall, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries for the purposes of this Act. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§135.68 Definition of terms. As used in this section [herein §§ 135.62 to 135.69, inclusive]—

(1) The term "widow" means a surviving wife of an individual, who either (A) shall have been married to such individual for at least two years immediately preceding his death, or (B) is the mother of issue by such marriage.

(2) The term "child" means an unmarried child, including a dependent stepchild or an adopted child, under the age of eighteen years, or such unmarried child who because of physical or mental disability

is incapable of self-support. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.69 Determinations and administration. Questions of dependency and disability arising under this section shall be determined by the Civil Service Commission and its decisions with respect to such matters shall be final and conclusive and shall not be subject to review. The Commission may order or direct at any time such medical or other examinations as it shall deem necessary to determine the facts relative to the nature and degree of disability of any annuitant or applicant for annuity under this section, and may suspend or deny any such annuity for failure to submit to any such examination. (Sec. 11, 41 Stat. 619, as amended; 5 U. S. C. 724.)

§ 135.70 Time and method of payment of annuities. Annuities granted under the terms of this Act shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued. Payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the Treasury Department in such form and manner and with such safeguards as shall be prescribed by the Civil Service Commission in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments. (Sec. 12, 41 Stat. 619, as amended; 5 U. S. C. 725.)

§ 135.71 Annuity moneys not assignable or attachable. None of the moneys mentioned in this chapter shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. (Sec. 14, 41 Stat. 620, as amended; 5 U. S. C. 729.)

§ 135.72 Retirement system duties of Civil Service Commission—(a) Records. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this chapter; and shall prepare and keep all needful tables and records required for carrying out the provisions of said sections, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under said chapter. (Sec. 13, 41 Stat. 619, as amended; 5 U. S. C. 727.)

(b) Annual report. The Civil Service Commission shall make a detailed comparative report annually showing all receipts and dis-

bursments on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and it shall transmit to Congress the reports and recommendations of the Board of Actuaries. (Sec. 13, 41 Stat. 620, as amended; 5 U. S. C. 728.)

(c) Board of actuaries. The Civil Service Commission is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this chapter, with authority to recommend to the Civil Service Commission such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Civil Service Commission; they shall also prepare such tables as may be required by the Civil Service Commission for the purpose of computing annuities under said sections. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Civil Service Commission. * * * (Sec. 16, 41 Stat. 620, as amended; 5 U. S. C. 731.)

§ 135.73 Separation from service before eligible for retirement; deferred annuity—(a) Having more than five but less than twenty years of service. Should any officer or employee to whom this Act applies after having rendered five years of civilian service, computed as prescribed in section 5 of this Act [§ 135.54 (e)], but less than twenty years of creditable civilian service and before becoming eligible for retirement under section 1 (a) of this Act become separated from the service, such officer or employee shall be paid as he may elect, (A) a deferred annuity beginning at the age of sixty-two years, or the age at separation if beyond the age of sixty-two, computed as provided in section 4 (a) of this Act [§ 135.54], or (B) the total amount credited to his individual account together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year to date of separation.

(b) Having at least twenty years of service. Should any officer or employee to whom this Act applies, after having rendered at least twenty years of creditable civilian service and before becoming eligible for retirement under section 1 (a) of this Act [§ 135.53] become separated from the service, such officer or employee shall be paid a deferred annuity beginning at the age of sixty-two years, or the age at separation if beyond the age of sixty-two, computed as provided in section 4 (a) [§ 135.54].

§ 135.74 Redeposit of returned funds by person reentering service. All amounts returned to an officer or employee under this section must upon reinstatement, retransfer, or reappointment to a position within the purview of this Act, be redeposited together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, by such officer or employee before he may receive any credit for the service covered by the refund. Such interest shall not be required for any period during which the officer or employee is separated from the service. (41 Stat. 614, as amended; 5 U. S. C. 733.)

§ 135.75 Deposits to retirement and disability fund. Each officer or employee within the purview of this Act shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per centum of his basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926; 3½ per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, and prior to July 1, 1942; 5 per centum of said basic pay, salary, or compensation for services rendered from and after July 1, 1942, and prior to the first day of the first pay period which begins after June 30, 1948, and also 6 per centum thereafter, covering service during which no deductions were withheld for deposit in the said fund. Such interest shall not be required for any period during which the officer or employee is separated from the service. Each such officer or employee may elect to make such deposits in installments during the continuance of his service in such amounts and under such conditions as may be determined in each instance by the Civil Service Commission. The amount so deposited shall be credited to the individual account of the officer or employee in the said fund. Notwithstanding the failure of an officer or employee to make such deposit, credit shall be allowed for the service rendered, but the annuity of such employee shall be reduced by an amount equal to 10 per centum of the amount of such deposit, unless the officer or employee shall elect to eliminate such service entirely from credit under this Act: *Provided*, That no deposit shall be required for any service rendered prior to August 1, 1920, or for periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. (Sec. 9, 44 Stat. 910, as amended; 5 U. S. C. 736b.)

§ 135.76 Changes of annuity. In the case of any officer or employee who before the effective date of this Act shall have been retired

on annuity under the provisions of the Act of May 22, 1920, as amended, or section 8 (a) of the Act of June 16, 1933, the annuity shall be increased, effective on the first day of the second month following the month in which this Act is enacted by 25 per centum or \$300, whichever is the lesser: *Provided*, That each such annuitant may, prior to the effective date herein prescribed, elect to retain his or her present annuity, in lieu of the increased annuity provided by this section, and name his wife or her husband to receive upon his or her death one-half of his or her present annuity but not to exceed \$600 per annum during the remainder of the life of such surviving husband or wife and upon the death of such survivor no further annuity shall be due or payable. Any such annuitant who died during the period beginning on February 29, 1948, and ending on April 30, 1948, leaving a surviving wife or husband, shall be deemed to have made the election authorized in the foregoing proviso and to have named such wife or husband to receive an annuity as provided in such proviso, but no such annuity shall become due or payable to such wife or husband prior to April 1, 1948. Except as provided in this paragraph, the amendments made by this Act shall not apply in the case of officers and employees retired prior to the effective date of this Act.

In case any officer or employee shall have been separated subsequent to January 23, 1942, and prior to the effective date of this Act and have acquired title to annuity under section 7 of the Act of May 29, 1930, as amended [§ 135.73], beginning after such effective date, his rights shall be determined and annuity computed as though this Act had not been enacted. (Sec. 8, 44 Stat. 909, as amended; 5 U. S. C. 736c.)

§ 135.77 Civil pension roll prohibited. Except as provided in chapter 14 of this title, the establishment of an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the public service from the laws existing February 24, 1899, respecting employment in such service, is prohibited. (Sec. 4, 30 Stat. 890; 5 U. S. C. 98.)

PART 136—DEPARTMENTAL SERVICE

(Regulations and instructions pertaining to the Departmental Service are contained in the Federal Personnel Manual, which may be consulted in the office of the Secretary of Boards of Examiners at all first-class and certain second-class post offices; in offices of General Superintendents, Railway Mail Service; and in Division Headquarters, Post Office Inspection Service.)

POSTAL LAWS AND REGULATIONS

PART 137—FIELD SERVICE

Sec.	APPOINTMENTS	Sec.	
137.1	Appointments; examination requirement and exceptions.	137.31	Gross postal receipts as basis for compensation and allowances.
137.2	Appointment and removal of postmasters.	137.32	Readjustment of salaries of postmasters.
137.3	Postmasters at offices of fourth class.	137.33	Salaries deemed to be full compensation.
137.4	Ineligible for postmastership.	137.34	Compensation of person authorized to perform duties of postmaster
137.5	Residence of postmaster.	137.35	Dates of payment of postmasters' compensation.
137.6	When woman postmaster or employees changes name.	137.36	Salaries of assistant postmasters, second-class offices.
137.7	Appointment of acting postmaster.	137.37	Salaries of supervisory employees, first-class offices.
137.8	Appointment of assistant postmaster.	137.38	(Section number reserved.)
137.9	Appointments in Inspection Service.	137.39	Salaries of superintendents and assistant superintendents at classified stations.
137.10	Appointments at offices of first, second, and third classes.	137.40	Salaries of superintendents of postal finance and auditors at central accounting offices.
137.11	Appointment of Superintendent of Mails.	137.41	Salaries of supervisors in Stamped Envelope Agency.
137.12	Appointment of letter carriers.	137.42	(Section number reserved.)
137.13	Appointment of rural carriers.	137.43	Determination of supervisory needs.
137.14	Appointments in Railway Mail Service.	137.44	(Section number reserved.)
137.15	Ratio of classified substitute employees to regulars.	137.45	Salaries of other employees at offices of first, second, and third classes.
	PROBATIONARY PERIOD	137.46	Promotions to higher positions.
137.16	Probationary period.	137.47	Salaries of mail handlers, messengers, and watchmen.
	ASSIGNMENTS	137.48	Salaries of carriers in village delivery service and clerks in offices of third class.
137.17	Assignments.	137.49	Salaries of classified cleaners.
137.18	Employees serving on civil service boards.	137.50	Salaries in Motor Vehicle Service.
137.19	Seniority of rural carriers.	137.51	Salaries in custodial service.
137.20	Assignment of substitute rural carriers.	137.52	Compensation of special-delivery messengers.
137.21	Assignment of mail handlers.	137.53	Salaries of special-delivery messengers at offices of first class.
137.22	Assignments in Railway Mail Service.	137.54	Grades of special-delivery messengers
137.23	Assignment in dual capacity and of extra duties.	137.55	Automotive-equipment maintenance allowance.
	CONDUCT AND DISCIPLINE	137.56	Provision of vehicles by Department.
137.24	Conduct of postal employees.	137.57	Employment of special-delivery messengers at other duties; delivery by other employees.
	SPECIAL PROHIBITIONS	137.58	Use of special-delivery messengers as rural carriers.
137.25	Employees forbidden to receive fees from public.	137.59	Special-delivery messengers considered as employees of U. S.
137.26	Carriers forbidden to charge extra postage or fees.	137.60	Salaries in Mail Equipment Shops.
137.27	Rural carriers forbidden to receive fees from patrons.		
137.28	Interest of employees in postal contracts prohibited.		
	CLASSIFICATION, SALARIES, AND PROMOTIONS		
137.29	Salaries in Inspection Service.		
137.30	Salaries of postmasters.		

<p>Sec.</p> <p>137.61 Salaries in Division of Equipment and Supplies.</p> <p>137.62 Salaries of rural carriers.</p> <p>137.63 Salaries in Railway Mail Service.</p> <p>137.64 Grades and promotions in Railway Mail Service.</p> <p>137.65 Allowances for travel expenses.</p> <p>137.66 Promotions in the Postal Service.</p> <p>137.67 Computation and payment of salaries.</p> <p style="text-align: center;">ALLOWABLE SERVICE</p> <p>137.68 Allowable service.</p> <p style="text-align: center;">HOURS OF SERVICE, OVERTIME, AND COMPENSATORY TIME</p> <p>137.69 Hours of service.</p> <p>137.70 Overtime.</p> <p>137.71 Compensatory time, or overtime in lieu thereof.</p> <p>137.72 Definition of "employees."</p> <p>137.73 Time allowed railway postal clerks.</p> <p style="text-align: center;">NIGHT WORK</p> <p>137.74 Night differential in pay.</p> <p>137.75 Definition of "employees."</p> <p style="text-align: center;">HOLIDAYS IN THE POSTAL SERVICE</p> <p>137.76 Holidays in the Postal Service.</p>	<p>Sec.</p> <p style="text-align: center;">LEAVES OF ABSENCE OF EMPLOYEES IN POSTAL SERVICE</p> <p>137.77 Leave of absence.</p> <p>137.78 Leaves for postmasters.</p> <p>137.79 Leaves for employees.</p> <p style="text-align: center;">TRANSFERS</p> <p>137.80 Transfer and interchange of employees.</p> <p style="text-align: center;">RESIGNATIONS</p> <p>137.81 When a postmaster leaves office.</p> <p>137.82 Resignations.</p> <p style="text-align: center;">CASE EXAMINATIONS</p> <p>137.83 Case examinations.</p> <p style="text-align: center;">UNIFORMS AND BADGES</p> <p>137.84 Uniforms for city letter carriers.</p> <p>137.85 Specifications for carriers' uniforms.</p> <p>137.86 Carrier's numbered badge.</p> <p>137.87 Service stars and bars.</p> <p>137.88 Uniforms for village carriers.</p> <p>137.89 Inspection of carriers' uniforms.</p> <p>137.90 Uniforms and badges for special-delivery messengers.</p> <p>137.91 Uniforms for railway postal clerks.</p>
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APPOINTMENTS

§ 137.1 Appointments; examination requirement and exceptions. No officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the classes of employees existing on January 16, 1883, or that may thereafter exist, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. Nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by section 35 of this title, nor to take from the President any authority not inconsistent with sections 632, 633, 635, 637, 638, 640 to 642 of this title, conferred by section 631 of this title; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (Sec. 7, 22 Stat. 406; 5 U. S. C. 638.)

POSTMASTERS

§ 137.2 Appointment and removal of postmasters—(a) Authorization. Postmasters of the first, second, and third classes shall be

appointed and may be removed by the President by and with the advice and consent of the Senate, * * * and postmasters of the fourth class shall be appointed and may be removed by the Postmaster General, by whom all appointments and removals shall be notified to the General Accounting Office. (Sec. 6, 19 Stat. 80, as amended; 39 U. S. C. 31.)

(b) In classified service. Postmasters of the first, second, and third classes shall hereafter be appointed in the classified service without term by the President by and with the advice and consent of the Senate. * * * (Sec. 1, 52 Stat. 1076; 39 U. S. C. 31a.)

(c) Method; eligibility; residence requirements. Appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, noncompetitively, of the incumbent postmaster, or by promotion from within the Postal Service in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208-212 of Title 18, and section 42 of Title 40 and Rules, or by competitive examination, in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208-212 of Title 18, and section 42 of Title 40 and Rules. No person shall be eligible for appointment under this section unless such person has actually resided within the delivery of the office to which he is appointed, or within the city or town where the same is situated for one year next preceding the date of such appointment, if the appointment is made without competitive examination; or for one year preceding the date fixed for the close of receipt of applications for examination, if the appointment is made after competitive examination: *Provided*, That residence within the delivery of the post office or within the city or town where the same is situated shall be essential to the examination, appointment, reappointment, or promotion of applicants for postmaster at offices unless the Civil Service Commission finds that peculiar local conditions preclude or render impossible the application of such requirements. In such cases the Commission may examine and certify for appointment, reappointment, or promotion persons who reside in such area adjacent to, or surrounding, the delivery zone of the post office as may be fixed by the Civil Service Commission. (Sec. 2, 52 Stat. 1076, as amended; 39 U. S. C. 31b.)

(d) When examination not required at office of third or fourth class. No postmaster at an office of the fourth class shall be required, in the event such office is advanced to the third class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster at the office so advanced; and no postmaster at an office of the third class shall be required, in the event such office is

relegated to the fourth class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster at the office so relegated; and any postmaster * * * of the fourth or third class who has passed a civil-service examination at any time and has given service satisfactory to the Department may be reappointed without further civil-service examination. (58 Stat. 224; 39 U. S. C. 31c.)

NOTE: See § 137.32 (g) as to advancement of fourth-class offices.

(e) Filling of vacancy; report. Whenever the office of any postmaster becomes vacant, the Postmaster General or the President shall supply such vacancy without delay, and the Postmaster General shall promptly notify the General Accounting Office of the change; * * *. (R. S. 3836, as amended; 39 U. S. C. 38.)

NOTE: See § 7.27 as to procedure when vacancy occurs.

(f) Age limits of candidates for postmastership—(1) At Presidential offices. Candidates for the position of postmaster or acting postmaster at Presidential post offices must not have passed their 63rd birthday and must meet the following minimum age requirements on the closing date for receipt of applications by the Civil Service Commission:

Third-class offices in grades ranging from \$2,250 to \$3,450 per annum, 21 years.

Second-class offices in grades ranging from \$3,850 to \$4,250 per annum, 23 years.

First-class offices in grades ranging from \$4,450 to \$5,250 per annum, 25 years; \$5,450 and above, 30 years.

(2) Veteran's preference. Persons granted preference because of military or naval service and classified employees of the postal service are released from age limitations, except that such persons who have passed their seventieth birthday will not be eligible for examination.

§ 137.3 Postmasters at offices of fourth class—(a) Subject to civil service rules. All positions of postmaster at post offices of the fourth class (except those in Alaska, Guam, Hawaii, Samoa, and the Virgin Islands), have been by Executive order placed in the competitive classified service and made subject to the Civil Service Act and rules.

(b) In Alaska. Notwithstanding any other provision of law, any officer, agent, or employee of the United States Government, who is a citizen of the United States, shall be eligible to appointment as postmaster of a fourth-class post office in the Territory of Alaska and may serve and act as such postmaster and receive the compensation provided by law for such services. (59 Stat. 544; 39 U. S. C. 31d.)

(c) At offices having annual compensation of \$1,300 or more. Appointments by the Postmaster General to offices having an annual compensation of \$1,300 or more shall be made in the same manner as provided by the Civil Service Act and rules for other positions in the competitive classified service, except as otherwise provided.

(d) At offices having annual compensation of less than \$1,300. Appointments by the Postmaster General at offices having an annual compensation of less than \$1,300 shall be made in the following manner: When a vacancy has occurred or is

about to occur at any such office, a post-office inspector will visit the locality and report upon the suitability of applicants for the appointment in the order of their fitness, such report to be based solely upon the qualifications and suitability of the applicants and their ability to provide proper facilities for transacting the business of the office.

(e) **Age limit.** No person shall be eligible for appointment as fourth-class postmaster or acting postmaster if he has reached his sixty-fifth birthday on the date of close of receipt of applications. Where the applicant is a veteran, widow of a veteran, or the wife of a disabled veteran, the age for entrance to the examination is waived, except that no person will be admitted who has reached the age of retirement.

(f) **When there is no register of eligibles.** Where the Civil Service Commission is unable to establish a register of eligibles for fourth-class postmaster and authorizes an appointment by the Postmaster General on the report of a post office inspector, the same regulations shall apply as govern appointments where the compensation is less than \$1,300.

NOTE: Rate of compensation conforms to rate specified in Executive Order No. 10017, dated November 10, 1948.

§ 137.4 **Ineligible for postmastership—(a) Alien.** No person shall be appointed postmaster or acting postmaster of a post office in the continental United States unless he is a citizen of the United States or a person in the service of the United States on March 28, 1938, who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

(b) **Minor.** No person under 21 years of age shall be appointed postmaster or acting postmaster.

(c) **Contractor.** No person concerned in a contract for carrying the mails, either as contractor, subcontractor, or surety, nor any member of his immediate family shall be appointed postmaster.

NOTE: See §§ 90.8 and 94.6 as to postmasters interested in mail contracts.

(d) **Prosecutor of claim against Government.** No person engaged in the prosecution of claims against the Government shall be appointed postmaster.

(e) **Husband or wife of rural carrier.** The husband or wife of a rural carrier shall not be appointed postmaster, nor shall the husband or wife of a postmaster be appointed rural carrier.

§ 137.5 **Residence of postmaster—(a) Requirements.** Every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated. (Sec. 8, 33 Stat. 441; 39 U. S. C. 32.)

(b) **State boundaries.** The delivery district of a post office is not affected by State boundaries, and a postmaster may reside outside the State where his office is located if he is within the delivery thereof.

§ 137.6 **When woman postmaster or employee changes name—(a) Postmaster.** A woman postmaster shall immediately report to the Bureau of the First Assistant any change in her name, giving her new name, effective date, and the reason for the change. Failure to do so promptly shall be sufficient cause for removal. It is not necessary that a new bond be furnished incident to the change in name of a postmaster. After the change has been reported, she shall sign all papers, returns, accounts, requisitions, money orders, etc., under her new name (using, however, her Christian name).

(b) **Other employee.** Promptly upon the change of name of an employee holding a classified position in the postal service, postmasters and other appointing officers shall report to the proper bureau of the Department the name of such employee as officially indicated on their rosters, the date of the change of name, and the new name as the employee desires to be officially known.

ACTING POSTMASTERS

§ 137.7 Appointment of acting postmaster—(a) Procedure. Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay. * * * (Sec. 1, 41 Stat. 1151, as amended; 39 U. S. C. 39.)

(b) **When postmaster called for duty in armed forces.** * * * That at any post office the postmaster of which has been called for duty as a member of the National Guard or of the Reserve of the Army, Navy, or Marine Corps or pursuant to draft or voluntary enlistment, the Postmaster General is authorized to grant leave of absence without pay to such postmaster and to appoint an acting postmaster at such post office to serve for the period only of the absence of the regular postmaster on military service, requiring such acting postmaster to furnish suitable bond with surety for the faithful performance of the duties as acting postmaster and releasing the regular postmaster and his sureties of responsibility for the conduct of the office during such period: *Provided further*, That where a postmaster resigns for the purpose of military service as herein described and subsequently wishes to resume his previous position as postmaster he may be permitted, upon being released from military service, to withdraw his resignation and resume the office of postmaster, or be reappointed thereto, in the event the office is being conducted at the time by an acting postmaster: *Provided further*, That appointments of acting postmasters to serve during the absences of regular postmasters on leave granted pursuant to the terms of this act shall be made in accord-

ance with the civil-service laws, rules, and regulations, and such appointments may continue until the return to duty of the regular postmaster or until it has been determined that the regular postmaster will not return to duty. (Sec. 3, 52 Stat. 1077, as amended; 39 U. S. C. 39a.)

(c) Period of appointment. Appointments of acting postmasters in all classes of post offices shall be made by the Postmaster General: *Provided*, That acting postmasters shall serve not to exceed six months from the date of their designation, except that the Postmaster General may extend the period of service of any acting postmaster beyond such six months' period with the permission of the Civil Service Commission. * * * (Sec. 3, 52 Stat. 1077, as amended; 39 U. S. C. 39a.)

(d) Person who performs duties of postmaster pending appointment of postmaster or acting postmaster. * * * A person who, upon the occurrence of a vacancy and pending the appointment of a postmaster or the designation of an acting postmaster, assumes and properly performs the duties of postmaster at any third- or fourth-class post office shall be allowed compensation as postmaster for the period of such service: *Provided*, That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for compensation for service heretofore rendered, but subsequent to June 30, 1930, is hereby authorized and directed to allow compensation as postmaster for service rendered under the circumstances and conditions hereinbefore prescribed. (Sec. 1, 41 Stat. 1151, as amended; 39 U. S. C. 39.)

(e) Qualifications. The qualifications for appointment as acting postmaster are the same as for appointment as postmaster. (See §§ 137.4 and 137.5.)

ASSISTANT POSTMASTERS

§ 137.8 Appointment of assistant postmaster—(a) Under civil service rules. At post offices of the first and second classes the position of assistant postmaster is in the competitive classified service, and when appointments thereto are authorized they shall be made in accordance with the civil-service rules and be reported (on the proper form in triplicate) to the First Assistant Postmaster General for approval. The position of assistant postmaster is not authorized at post offices of the third class.

(b) Designation of clerk to perform duties of postmaster. At post offices where the appointment of an assistant postmaster has not been specifically authorized by the department the postmaster shall designate one of the clerks to perform the duties of the postmaster during his absence.

(c) Designation of member of family or surety to perform duties of postmaster. At offices of the fourth class the postmaster may designate a member of his family or a surety on his bond, if competent, to perform the duties of post-

master during his absence. Such selection may be made without approval of or report to the Department.

NOTE: See §§ 25.17, 25.19, and 25.20 as to clerical help required at fourth-class offices.

(d) **Duties of.** Assistant postmasters or persons designated to act for the postmaster shall perform such duties as may be assigned to them by the postmaster except as otherwise prescribed by departmental instructions.

NOTE: See § 137.30 (e) as to compensation to persons performing the duties of postmaster at fourth-class offices during the absence of the postmaster.

OTHER APPOINTMENTS

§ 137.9 Appointments in Inspection Service—(a) Inspectors. The Postmaster General may employ such number of post-office inspectors as the good of the service and the safety of the mail may require; and the appointment of additional inspectors shall be made upon certification of the Civil Service Commission. (R. S. 4017, as amended; 39 U. S. C. 692.)

(b) **Officers and employees.** Authority to appoint the following-named officers and employees may be found in the laws cited:

Inspectors in Charge, June 17, 1883 (20 Stat. 140); March 3, 1891 (26 Stat. 1079); June 2, 1900 (31 Stat. 260); and subsequent appropriation acts. Assistant Inspectors in Charge, Sec. 15, 59 Stat. 450, as amended; 39 U. S. C. 865 a.

Clerks at division headquarters and other posts of duty of post-office inspectors, Sec. 15, 59 Stat. 450, as amended; 39 U. S. C. 865 a, c, d, and e; and annual appropriation acts.

NOTE: See § 1.3 as to authority to appoint Chief Inspector.

(c) **Substitutes.** When any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay. (Sec. 2, 43 Stat. 1056, and sec. 1, 60 Stat. 203, as amended; 39 U. S. C. 699, 877.)

§ 137.10 Appointments at offices of first, second, and third classes—(a) In classified service. Under civil-service rules all the employees of post offices of the first, second, and third classes (except special-delivery messengers at second- and third-class offices) shall be included in the classified postal service, but no officer or employee in any office advanced to these classes or consolidated with an office of these classes shall be classified under the terms of this rule who fails to establish to the satisfaction of the Postmaster General his or her capacity for efficient service in the position held.

(b) **Under civil service rules.** At post offices embraced in the classified Postal Service under the civil service act (see § 137.10a) appointments shall be made under the civil-service rules from the eligible list furnished by the Civil Service Commission.

(c) **Temporary appointments.** When at any post office in the classified service there is not a complete list of eligibles, temporary appointments may be made.

(d) **Approval by Department.** Postmasters shall make no appointments to fill vacancies, or original appointments of clerks or other employees who are paid from the clerk-hire allowances made by the Post Office Department, without first submitting a nomination to the First Assistant Postmaster General, Division of Post Office Personnel, and receiving his approval thereof.

(e) **Certification of appointments and changes to General Accounting Office.** All appointments of clerks and changes in grade or compensation shall be reported to the General Accounting Office by the First Assistant Postmaster General; and no payment on account of salaries of clerks shall be allowed, except where such payments are made to persons employed by authority of the First Assistant Postmaster General.

NOTE: See § 135.1 (c) as to preference to be given to honorably discharged soldiers, sailors, and marines, their widows and orphans. See § 135.48 on reinstatements and §§ 53.20 to 53.27 on appointment of special-delivery messengers at second- and third-class offices.

§ 137.11 **Appointment of Superintendent of Mails.** When it is deemed necessary at any post office of the first class, the First Assistant Postmaster General may appoint from the classified postal service a superintendent of mails, on the nomination of the postmaster.

§ 137.12 **Appointment of letter carriers—(a) Examinations.** Applicants for appointment as letter carriers shall be examined by the Civil Service Commission, to whom applications should be made. Examinations will be open only to citizens of the United States.

(b) **Qualifications.** Every applicant for appointment shall be between 18 and 50 years of age, weigh at least 125 pounds, and be not less than 5 feet 4 inches in height. He shall undergo a physical examination by a reputable physician, who shall make the certificate required by the Civil Service Commission.

(c) **By whom.** Letter carriers and substitute letter carriers shall be appointed by the First Assistant Postmaster General on the nomination of the postmaster.

(d) **Selections of substitutes.** Selections of persons for appointment as substitute letter carriers shall be made by the postmaster from the carriers' eligible register in the manner prescribed by the civil-service rules and the nominations submitted to the civil service regional director for indorsement and transmitted to the First Assistant Postmaster General, Division of Post Office Personnel.

(e) **Seniority.** When two or more persons are nominated on the same day for appointment as substitute letter carrier, their seniority shall be determined by their standing, or rating, on the eligible register and not by the order of their selection.

(f) **Vacancy in regular force—(1) How filled.** A vacancy in the regular force may be filled by the promotion of the substitute carrier at the head of the roll or by reinstatement or by transfer.

(2) **When no substitute available.** When a vacancy occurs in the regular force and there are no substitute letter carriers, the nomination for appointment shall be made from the carriers' eligible register, unless filled by reinstatement or by transfer.

(g) **Upon establishment of new office.** The appointment of letter carriers and substitute letter carriers at new city delivery offices upon their establishment shall be made from the * * * eligible register by the First Assistant Postmaster General on nomination of the postmaster. A postmaster is not required to make selection for permanent appointment from an eligible register containing less than three names.

(h) **Temporary appointments.** When a vacancy occurs or an emergency arises necessitating the immediate appointment of a letter carrier, and the eligible register contains less than three names, appointment may be made in accordance with civil service rules.

§ 137.13 **Appointment of rural carriers.** Rural carriers shall be appointed by the First Assistant Postmaster General upon certification by the Civil Service Commission from registers of eligibles resulting from examination.

§ 137.14 **Appointments in Railway Mail Service—(a) Officers.** Authority to appoint field officers of the Railway Mail Service may be found in the statutes cited:

Nine general superintendents (formerly designated division superintendents), June 17, 1878 (20 Stat. 140).

Two general superintendents (formerly designated division superintendents), February 29, 1888 (25 Stat. 43).

One general superintendent (formerly designated division superintendent) (to be assigned to duty at New Orleans, La.), May 27, 1908 (35 Stat. 413).

One general superintendent (formerly designated division superintendent) (thirteenth), March 1, 1909 (35 Stat. 666), and subsequent appropriation acts.

One general superintendent (formerly designated division superintendent) (fourteenth), March 4, 1911 (36 Stat. 1335), and subsequent appropriation acts.

One general superintendent (formerly designated division superintendent) (fifteenth), August 24, 1912 (37 Stat. 548), and subsequent appropriation acts.

Assistant superintendents, R. S. 4017; June 2, 1900 (31 Stat. 259), and subsequent appropriation acts.

Assistant general superintendents (formerly designated assistant division superintendents), June 2, 1900 (31 Stat. 259), and subsequent appropriation acts.

One assistant general superintendent (formerly designated assistant division superintendent) (to be assigned to duty at New Orleans, La.), May 27, 1908 (35 Stat. 413).

District superintendents (formerly designated chief clerks), June 2, 1900 (31 Stat. 259), and subsequent appropriation acts.

Assistant district superintendents (formerly designated assistant chief clerks), June 5, 1920 (41 Stat. 1052), and subsequent appropriation acts.

(b) **Railway postal clerks.** The Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks. (Sec. 7, 37 Stat. 555; 39 U. S. C. 609.)

NOTE: See § 106.1 as to residence requirements of railway postal clerks. The titles of "division superintendents" and "chief clerks" were changed to "general superintendents" and "district superintendents" by administrative action effective November 1, 1946.

(c) **Ineligible because of past record.** No person who has been discharged from the service for causes affecting his character and standing as a clerk or a citizen shall be employed as a substitute or in any other capacity.

(d) **Original appointments of clerks—(1) Rules.** Original appointments to the position of railway postal clerk shall be made by the Postmaster General under the civil-service rules and regulations.

(2) **To rank of substitute.** All original appointments shall be made to the rank of substitute railway postal clerk, * * *. (Sec. 7, 37 Stat. 556, as amended; 39 U. S. C. 611.)

(e) **Filling of vacancies—(1) Regular clerks.** Any vacancy in the regular force of clerks shall be filled by the appointment of the first substitute in the State entitled by proper apportionment to the appointment.

(2) **Substitute clerks.** Vacancies in the substitute force shall be filled by certification of the Civil Service Commission from the Railway Mail Service register of the State in which the vacancy exists.

(3) **Substitute mail handlers.** Vacancies in the substitute mail handler force shall be filled by certification of the Civil Service Commission from the mail handler register for the locality in which the vacancy exists, and vacancies in the regular mail handler force shall be filled by the appointment of the first substitute mail handler for the locality entitled to the appointment.

§ 137.15 Ratio of classified substitute employees to regulars. The ratio of classified substitute railway postal clerks, classified substitute post-office clerks, classified substitute city letter carriers, classified substitute village letter carriers, classified substitute mail handlers, watchmen, and messengers, and classified substitutes in the Motor Vehicle Service, to regular railway postal clerks, post-office clerks, city letter carriers, village letter carriers, mail handlers, watchmen, and messengers, and employees of the Motor Vehicle Service, shall be not more than one classified substitute to six regular employees, or fraction thereof, respectively, except that in offices having fewer than six regular employees there may be one substitute clerk and one substitute carrier, and one substitute in the Motor Vehicle Service: *Provided*, That where the ratio of substitutes is now in excess of these ratios, no additional classified substitutes shall be appointed until these ratios are established: *Provided further*, That the provisions of this section shall not operate to furlough or dismiss (1) any classified substitute railway postal clerks, post-office clerks, city letter carriers, village letter carriers, or mail handlers, watchmen, or messengers; or (2) any classified substitutes in the Motor Vehicle Service. (49 Stat. 1460, as amended; 39 U. S. C. 834.)

PROBATIONARY PERIOD

§ 137.16 Probationary period—(a) Postmasters. All postmasters in the classified civil service shall serve a probationary period of 6 months.

(b) **Post office employees.** The trial period of 1 year for persons appointed in the post office service shall begin with the date of appointment as regular or classified substitute and terminate with 1 year of service. The following service will be counted toward completion of the probationary period: (1) Service in the

armed forces of the United States during a national emergency when the employee entered such service during his probationary period; (2) all continuous temporary service, immediately preceding probational appointment in the same position to which probationally appointed. However, the trial period for char employees regularly assigned for less than 5 hours daily, relief telephone operators, and relief laborers in the Custodial Service is 2,024 hours of actual service. An efficiency record of each probationer shall be maintained.

(c) **Railway Mail Service employees.** The probationary term of employees in the Railway Mail Service is the first calendar year of service.

ASSIGNMENTS

§ 137.17 Assignments—(a) Detail of clerks from postal service to departmental forbidden. It shall not be lawful to detail clerks or other employees, paid from general appropriations for the postal service, from any branch of said postal service, whether located at the seat of government or elsewhere, to any of the offices or bureaus of the Post Office Department at Washington. (Sec. 9, 30 Stat. 317; 5 U. S. C. 370.)

(b) **Detail of employees from outside to within District of Columbia.** It shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for * * * any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are specially provided by law, for duty in any bureau, office, or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices. (Sec. 4, 22 Stat. 255, as amended; 5 U. S. C. 39.)

(c) **Carriers.** Carriers shall not perform clerical work. Their duties shall be restricted to (1) the collection and delivery of mail, (2) the routing of mail for delivery, (3) the forwarding of mail addressed to their routes and the transfer of mail of former patrons whose addresses have been changed to other routes, (4) the indorsing of undeliverable mail, (5) the receipting for and recording of registered mail, (6) the posting of route books, (7) the facing of mail collected by them whenever such work will not retard collections, and (8) to serving at carriers' delivery windows.

(d) **Substitute carriers.** Substitute carriers shall be assigned to duty by the postmaster or his representative and shall never be called into service by carriers except in cases of urgent necessity, when it is plainly impossible to notify the postmaster in time either by telephone or messenger.

NOTE: See § 53.21 as to employment of substitute carriers and clerks as special-delivery messengers.

As substitutes are paid by the hour, their services are not restricted to eight hours daily nor to service within any number of consecutive hours.

§ 137.18 Employees serving on civil service boards—(a) Not to affect relations to post office. The appointment of clerks, city, and village letter carriers in post offices as secretaries or as members of boards of civil-service examiners, as provided by civil service rules, shall not affect their relations to the Post Office

Department. They shall continue subordinate to the postmaster and shall not absent themselves from their duties as post-office employees to attend meetings of the board or to transact the business of the Civil Service Commission without special authority from him.

(b) Board duties under direction of Civil Service Commission. Clerks, and city and village letter carriers who are members of boards of civil-service examiners are, while in the performance of their duties as such, under the direction of the Civil Service Commission. Unless the entire time of such employees each day is taken up in the performance of civil-service work, the employees, when employed only part time on civil-service work, shall render faithful and efficient service as post-office employees during the remainder of their daily official tour, and shall not neglect their duties under the pretext of performing service for the Civil Service Commission.

(c) Postmaster to facilitate work of. Postmasters shall allow clerks, city, and village letter carriers who are members of the local board of civil-service examiners ample time to attend to their duties as members of such boards during the regular office hours, upon proper notice and application, and shall in every way facilitate the work of the Civil Service Commission.

§ 137.19 Seniority of rural carriers—(a) Status. The seniority status of a rural mail carrier shall be based upon the regulations of the Post Office Department which provide that seniority shall commence on the day of appointment as a regular rural carrier. In case of voluntary transfer from one post office to another, or from any branch of the service into the rural service, the relative seniority of the transferee shall be determined by the date of entrance into the rural service of the office to which transfer is made.

(b) Assignment to routes. All rural carriers, upon entering the service, shall be assigned to the least desirable route and shall rise to the more desirable routes by seniority only.

(c) Promotions and preferential assignments. The awarding of promotions and preferential assignments shall be based upon seniority and ability; if ability be sufficient, seniority shall govern.

(d) Filling vacancies on preferred routes. (1) Each new route or vacancy shall be bulletined and all rural carriers attached to the office shall be given a chance to apply. The senior rural carrier who applies shall be assigned thereto as provided in section 3 [paragraph (c)].

(2) Rural carriers awarded these assignments shall have ninety days in which to demonstrate their fitness for the route and shall not be removed therefrom until their inability to fill the assignment has been proven. In case of their inability to fill the new assignment they shall be returned to their former position. Such rural carrier shall be allowed the right of appeal as stated in section 6 [subparagraph 3].

(3) A senior rural carrier who makes application for a new or vacant route, whose application has been denied, or who has been declared

incompetent for same, shall have the right, upon written request, to a hearing before a post-office inspector, on his case, and shall be furnished a statement in writing of the reasons for his rejection by official responsible for same.

(4) This hearing shall occur, except under unusual conditions preventing same, within ten days from the date of his request. In case of a postponement, the rural carrier affected shall be given a written statement of the reason for the postponement.

(5) The rural carrier shall have the right to be represented at the hearing by not more than three representatives of his own choosing.

(6) The provisions of this Act shall not be construed as supplanting any civil-service regulations in effect on the date of its enactment. (Secs. 1-7, 62 Stat. 236; 39 U. S. C. 213-219.)

(e) Hearings. (1) Requests for hearing before a post-office inspector shall be addressed to the inspector in charge of the division in which the route is located. The inspector designated to conduct the hearing will notify the requesting carrier of the date and place of the hearing which shall be held, if practicable, at the post office from which the carrier's route emanates, otherwise it will be held at some suitable nearby place. Notice of any postponement will also be given by the inspector.

(2) Testimony of the rural carrier and his representatives shall be heard after they have been duly sworn, and he should be permitted to file such written statements or briefs as are pertinent to the issues.

(3) Report of the testimony received at the hearing should be made to the Department for the information of the First Assistant. The report will contain the inspector's recommendation and be accompanied by any written statements or briefs filed by the carrier.

(4) After consideration by the First Assistant, the carrier will be notified of the results by that official.

§ 137.20 Assignment of substitute rural carriers—(a) May serve more than one route. If deemed advisable by the postmaster, a substitute rural carrier may be assigned to two or three routes, but not more.

(b) When no substitute available. When a substitute rural carrier is no longer available for service, the postmaster shall promptly report that fact to the Department.

§ 137.21 Assignment of mail handlers—(a) Restrictions. A person employed merely as a mail handler or workman without examination under the civil-service rules shall not be assigned to work of the grade performed by classified employees.

(b) Duties. Mail handlers shall not be assigned to clerical duties. The work to which mail handlers shall be assigned consists of loading and unloading motor trucks, trucking mail in the office, setting up and taking down bag racks, dumping mail, making simple distribution of parcels where no scheme knowledge is involved, operating canceling machines, cleaning and oiling machines, conveyors, etc., carrying mail from canceling machines to distribution cases and from letter drops to facing tables, handling empty pouches and sacks, and such other similar work as the postmaster may direct.

§ 137.22 Assignments in Railway Mail Service—(a) District superintendents—

(1) Authorization. The Deputy Second Assistant Postmaster General, Surface Postal Transport, may assign district superintendents of the Railway Mail Service at such points as he may deem advisable to be in charge of one or more lines, terminals, transfer offices, air mail fields, or other operating units constituting a district.

(2) Assistant and office employees. There shall be assigned to the office of a district superintendent an assistant district superintendent and such additional employees as may be found necessary.

(3) Duties. District superintendents shall :

See that clerks under their charge perform promptly and thoroughly all duties required of them.

See that schemes and Books of Instructions furnished are kept corrected.

See that all orders from the Department and general superintendent are promptly executed.

Report to the general superintendent all irregularities, insubordination, inefficiency, and lax morality coming to their attention.

Conduct scheme examinations for clerks in post offices of the first and second classes where there is no superintendent of mails.

Perform such other duties as may be specially delegated to them.

(b) Railway postal clerks. Assignments of railway postal clerks to duty upon lines and in offices shall be made by the Deputy Second Assistant Postmaster General, Surface Postal Transport.

(c) Emergency assignments. When emergencies arise, general superintendents may make any assignment of clerks in their respective divisions which will be for the benefit of the service; but such assignments shall not be for a longer period than 30 consecutive days, and shall be promptly reported to the Deputy Second Assistant Postmaster General, Surface Postal Transport.

(d) Temporary assignments. When the necessities of the service require the temporary assignment of an extra railway postal clerk to a crew, the order of assignment shall, when possible, be in writing, and shall be presented to the clerk in charge of the railway post office to which the clerk is assigned. This order shall be accepted as authority to admit the clerk to the car and assign him to duty. When it is impossible to give a written order, an order by telegraph or telephone or an oral one shall be accepted.

(e) Assignment of mail handlers as substitute mail clerks. When the needs and interests of the service so require, mail handlers may be assigned to act as substitute railway mail clerks.

§ 137.23 Assignment in dual capacity and of extra duties.

When in the judgment of the Postmaster General the needs and interests of the Postal Service so require he may employ mail messengers and postal employees in a dual capacity, or assign extra duties to such mail messengers and postal employees; and, notwithstanding the provision of sections 58, 69, and 70 of Title 5, compensation shall be paid to such mail messengers and postal employees for such services at the rate provided by law for such services. (Sec. 1, 45 Stat. 1441, as amended; 39 U. S. C. 136.)

NOTE: See §§ 17.4 and 17.5 as to extra compensation for discharging duties of different offices, etc., and § 94.6, as to mail messengers' compensation.

CONDUCT AND DISCIPLINE

§ 137.24 Conduct of postal employees—(a) Borrowing money and contracting debts. Officers and employees of the Post Office Department and the Postal Service shall not borrow money or contract debts which they have no reasonable prospect of being able to pay. They will be required to pay their just debts and failure to do so will be regarded as cause for disciplinary action.

(b) Soliciting from patrons. Officers and employees of the Post Office Department and the Postal Service shall not solicit from patrons of the service, for themselves or for any organization with which they are affiliated, in person or through others, contributions of money or anything else of value; neither shall they issue addresses, complimentary tickets, prints, publications, or any substitute therefor intended or calculated to induce the public to make them gifts or presents; distribute, offer for sale, or collect the proceeds of the sale of tickets for theaters, concerts, balls, fairs, picnics, excursions, or places of amusement or entertainments of any kind, issue for profit souvenirs or postal handbooks to secure the patronage of the public.

(c) Conventions or service organizations. Where National, State, or large sectional conventions of service organizations are held the postmaster may appoint a committee of three, consisting of himself, a member of the service organization involved, and a member of the local chamber of commerce or civic organization interested in securing conventions. This committee shall prepare a budget of contemplated expenses and submit it to the department for its approval. If approved, public solicitation for the necessary funds may proceed under the direction of the aforesaid committee. Within 60 days after the close of the convention a statement shall be prepared by the postmaster showing the amount of money raised and how it was expended, which statement shall be made a part of the records of the post office: *Provided further*, That nothing in this regulation shall preclude an employee from acting as an official of a religious, fraternal, or civic nonpolitical organization which is supported by dues or contributions from its own members. (See § 137.24 (1).)

(d) Soliciting of advertisements. The publication and circulation by employees or organizations of employees of booklets, pamphlets, or other prints for the purpose of financing conventions, either State or national, balls, or entertainments involving solicitation for advertisements, will be deemed a violation of the department's rule against solicitation and will not be countenanced. Solicitation for the above purpose by individuals or professional solicitors not connected with the service on a fee or contract basis will be regarded as an evasion of the rule and will not be permitted. There is no objection, however, to the publishing and circulating of booklets, pamphlets, or prints when the cost thereof is paid by the individual employees or from funds in the treasury of employees' organizations.

(e) Compilation of city directories. Postmasters and employees shall not compile city directories for public use or assist publishers in compiling the same; nor request publishers to send free copies thereof to them, nor accept any money or gratuity arising from the publication of such directories.

(f) Demeanor toward patrons. Postmasters and their subordinates shall treat all the patrons of their offices with courtesy and consideration.

(g) Letter carriers—(1) General conduct. In the performance of their duties letter carriers shall be civil, prompt, and obliging.

(2) **Quiet and diligent attention to duties.** Carriers shall attend quietly and diligently to their duties, shall not loiter or stop to converse on their routes, and shall refrain from loud talking, profane language, and smoking in the office or on their routes.

(3) **Use of intoxicants.** Carriers shall not drink intoxicating liquor while on duty, nor in public places while in uniform. Any carrier who becomes intoxicated while on duty, or who is addicted to intemperance, may be removed from the service.

(4) **Discipline.** Letter carriers may be reprimanded, their promotions withheld, their salaries reduced, or they may be removed from the service for infractions of the Postal Laws and Regulations, of orders of the department, and of orders of the postmaster not inconsistent therewith, as the nature or gravity of the offense may require. They may be suspended with loss of pay only by approval of the department. In urgent cases authority therefor may be requested by telegram.

(h) **Rural carriers—(1) Use of intoxicants.** Rural carriers shall not use intoxicants while in charge of the mail, shall not drink to excess at any time, and shall refrain from improper conduct of any character under penalty of appropriate punishment, or, in repeated instances, of separation from the service.

NOTE: See § 137.24 (i) as to outside employment, soliciting, and other restrictions.

(2) **Carrying of passengers.** Rural carriers shall not carry in their vehicles while on duty any unauthorized person, but shall allow post office inspectors and other agents of the department, on presentation of proper credentials, to accompany them on their regular trips.

(3) **Circulating of petitions.** Rural carriers shall not circulate or encourage the circulation of petitions for changes in the service, the appointment or removal of postmasters, or for any other object in connection with the Postal Service.

(i) **Outside employment.** Postmasters and employees in post offices shall not engage in any business or vocation that will interfere with their official duties nor in which their employment in the Postal Service will give them an advantage over others not in the service engaged in a similar business or vocation. No postmaster or employee shall engage in any business involving soliciting or canvassing.

(j) **Railway postal clerks—(1) Outside employment.** Lay-off periods which are granted railway postal clerks for proper rest shall not be utilized by clerks for the purpose of engaging in any business or vocation for profit either as principal or as agent for others that will interfere with their official duties or in which their employment in the Postal Service will give them an advantage over others not in the service engaged in a similar business or vocation, or in any business involving soliciting or canvassing. Clerks should not so overtax their physical strength during lay-off periods as to prevent their being in a refreshed condition when resuming active duty.

(2) **Conduct.** Railway postal clerks shall observe in their official intercourse with the public and with one another the strictest courtesy, and endeavor, by active and intelligent effort, to promote the interest of the service. Discussion and loud talking when at work shall be avoided.

(3) **Use of intoxicants.** Railway postal clerks shall not use intoxicating liquors when on duty, and the frequent and excessive use of the same while off duty will be sufficient cause for dismissal from the service.

SPECIAL PROHIBITIONS

§ 137.25 Employees forbidden to receive fees from public. No person employed in the postal service shall receive any fees or perquisites on account of the duties to be performed by virtue of his appointment. (R. S. 3858; 39 U. S. C. 812.)

NOTE: This section is somewhat ambiguous, but it is evidently intended to prohibit persons employed in the postal service from accepting fees or perquisites from the public for the performance of duties required of them by virtue of their appointment, except for the execution of pension vouchers by postmasters at offices of the fourth class and rural carriers as provided in § 25.13.

See § 135.4 as to notarial fees.

§ 137.26 Carriers forbidden to charge extra postage or fees. No extra postage or carriers' fees shall be charged or collected upon any mail matter collected or delivered by carriers. (R. S. 3873; 39 U. S. C. 162.)

§ 137.27 Rural carriers forbidden to receive fees from patrons. Rural carriers shall not request or receive from patrons fees for the delivery or collection of mail, and shall not require the payment of postage on mail in excess of that prescribed by law.

§ 137.28 Interest of employees in postal contracts prohibited—
(a) Penalty. Whoever, being a person employed in the Postal Service, becomes interested in any contract for carrying the mail, or acts as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Post Office Department, shall be fined not more than \$5,000 or imprisoned not more than one year, or both. (62 Stat. 704; 18 U. S. C. 440.)

(b) Exceptions. (1) In the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail-messenger service, * * *. The total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed \$300 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (Sec. 1, 39 Stat. 418, as amended; 39 U. S. C. 579.)

(2) Post Office employees at post offices of all classes not named in the preceding paragraph may also, in the discretion of the Postmaster General, enter into contracts for the performance of mail messenger service provided the total amount paid under such contract shall not exceed \$300 in any one year, except that special-delivery messengers paid on a fee basis may receive in excess of \$300 for mail messenger service in any one year.

(c) Postmasters and employees. No postmaster, assistant postmaster, or clerk employed in any post office shall be a contractor or concerned in any contract for carrying the mail. * * * (R. S. 3850, as amended; 39 U. S. C. 52.)

NOTE: See § 4.5 for exception.

(d) **Members of families of postmasters, or employees.** No postmaster, assistant postmaster, or clerk in a post office, nor any member of the immediate family of a postmaster or assistant postmaster, shall be permitted to become a bidder, or contractor, or subcontractor, or to receive compensation for carrying the mails. (See §§ 4.5 and 92.44.)

NOTE: See § 94.6 (b) as to contracts by employees of the postal service and special-delivery messengers for mail-messenger service; § 130.36 as to penalty for being interested in contract or acting as agent for contractor.

(e) **Mail contractors ineligible for appointment; exceptions.** Contractors or subcontractors for carrying the mail, mail messengers, assistant messengers, or persons concerned in the prosecution of claims against the Government shall not be appointed assistant postmaster or clerk in a post office; except that in the discretion of the Postmaster General, a postmaster or a clerk in a post office of the third class, or a postmaster, or a clerk in a post office of the fourth class may enter into a contract for the performance of mail-messenger service, provided the total amount payable under such contract shall not exceed \$300 in any one year. (See §§ 4.5, 90.8, and 94.6.)

CLASSIFICATION, SALARIES, AND PROMOTIONS

POST OFFICE INSPECTORS

§ 137.29 **Salaries in Inspection Service—(a) Officers.** The annual salaries of inspectors in charge, assistant inspectors in charge, and supervisory employees at division headquarters of the Inspection Service shall be as follows:

- Post-office inspectors in charge, \$7,550.
- Assistant post-office inspectors in charge, \$6,850.
- Chief clerks, \$4,850.
- Assistant chief clerks, \$4,350.
- Chiefs of sections, \$4,250.

(Sec. 15, 59 Stat. 450, as amended; 39 U. S. C. 865.)

(b) **Inspectors.** Post-office inspectors shall be divided into ten grades with annual salaries as follows:

Grade 1.....	\$4,050	Grade 6.....	\$5,050
Grade 2.....	4,250	Grade 7.....	5,450
Grade 3.....	4,450	Grade 8.....	5,850
Grade 4.....	4,650	Grade 9.....	6,350
Grade 5.....	4,850	Grade 10.....	6,850

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade until they reach grade 8: *Provided*, That promotion of not more than 25 per centum of the authorized quota of inspectors may be made to grades 9 and 10. The Postmaster General shall assign difficult or complex work to be performed by inspectors in grades 9 and 10 and shall select the inspectors to be assigned to these grades under such rules and regulations

as he shall prescribe: *Provided further*, That inspectors will not be selected for promotion to grades 9 and 10 until they have completed at least one year's faithful and meritorious service in the next lower grade. (Sec. 15, 59 Stat. 450, as amended; 39 U. S. C. 865.)

NOTE: See § 135.32 as to travel allowances.

(c) Clerical force—(1) Classification. The clerical force of the Post Office Inspection Service shall be classified as clerks and principal review clerks.

(2) Clerks. Clerks at division headquarters and other posts of duty of post office inspectors shall be divided into nine grades with annual salaries as follows:

Grade 1.....	\$2,750	Grade 6.....	\$3,250
Grade 2.....	2,850	Grade 7.....	3,350
Grade 3.....	2,950	Grade 8.....	3,450
Grade 4.....	3,050	Grade 9.....	3,550
Grade 5.....	3,150		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach grade 9: *Provided*, That for such clerks there shall be three additional grades; that is, grade 10, \$3,650; grade 11, \$3,750; grade 12, \$3,850; and that clerks who perform faithful and meritorious service shall be promoted to grade 10, after three years of such service in grade 9; shall be promoted to grade 11, after five years of such service in grade 10; and shall be promoted to grade 12, after seven years of such service in grade 11.

(3) Principal review clerks. Principal review clerks at division headquarters of post-office inspectors shall be divided into four grades with annual salaries as follows:

Grade 1.....	\$3,550	Grade 3.....	\$3,750
Grade 2.....	3,650	Grade 4.....	3,850

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the fourth grade: *Provided*, That for such clerks there shall be two additional grades; that is, grade 5, \$3,950; grade 6, \$4,050; and that such clerks who perform faithful and meritorious service shall be promoted to grade 5 after three years of such service in grade 4, and shall be promoted to grade 6 after five years of such service in grade 5. (Sec. 15, 58 Stat. 450, as amended; 39 U. S. C. 865.)

POSTMASTERS

§ 137.30 Salaries of postmasters—(a) Schedule of. The compensation of postmasters shall be annual salaries to be fixed by the

Postmaster General from their respective quarterly returns for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates:¹

FIRST CLASS

\$40,000 but less than \$50,000.....	\$4, 450	\$400,000 but less than \$500,000.....	\$5, 650
\$50,000 but less than \$60,000.....	4, 550	\$500,000 but less than \$600,000.....	6, 150
\$60,000 but less than \$75,000.....	4, 650	\$600,000 but less than \$1,000,000.....	6, 450
\$75,000 but less than \$90,000.....	4, 750	\$1,000,000 but less than \$1,500,000.....	6, 850
\$90,000 but less than \$120,000.....	4, 850	\$1,500,000 but less than \$3,000,000.....	7, 850
\$120,000 but less than \$150,000.....	4, 950	\$3,000,000 but less than \$7,000,000.....	8, 850
\$150,000 but less than \$200,000.....	5, 050	\$7,000,000 but less than \$10,000,000.....	9, 850
\$200,000 but less than \$250,000.....	5, 150	\$10,000,000 but less than \$20,000,000.....	10, 850
\$250,000 but less than \$300,000.....	5, 250	\$20,000,000 but less than \$40,000,000.....	11, 850
\$300,000 but less than \$400,000.....	5, 450	\$40,000,000 and upward.....	12, 850

SECOND CLASS

\$8,000 but less than \$12,000.....	\$3, 850	\$22,000 but less than \$27,000.....	\$4, 050
\$12,000 but less than \$15,000.....	3, 850	\$27,000 but less than \$33,000.....	4, 150
\$15,000 but less than \$18,000.....	3, 850	\$33,000 but less than \$40,000.....	4, 250
\$18,000 but less than \$22,000.....	3, 950		

THIRD CLASS

\$1,500 but less than \$1,600.....	\$2, 250	\$3,000 but less than \$3,500.....	2, 950
\$1,600 but less than \$1,700.....	2, 350	\$3,500 but less than \$4,200.....	3, 050
\$1,700 but less than \$1,900.....	2, 450	\$4,200 but less than \$5,000.....	3, 150
\$1,900 but less than \$2,100.....	2, 550	\$5,000 but less than \$6,000.....	3, 250
\$2,100 but less than \$2,400.....	2, 650	\$6,000 but less than \$7,000.....	3, 350
\$2,400 but less than \$2,700.....	2, 750	\$7,000 but less than \$8,000.....	3, 450
\$2,700 but less than \$3,000.....	2, 850		

FOURTH CLASS

Less than \$100.....	\$252	\$450 but less than \$500.....	\$1, 080
\$100 but less than \$150.....	396	\$500 but less than \$600.....	1, 206
\$150 but less than \$200.....	522	\$600 but less than \$700.....	1, 350
\$200 but less than \$250.....	648	\$700 but less than \$800.....	1, 476
\$250 but less than \$300.....	774	\$800 but less than \$900.....	1, 602
\$300 but less than \$350.....	882	\$900 but less than \$1,000.....	1, 728
\$350 but less than \$400.....	954	\$1,000 but less than \$1,100.....	1, 854
\$400 but less than \$450.....	1, 026	\$1,100 but less than \$1,500.....	1, 980

¹ Where the gross postal receipts of a post office of the second class for each of two consecutive calendar years are less than \$8,000, or where in any calendar year the gross postal receipts are less than \$7,000, it shall be relegated to the third class.

(b) **Readjustment to conform to Public Law 134.** The base annual compensation of an incumbent postmaster shall not be reduced in the readjustment to conform to the provisions of this Act, except for a decrease in gross postal receipts to an amount for which a lower salary grade is provided: *Provided*, That incumbent postmasters in offices having receipts of \$600,000 but less than \$1,500,000 shall not have their salary reduced unless the receipts of their respective offices drop below \$600,000 for any one calendar year. (Sec. 8, 59 Stat. 437, as amended; 39 U. S. C. 858.)

(c) **Relegation of office to fourth class.** When the gross postal receipts of a post office of the third class for each of two consecutive

calendar years are less than \$1,500, or when in any calendar year the gross postal receipts are less than \$1,400, it shall be relegated to the fourth class. (Sec. 1, 43 Stat. 1054.)

(d) Seasonal and newly established offices of the fourth class. * * * at seasonal offices of the fourth class, the Postmaster General may authorize the payment of the fixed annual salary prorated over the months such office is open for business during a fiscal year: * * * the salaries of postmasters at newly established offices of the fourth class shall be fixed at the lowest salary rate, except that whenever unusual conditions prevail at such an office the Postmaster General, in his discretion, may advance any such office to the appropriate salary rate indicated by the receipts of the preceding quarter. (Sec. 2, 58 Stat. 130.)

(e) Compensation to persons performing duties of postmaster. There is authorized to be expended, from the appropriation for compensation to postmasters in the annual Post Office Department's appropriation acts, compensation at the rate provided by law for postmasters' compensation, to persons who perform the duties of the postmaster at post offices of the fourth class during the absence of the postmaster on sick or annual leave, or leave without pay. (61 Stat. 400; 39 U. S. C. 856b.)

§ 137.31 Gross postal receipts as basis for compensation and allowances—(a) Authorization. * * * subsection (c) of section 1001 of the Revenue Act of 1932 (47 Stat. 285), as amended, is hereby repealed, retroactive to January 1, 1944, and thereafter the gross postal receipts shall be counted for the purpose of determining the class of the post office or the compensation or allowances of postmasters or other employees, whose compensation or allowances are based in the annual receipts of such offices. (Sec. 8 (a), 58 Stat. 437; 39 U. S. C. 858.)

(b) Of what comprised. Gross postal receipts of a post office on which the annual salary of the postmaster is based shall consist of the amount of postage stamps (including stamps in books and coils, air-mail and special-delivery stamps, special-handling stamps, postage-due stamps, stamped envelopes, special request envelopes, air letter sheets), and postal cards sold for use at the office; excess received from the sale of stamped envelopes, singly and in odd lots, over the Department invoice value; amount of postage at pound rates collected in money on second-class matter mailed by publishers and news agents (not including application fees); amount of postage collected in money on first-, third-, and fourth-class matter, and second-class matter not included in the preceding item, mailed without postage stamps affixed, under §§ 34.66 and 35.4 (not including application fees); box rents for the calendar year; and miscellaneous receipts resulting from sales of waste paper, twine, or dead newspapers, magazines, and printed matter.

(c) **At Washington, D. C.** * * * in fixing the salaries of the postmaster and supervisory employees in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office. (Sec 8, 59 Stat. 437; 39 U. S. C. 858.)

NOTE: Postmasters at first-, second-, and third-class offices are not allowed commissions on the money-order business, but see § 70.2 as to such commissions allowed to postmasters at offices of the fourth class. Money-order fees are not included as a part of the gross receipts in adjusting salaries under this law. The gross receipts on which the postmaster's salary is based are the legitimate normal receipts of the office, and any abnormal or illegal increase in the receipts, whether caused by the postmaster or persons interested, will be disallowed in the adjustment of the salary of the postmaster. (See §§ 8.8, 17.38, 34.28, 35.4, and 42.3.)

See §§ 137.52, 53.19, and 53.27 as to compensation for special-delivery business at other than city-delivery offices.

(d) **Manner of determining.** In determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster. * * * (38 Stat. 296, as amended; 39 U. S. C. 56.)

(e) **Unusual stamp sales.** When postage stamps or other stamped paper are sold in large or unusual quantities, the postmaster shall ascertain whether the purchaser intends to use such postage stamps or other stamped paper for mailing matter in his office or another office, or for mailing matter diverted from another office; and any "outside" sales shall be reported to the First Assistant Postmaster General, Division of Budget and Administrative Services, at the end of the quarter in which the sales are made. The statement of such outside sales shall be itemized by the postmaster as to dates, amounts of purchases, and business addresses of the purchasers, and shall bear the following form of certificate:

I hereby certify on my oath of office that the foregoing is a true and correct statement, and that to the best of my knowledge and belief it shows all the stamp supplies sold at this office for use elsewhere, or on mailings diverted from other post offices.

Upon evidence of neglect of the postmaster to ascertain and report such facts, he shall be required to refund the amount of the excess salary and allowances he may have received on account of such sales.

(f) **Matter shipped by freight and mailed.** When matter entitled to transmission in the mails at the fourth-class rates of postage is shipped by freight or express, to be deposited in the mails at a given post office, without solicitation by the postmaster, and not primarily for the purpose of increasing his salary or allowances, such office of mailing is construed to be the office of origin, and the mail shall not be considered as diverted. Stamps sold at the post office of mailing and there used on such mail shall be included in determining the gross receipts upon which the salary of the postmaster is based. The postage used on such mailings shall not be included in the gross receipts unless purchased at the office where such mailings are deposited in the mails.

NOTE: See § 8.8 as to penalty for unlawful sales.

§ 137.32 Readjustment of salaries of postmasters—(a) Authorization. The Postmaster General shall make all orders relative to the

salaries of postmasters; * * * and the General Accounting Office shall be notified of any and all changes of salaries. (Sec. 3, 22 Stat. 602, as amended; 39 U. S. C. 61.)

(b) When. The salaries of postmasters * * * shall be readjusted at the beginning of each fiscal year. (Sec. 4, 22 Stat. 602, as amended; 39 U. S. C. 54a.)

(c) Basis. Readjustments of salaries of postmasters shall be made annually to take effect at the beginning of the ensuing fiscal year (July 1) upon the basis of returns for the four quarters ending December 31 preceding such adjustments.

(d) Relegation of office to lower class. When the receipts at any office fall below the minimum required for the class to which it is assigned it shall be relegated to its proper class; but the status shall be changed at the regular readjustment period, except as provided in § 137.32 (g) (2) with reference to unusual conditions.

(e) Division of salaries among different postmasters. Where two or more postmasters serve during the same quarter, the salary of the office shall be divided pro rata among them.

(f) Upon change of postmaster at fourth-class office. Whenever during the fiscal year there occurs or is created a change in the postmastership of an office of the fourth class, by death or otherwise, the outgoing postmaster shall receive in the final settlement of his account all his earned compensation for that part of the fiscal year which he has served, but in no case shall such compensation amount to more than such sum as is determined by taking such a fractional part of \$1,100 as the time he has served in that fiscal year is to the whole fiscal year. (44 Stat. 696, as amended; 39 U. S. C. 57a.)

(g) Advance of fourth-class post offices—(1) Because of receipts. When the * * * receipts of such post office (fourth class) for the * * * (calendar year) shall aggregate as much as \$1,500, the office shall be assigned to its proper class on July 1, following and the salary of the postmaster fixed according to the receipts. (Sec. 16, 39 Stat. 163, as amended; 39 U. S. C. 59.)

(2) Because of unusual conditions. Whenever unusual conditions prevail, the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the provisions of section 59 of this title which requires * * * that the receipts of such post office for the * * * [calendar year] shall aggregate as much as \$1,500 before such advancement is made: *Provided*, That when the Postmaster General has exercised the authority herein granted he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indi-

cated by its receipts for the last preceding quarter. (Sec. 1, 43 Stat. 1055, as amended; 39 U. S. C. 60.)

(h) **Date of change in office classification.** The change of the classification of an office from the fourth to the third class shall take effect from the date designated by the Postmaster General. (See § 137.32 (g) (2).)

NOTE: See § 18.14 as to limit of amount retained by postmaster for compensation.

§ 137.33 Salaries deemed to be full compensation. * * *
The salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post Office Department. (Sec. 4, 22 Stat. 528, as amended; 39 U. S. C. 717.)

§ 137.34 Compensation of person authorized to perform duties of postmaster. Any person performing the duties of postmaster, by authority of the President, at any post office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster. (Sec. 31, 20 Stat. 362; 39 U. S. C. 63.)

NOTE: A person performing the duties of postmaster, where there is a vacancy in the office, by appointment of the Postmaster General is held to be acting by authority of the President. (See §§ 137.2 and 137.7.)

§ 137.35 Dates of payment of postmasters' compensation. Postmasters shall withdraw their accrued salaries * * * semimonthly on the * * * 16th day of * * * the month and the first day of the following month, or as soon thereafter as practicable. The fixed annual salaries of postmasters at seasonal offices of the fourth class shall be prorated and withdrawn over the months such offices are open for business during a fiscal year.

SUPERVISORS—OFFICES OF FIRST AND SECOND CLASSES

§ 137.36 Salaries of assistant postmasters, second-class offices. At post offices of the second class the annual salaries of assistant postmasters shall be based on gross postal receipts for the preceding calendar year as follows:

\$8,000 but less than \$10,000.....	\$3, 650	\$18,000 but less than \$22,000....	\$3, 650
\$10,000 but less than \$12,000.....	3, 650	\$22,000 but less than \$27,000....	3, 750
\$12,000 but less than \$15,000.....	3, 650	\$27,000 but less than \$33,000....	3, 750
\$15,000 but less than \$18,000.....	3, 650	\$33,000 but less than \$40,000....	3, 750

(Sec. 10, 59 Stat. 443, as amended; 39 U. S. C. 860.)

§ 137.37 Salaries of supervisory employees, first-class offices. At post offices of the first class the annual salaries of supervisory employees shall be based on gross postal receipts for the preceding calendar year as follows:

Receipts of \$40,000 but less than \$75,000—assistant postmaster, \$4,050; superintendent of mails, \$3,950.

Receipts of \$75,000 but less than \$90,000—assistant postmaster, \$4,150; superintendent of mails, \$4,050.

Receipts of \$90,000 but less than \$120,000—assistant postmaster, \$4,250; superintendent of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$120,000 but less than \$150,000—assistant postmaster, \$4,350; superintendent of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$150,000 but less than \$200,000—assistant postmaster, \$4,450; superintendent of mails, \$4,250; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$200,000 but less than \$250,000—assistant postmaster, \$4,550; superintendent of mails, \$4,250; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$250,000 but less than \$300,000—assistant postmaster, \$4,650; superintendent of mails, \$4,350; assistant superintendent of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$300,000 but less than \$400,000—assistant postmaster, \$4,750; superintendent of mails, \$4,450; assistant superintendent of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$400,000 but less than \$500,000—assistant postmaster, \$4,850; superintendent of mails, \$4,450; assistant superintendent of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$500,000 but less than \$600,000—assistant postmaster, \$4,950; superintendent of mails, \$4,550; superintendent of postal finance, \$4,250; superintendent of money orders, \$4,050; assistant superintendents of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$600,000 but less than \$1,000,000—assistant postmaster, \$5,050; superintendent of mails, \$4,750; superintendent of postal finance, \$4,350; superintendent of money orders, \$4,150; assistant superintendents of mails, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$1,000,000 but less than \$2,000,000—assistant postmaster, \$5,150; superintendent of mails, \$4,950; superintendent of postal finance, \$4,550; assistant superintendent of postal finance, \$3,950; superintendent of money orders, \$4,250; assistant superintendent of money orders, \$3,950; assistant superintendents of mails, \$4,350; auditor, \$3,950; station examiners, \$3,950; general foremen, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$2,000,000 but less than \$3,000,000—assistant postmaster, \$5,250; superintendent of mails, \$5,050; superintendent of postal finance, \$4,650; assistant superintendent of postal finance, \$4,150; superintendent of money orders, \$4,350; assistant superintendent of money orders, \$3,950; senior assistant superintendent of mails, \$4,550; assistant superintendents of mails, \$4,350; auditor, \$3,950; station examiners, \$3,950; general foremen, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$3,000,000 but less than \$5,000,000—assistant postmaster \$5,350; superintendent of mails, \$5,150; superintendent of postal finance, \$4,850; assistant superintendent of postal finance, \$4,350; superintendent of money orders, \$4,550; assistant superintendent of money orders, \$4,050; senior assistant superintendent of mails, \$4,750; assistant superintendents of mails, \$4,350; auditor, \$3,950; station examiners, \$4,050; general foremen, \$4,150; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$5,000,000 but less than \$7,000,000—assistant postmaster, \$5,550; superintendent of mails, \$5,350; superintendent of postal finance, \$5,050; assistant superintendent of postal finance, \$4,350; superintendent of money orders, \$4,750; assistant superintendent of money orders, \$4,150; senior assistant superintendent of mails, \$4,950; assistant superintendents of mails, \$4,550; auditor, \$3,950; station examiners, \$4,050; general foremen, \$4,350; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$7,000,000 but less than \$9,000,000—assistant postmaster, \$5,950; superintendent of mails, \$5,650; superintendent of postal finance, \$5,250; assistant superintendent of postal finance, \$4,650; superintendent of money orders, \$4,850; assistant superintendent of money orders, \$4,350; senior assistant superintendent of mails, \$5,150; assistant superintendents of mails, \$4,750; auditor, \$3,950; station examiners, \$4,050; general foremen, \$4,350; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$9,000,000 but less than \$14,000,000—assistant postmaster, \$6,150; general superintendent of finance, \$5,950; general superintendent of mails, \$5,950; superintendent of postal finance, \$5,350; superintendent of money orders, \$5,350; superintendent of incoming mails, \$5,350; superintendent of outgoing mails, \$5,350; superintendent of carriers, \$5,350; superintendent of registry, \$5,350; senior assistant superintendents, \$4,950; assistant superintendents, \$4,750; auditor, \$4,050; chief station examiner, \$4,450; station examiners, \$4,050; general foremen, \$4,350; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$14,000,000 but less than \$20,000,000—assistant postmaster, \$6,550; general superintendent of finance, \$6,050; general superintendent of mails, \$6,050; assistant general superintendent of mails, \$5,750; superintendent of postal finance, \$5,350; superintendent of money orders, \$5,350; superintendent of incoming mails, \$5,350; superintendent of outgoing mails, \$5,350; superintendent of carriers, \$5,350; superintendent of registry, \$5,350; senior assistant superintendents, \$4,950; assistant superintendents, \$4,750; auditor, \$4,450; chief station examiner, \$4,450; station examiners, \$4,050; general foremen, \$4,350; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$20,000,000 but less than \$40,000,000—assistant postmaster, \$7,050; general superintendent of finance, \$6,350; general superintendent of mails, \$6,350; assistant general superintendent of mails, \$5,950; superintendent of postal finance, \$5,550; superintendent of money orders, \$5,550; superintendent of incoming mails, \$5,550; superintendent of outgoing mails, \$5,550; superintendent of carriers, \$5,550; superintendent of registry, \$5,550; senior assistant superintendents, \$5,350; assistant superintendents, \$4,750; auditor, \$5,250; assistant auditor, \$4,550; chief station examiner, \$4,550; station examiners, \$4,250; general foremen, \$4,450; foremen, \$4,050; clerks in charge, \$3,950.

Receipts of \$40,000,000 and up—assistant postmaster, \$7,550; general superintendent of finance, \$6,550; general superintendent of mails, \$6,550; assistant general superintendent of finance, \$5,950; assistant general superintendent of mails, \$5,950; superintendent of postal finance, \$5,550; superintendent of money orders, \$5,550; superintendent of incoming mails, \$5,550; superintendent of outgoing mails, \$5,550; superintendent of carriers, \$5,550; superintendent of registry, \$5,550; senior assistant superintendents, \$5,350; assistant superintendents, \$4,750; auditor, \$5,250; assistant auditor, \$4,550; chief station examiner, \$4,550; station examiners, \$4,250; general foremen, \$4,450; foremen, \$4,050; clerks in charge, \$3,950. (Sec. 9, 59 Stat. 438, as amended; 39 U. S. C. 859.)

NOTE: Section 9 (γ) of Public Law 134, approved July 6, 1945, prescribing the formula for readjusting supervisory positions at first-class post offices to conform to the provisions of the act, has been executed and is therefore omitted herefrom.

§ 137.38 (Section number reserved.)

§ 137.39 **Salaries of superintendents and assistant superintendents at classified station—(a) Basis.** The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each \$25,000 of postal

receipts shall be considered equal to one additional employee: *Provided*, That in determining the number of employees at a classified station, credit shall be allowed for service performed by regular employees, substitute employees other than those serving in lieu of regular employees absent from duty for any cause and temporary employees assigned to the station, and for each two thousand and twenty-four hours of service performed by such employees the station superintendent shall be allowed credit for one employee. (Sec. 9, 59 Stat. 438, as amended; 39 U. S. C. 859.)

(b) **Gross postal receipts as part basis.** The gross postal receipts of a classified station or branch on which the salary of the superintendent in part is based shall consist of the amount collected through the sale of postage stamps (including stamps in books and coils, air-mail and special-delivery stamps, special-handling stamps, postage-due stamps, stamped envelopes, special request envelopes, and air letter sheets), and postal cards; excess received from the sale of stamped envelopes, singly and in odd lots, over the Department's invoice value; amount of postage at pound rates received in money for matter mailed by publishers and news agents (not including application fees); amount of postage collected in money on first-, third-, and fourth-class matter, and second-class matter not included in the preceding item, mailed without postage stamps affixed, under §§ 34.66 and 35.4 (not including application fees); and box rents collected for the year if any. In determining the amount of gross postal receipts allowable for the purpose of computing the salary of the superintendent, receipts derived from postage sold for the use of patrons outside the area served by the classified station or branch shall not be included.

(c) **Schedule of salaries.** At classified stations the salaries of superintendents, and, where there are more than fifty employees, assistant superintendents, shall be as follows: One to five employees—superintendent, \$4,050; six to fifteen employees—superintendent, \$4,150; sixteen to twenty-five employees—\$4,250; twenty-six to fifty employees—superintendent, \$4,450; fifty-one to seventy-five employees—superintendent, \$4,550; assistant superintendents, \$4,050; seventy-six to one hundred employees—superintendent, \$4,650; assistant superintendents, \$4,150; one hundred and one to one hundred and fifty employees—superintendent, \$4,750; assistant superintendents, \$4,250; one hundred and fifty-one to two hundred employees—superintendent, \$4,850; assistant superintendents, \$4,350; two hundred and one to three hundred employees—superintendent, \$5,050; assistant superintendents, \$4,550; three hundred and one to four hundred employees—superintendent, \$5,150; assistant superintendents, \$4,650; four hundred and one to five hundred employees—superintendent, \$5,250; assistant superintendents, \$4,750; five hundred and one to one thousand employees—superintendent, \$5,450; assistant superintendents, \$4,950; one thousand and one employees and up—superintendent, \$5,550;

assistant superintendents, \$5,050. (Sec. 9, 59 Stat. 438, as amended; 39 U. S. C. 859.)

§ 137.40 Salaries of superintendents of postal finance and auditors at central accounting offices. At central accounting offices where the gross postal receipts are less than \$5,000,000 the superintendent of postal finance, or the employee in charge of such records and adjustments of the accounts, shall be allowed an increase of \$200 per annum. At central accounting offices with gross postal receipts of \$9,000,000 and up, the auditor shall be allowed a salary equal to that of the senior assistant superintendent; at central accounting offices with receipts of \$2,000,000 but less than \$9,000,000, the auditor shall be allowed a salary equal to that of the assistant superintendent of postal finance; at central accounting offices with receipts of less than \$2,000,000, the employee performing the duties of auditor shall be allowed a salary equal to that of foremen. (Sec. 9, 59 Stat. 438, as amended; 39 U. S. C. 859.)

§ 137.41 Salaries of supervisors in Stamped Envelope Agency. The annual salaries of supervisors in the United States Stamped Envelope Agency shall be as follows:

Agent, \$4,850; assistant agent, \$4,350. (Sec. 9, 59 Stat. 438, as amended; 39 U. S. C. 859.)

§ 137.42 (Section number reserved.)

§ 137.43 Determination of supervisory needs. The Postmaster General shall determine the supervisory needs at post offices of the first and second classes and shall fix the number of supervisors to be employed in accordance with the salary schedules provided in sections 859 and 860 of this title: *Provided*, That not more than one assistant postmaster may be employed at any post office. (Sec 11, 59 Stat. 443; 39 U. S. C. 861.)

NOTE: See Comptroller General's decision B-51710, August 28, 1945.

§ 137.44 (Section number reserved.)

OTHER EMPLOYEES AT OFFICES OF FIRST, SECOND, AND THIRD CLASSES

§ 137.45 Salaries of other employees at offices of first, second, and third classes—(a) Regular employees. Carriers in the City Delivery Service, clerks in post offices of the first and second classes, clerks in the United States Stamped Envelope Agency, and dispatchers of the pneumatic tube service shall be divided into eleven grades as follows:

Grade 1.....	\$2, 550	Grade 4.....	\$2, 850
Grade 2.....	2, 650	Grade 5.....	2, 950
Grade 3.....	2, 750	Grade 6.....	3, 050

Grade 7.....	\$3,150	Grade 10.....	\$3,450
Grade 8.....	3,250	Grade 11.....	3,550
Grade 9.....	3,350		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That for such employees at post offices of the first class there shall be three additional grades; that is, grade 12—\$3,650; grade 13—\$3,750; grade 14—\$3,850, and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13: *Provided further*, That marine carriers assigned to the Detroit River Marine Service shall be paid an annual salary of \$300 in excess of the highest salary provided for carriers in the automatic grades in the City Delivery Service: *And provided further*, That the annual salary of such marine carriers shall not be in excess of \$3,850. (Sec. 12, 59 Stat. 443, as amended; 39 U. S. C. 862.)

(b) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph [paragraph 1 (a)] shall be on an hourly basis at the following rates:

Grade 1.....	\$1.29	Grade 7.....	\$1.59
Grade 2.....	1.34	Grade 8.....	1.64
Grade 3.....	1.39	Grade 9.....	1.69
Grade 4.....	1.44	Grade 10.....	1.74
Grade 5.....	1.49	Grade 11.....	1.79
Grade 6.....	1.54		

(Sec. 12, 59 Stat. 443, as amended; 39 U. S. C. 862.)

§ 137.46 **Promotions to higher positions.** Regular clerks and carriers of grade 9 and above in first- and second-class post offices shall be eligible for promotion to the higher positions in their respective offices, and if for any reason such clerks and carriers of grade 9 and above are not available those clerks and carriers in the lower grades in such offices shall be eligible for such promotions. (Sec. 11, 59 Stat. 443; 39 U. S. C. 861.)

§ 137.47 **Salaries of mail handlers, messengers, and watchmen—(a) Regular employees.** Mail handlers, messengers, and watchmen at post offices of the first and second classes paid from appropriations of the First Assistant Postmaster General; and operators of the pneumatic tube service; shall be divided into six grades with annual salaries as follows:

Grade 1.....	\$2,450	Grade 4.....	\$2,750
Grade 2.....	2,550	Grade 5.....	2,850
Grade 3.....	2,650	Grade 6.....	2,950

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(b) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph shall be on an hourly basis at the following rates:

Grade 1.....	\$1.24	Grade 4.....	\$1.39
Grade 2.....	1.29	Grade 5.....	1.44
Grade 3.....	1.34	Grade 6.....	1.49

(Sec. 12, 59 Stat. 443, as amended; 39 U. S. C. 862.)

§137.48 **Salaries of carriers in village delivery service and clerks in offices of third class—(a) Regular employees.** Carriers in the village delivery service, and clerks employed not less than forty hours per week in post offices of the third class, shall be divided into six grades with annual salaries, as follows: *Provided*, That clerks in post offices of the third class shall not be appointed or promoted to a salary grade in excess of \$100 less than the salary of the postmaster at the office to which assigned:

Grade 1.....	\$2,050	Grade 4.....	\$2,350
Grade 2.....	2,150	Grade 5.....	2,450
Grade 3.....	2,250	Grade 6.....	2,550

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(b) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph shall be on an hourly basis at the following rates:

Grade 1.....	\$1.04	Grade 4.....	\$1.19
Grade 2.....	1.09	Grade 5.....	1.24
Grade 3.....	1.14	Grade 6.....	1.29

Provided, That substitute, temporary, or auxiliary clerks in post offices of the third class shall not be paid in excess of \$1.24 per hour where the salary of the postmaster is \$2,550 per annum; in excess of \$1.19 per hour where the salary of the postmaster is \$2,450 per annum; in excess of \$1.14 per hour where the salary of the postmaster is \$2,350 per annum; or in excess of \$1.09 per hour where the salary of the

postmaster is \$2,250 per annum. (Sec. 12, 59 Stat. 443, as amended; 39 U. S. C. 862.)

NOTE: See decision B-51710 of Comp. Gen. of August 28 1945.

§ 137.49 **Salaries of classified cleaners.** Classified cleaners at post offices of the first and second classes paid from appropriations of the First Assistant Postmaster General shall be divided into seven grades with annual salaries, as follows:

Grade 1.....	\$2, 150	Grade 5.....	\$2, 550
Grade 2.....	2, 250	Grade 6.....	2, 650
Grade 3.....	2, 350	Grade 7.....	2, 750
Grade 4.....	2, 450		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade. (Sec. 12, 59 Stat. 443, as amended; 39 U. S. C. 862.)

MOTOR VEHICLE SERVICE

§ 137.50 **Salaries in Motor Vehicle Service—(a) Classifications.**

Employees in the Motor Vehicle Service shall be classified as follows: Superintendents, \$3,950, \$4,050, \$4,150, \$4,250, \$4,650, \$4,850, \$5,050, and \$5,250 per annum: *Provided*, That at offices where the receipts are \$20,000,000 or more the salaries shall be \$5,550; assistant superintendents, \$3,950, \$4,050, \$4,150, and \$4,250; chiefs of records and chief mechanics \$3,550, \$3,650, \$3,750, \$3,950, \$4,050, and \$4,250; route supervisors, chiefs of supplies, chief dispatchers, and mechanics in charge, \$3,550, \$3,650, \$3,750, \$3,950, and \$4,050; special mechanics, \$3,550, \$3,650, \$3,750, and \$3,850: *Provided further*, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than \$4,650.

(b) **Clerks, driver-mechanics, general mechanics, and dispatchers—(1) Regular employees.** Clerks, driver-mechanics, general mechanics, and dispatchers shall be divided into eleven grades, as follows:

Grade 1.....	\$2, 550	Grade 7.....	\$3, 150
Grade 2.....	2, 650	Grade 8.....	3, 250
Grade 3.....	2, 750	Grade 9.....	3, 350
Grade 4.....	2, 850	Grade 10.....	3, 450
Grade 5.....	2, 950	Grade 11.....	3, 550
Grade 6.....	3, 050		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That for such

motor-vehicle employees at post offices of the first class there shall be three additional grades; that is, grade 12, \$3,650; Grade 13, \$3,750; grade 14, \$3,850; and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(2) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary, or auxiliary special mechanics shall be at the rate of \$1.70 per hour. The pay of substitute, temporary, or auxiliary clerks, driver-mechanics, general mechanics, and dispatchers shall be on an hourly basis at the following rates:

Grade 1.....	\$1.29	Grade 7.....	\$1.59
Grade 2.....	1.34	Grade 8.....	1.64
Grade 3.....	1.39	Grade 9.....	1.69
Grade 4.....	1.44	Grade 10.....	1.74
Grade 5.....	1.49	Grade 11.....	1.79
Grade 6.....	1.54		

(c) **Garagemen drivers and mechanics' helpers—(1) Regular employees.** Garagemen drivers and mechanics' helpers shall be divided into six grades with annual salaries as follows:

Grade 1.....	\$2,450	Grade 4.....	\$2,750
Grade 2.....	2,550	Grade 5.....	2,850
Grade 3.....	2,650	Grade 6.....	2,950

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(2) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary, or auxiliary garagemen-drivers, and mechanics' helpers shall be on an hourly basis at the following rates:

Grade 1.....	\$1.24	Grade 4.....	\$1.39
Grade 2.....	1.29	Grade 5.....	1.44
Grade 3.....	1.34	Grade 6.....	1.49

(Sec. 13, 59 Stat. 445, as amended; 39 U. S. C. 863.)

CUSTODIAL SERVICE

§137.51 **Salaries in custodial service—(a) Supervisory employees.** The annual rates of compensation of supervisory employees in the custodial service shall be as follows:

Supervisory superintendents of buildings, \$6,050.

Superintendents of mechanical units, \$5,850.

Assistant superintendents of mechanical units, \$5,050.

Inspection engineers, \$5,050.

Mechanical engineers, \$5,050.

Superintendents of buildings; chief engineers: Buildings of twenty million cubic feet and up, \$5,850; buildings of fifteen million but less than twenty million cubic feet, \$5,350; buildings of ten million but less than fifteen million cubic feet, \$5,050; buildings of six million but less than ten million cubic feet, \$4,750; buildings of three million but less than six million cubic feet, \$4,450; buildings of one million but less than three million cubic feet, \$4,150.

Superintending engineers: Buildings of six million but less than fifteen million cubic feet, \$5,350; buildings of three million but less than six million cubic feet, \$5,050; buildings of one million but less than three million cubic feet, \$4,450.

Principal elevator mechanics, \$4,450.

Foremen of shops: Buildings of twenty million cubic feet and up, \$4,450; buildings of less than twenty million cubic feet, \$4,050.

Foremen of conveyors: Buildings of less than twenty million cubic feet, \$4,050.

Foremen of mechanics, \$4,050.

Watch engineers, \$4,050.

Janitors with fewer than fifteen subordinates, \$3,050; with fifteen to twenty-nine subordinates, \$3,250; with thirty to fifty-nine subordinates, \$3,450; with sixty to ninety-nine subordinates, \$3,650; with one hundred or more subordinates, \$3,850.

Foremen of elevator operators with one hundred or more subordinates, \$3,550.

Captains of the guard with fewer than ten subordinates, \$3,250; with ten to nineteen subordinates, \$3,450; with twenty to thirty-nine subordinates, \$3,650; with forty or more subordinates, \$3,850.

Lieutenants of the guard with fewer than ten subordinates, \$3,250; with ten or more subordinates, \$3,450.

Foremen of laborers with fewer than fifteen subordinates, \$3,050; with fifteen to twenty-nine subordinates, \$3,250; with thirty or more subordinates, \$3,450.

Enginemen-janitors: Buildings of less than six hundred thousand cubic feet, \$3,250; buildings of over six hundred thousand cubic feet, \$3,450.

Chief clerks, \$3,950.

(b) **Clerks.** Clerks of the custodial service shall be divided into eleven grades as follows:

Grade 1.....	\$2, 550	Grade 4.....	\$2, 850
Grade 2.....	2, 650	Grade 5.....	2, 950
Grade 3.....	2, 750	Grade 6.....	3, 050

Grade 7.....	\$3, 150	Grade 10.....	\$3, 450
Grade 8.....	3, 250	Grade 11.....	3, 550
Grade 9.....	3, 350		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That for such custodial employees at first-class post offices there shall be three additional grades; that is, grade 12, \$3,650; grade 13, \$3,750; grade 14, \$3,850, and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(c) **Elevator mechanics.** Elevator mechanics in the custodial service shall be divided into eight grades as follows:

Grade 1.....	\$3, 150	Grade 5.....	\$3, 550
Grade 2.....	3, 250	Grade 6.....	3, 650
Grade 3.....	3, 350	Grade 7.....	3, 750
Grade 4.....	3, 450	Grade 8.....	3, 850

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eighth grade: *Provided*, That for such custodial employees at first-class post offices there shall be two additional grades; that is, grade 9, \$3,950; grade 10, \$4,050, and that employees who perform faithful and meritorious service shall be promoted to grade 9 after three years of such service in grade 8, and shall be promoted to grade 10 after five years of such service in grade 9.

(d) **Mechanics.** Mechanics in the custodial service shall be divided into eight grades as follows:

Grade 1.....	\$2, 950	Grade 5.....	\$3, 350
Grade 2.....	3, 050	Grade 6.....	3, 450
Grade 3.....	3, 150	Grade 7.....	3, 550
Grade 4.....	3, 250	Grade 8.....	3, 650

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eighth grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 9, \$3,750, and grade 10, \$3,850, and that employees who perform faithful and meritorious service shall be promoted to grade 9 after three years of such service in grade 8, and shall be promoted to grade 10 after five years of such service in grade 9.

(e) **Assistant enginemen, assistant mechanics, and elevator mechanic-helpers and chief telephone operators.** Assistant engine-

men, assistant mechanics, and elevator mechanic-helpers and chief telephone operators shall be divided into 7 grades as follows:

Grade 1.....	\$2,750	Grade 5.....	\$3,150
Grade 2.....	2,850	Grade 6.....	3,250
Grade 3.....	2,950	Grade 7.....	3,350
Grade 4.....	3,050		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 8, \$3,450, and grade 9, \$3,550, and that employees who perform faithful and meritorious service shall be promoted to grade 8 after three years of such service in grade 7, and shall be promoted to grade 9 after five years of such service in grade 8.

(f) General mechanics, assistant chief telephone operators, and elevator starters. General mechanics, assistant chief telephone operators, and elevator starters in the custodial service shall be divided into seven grades as follows:

Grade 1.....	\$2,550	Grade 5.....	\$2,950
Grade 2.....	2,650	Grade 6.....	3,050
Grade 3.....	2,750	Grade 7.....	3,150
Grade 4.....	2,850		

and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the next higher grade until they reach the seventh grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 8, \$3,250, and grade 9, \$3,350, and that such employees who perform faithful and meritorious service shall be promoted to grade 8 after 3 years of such service in grade 7, and shall be promoted to grade 9 after 5 years of such service in grade 8.

(g) Telephone operators, firemen, gardeners, guards, skilled helpers, and marble polishers. Telephone operators, firemen, gardeners, guards, skilled helpers, and marble polishers of the custodial service shall be divided into seven grades, as follows:

Grade 1.....	\$2,450	Grade 5.....	\$2,850
Grade 2.....	2,550	Grade 6.....	2,950
Grade 3.....	2,650	Grade 7.....	3,050
Grade 4.....	2,750		

and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(h) Firemen-laborers, oilers, window cleaners, elevator operators, and messengers. Firemen-laborers, oilers, window cleaners, elevator operators, and messengers in the custodial service shall be divided into seven grades as follows:

Grade 1.....	\$2, 250	Grade 5.....	\$2, 650
Grade 2.....	2, 350	Grade 6.....	2, 750
Grade 3.....	2, 450	Grade 7.....	2, 850
Grade 4.....	2, 550		

and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(i) Laborers, matrons, head charmen, and head charwomen. Laborers, matrons, head charmen, and head charwomen in the custodial service shall be divided into seven grades with annual salaries, as follows:

Grade 1.....	\$2, 150	Grade 5.....	\$2, 550
Grade 2.....	2, 250	Grade 6.....	2, 650
Grade 3.....	2, 350	Grade 7.....	2, 750
Grade 4.....	2, 450		

and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(j) Charmen and charwomen, part time. Charmen and charwomen working part time shall be divided into four grades with hourly rates of compensation as follows:

Grade 1.....	\$1. 10	Grade 3.....	\$1. 20
Grade 2.....	1. 15	Grade 4.....	1. 25

and shall be promoted successively at the beginning of the quarter following a total of 2,024 hours of satisfactory service in a pay status in each grade to the next higher grade until they reach the fourth grade: *Provided*, That there shall be not more than one increase in the rate of pay of such employees within a period of 12 months.

(k) Examiners of equipment and supplies. Examiners of equipment and supplies in the custodial service shall be divided into 10 grades with annual salaries, as follows:

Grade 1.....	\$4, 350	Grade 6.....	\$4, 850
Grade 2.....	4, 450	Grade 7.....	4, 950
Grade 3.....	4, 550	Grade 8.....	5, 050
Grade 4.....	4, 650	Grade 9.....	5, 150
Grade 5.....	4, 750	Grade 10.....	5, 350

and shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the next higher grade until they reach the tenth grade.

(1) **Temporary employees—(1) Basis.** Temporary employees in the custodial service paid on an annual basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the quarter following the completion of 1 year's satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position; and temporary employees in the custodial service paid on an hourly basis shall be paid at the rates of pay of grade 1 of the position in which employed and shall, at the beginning of the quarter following the completion of twelve months' satisfactory service in each pay status, be advanced successively to the rates of pay of the next higher grade of such position: *Provided*, That no temporary employee shall be paid at a rate higher than that provided herein for the highest automatic grade of the position in which he is employed: *Provided further*, That when a temporary employee is appointed to a regular position in the custodial service, the employee shall be assigned to a salary grade corresponding to his salary as a temporary employee at the time of such appointment. Any fractional part of a year's temporary service accumulated since the last compensation increase as a temporary shall be included with the regular service of a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position.

(2) **Credit for prior service.** Any period of continuous satisfactory service as a temporary employee in the custodial service performed by any such temporary employee prior to the effective date of this Act shall be creditable for a promotion to the rates of pay of grade 2 of the position in which such temporary employee is employed. (Sec. 14, 59 Stat. 446, as amended; 39 U. S. C. 864.)

NOTE: By provisions of section 3 of the act, the beginning of the quarter following the date of enactment (July 1, 1948) is the effective date of Public Law 684, approved June 19, 1948.

SPECIAL-DELIVERY SERVICE

§ 137.52 **Compensation of special-delivery messengers—(a) Authorization.** To provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 167 of this title shall keep a record of the number of letters received at such office bearing such special (delivery) stamp, which number shall correspond with the number entered in the receipt books heretofore specified * * * Nothing in this section and sections 165 and 169 of this title shall interfere with the prompt delivery of letters as now provided by law or regulations of the Post Office Department. (Sec. 6, 23 Stat. 388, as amended; 39 U. S. C. 170.)

(b) **Rate of.** For making special delivery there may be paid to the messenger or other person making such delivery 9 cents for matter

of the first class weighing not in excess of 2 pounds, 10 cents for matter of other than the first class weighing not in excess of 2 pounds, 15 cents for mail matter of any class weighing more than 2 pounds but not in excess of 10 pounds, and 20 cents for mail matter of any class weighing in excess of 10 pounds. (Sec. 3, 46 Stat. 1469, as amended; 39 U. S. C. 169a.)

NOTE: Effective July 1, 1945, the fee system of payment is applicable at second-, third-, and fourth-class post offices only, except that rural carriers shall be paid fees regardless of the class of office from which the route emanates. See § 53.19 as to delivery at post offices of second, third, and fourth classes.

(c) **Compensation earned.** Where all the service necessary for delivery has been performed by a messenger, the failure of delivery not being due to lack of effort, the compensation for delivery is deemed to have been earned.

(d) **Fee not to be disbursed when no special service rendered.** In all instances where no special-delivery service is rendered, delivery being made through post-office window, into a post-office box, into a rural mail box, to addressee or his representative on the rural carrier's route, or otherwise without special service, the fee shall not be disbursed but shall become a part of the postal revenues.

(e) **Division, rebate, or refund of fees prohibited.** Postmasters and other postal employees, including special-delivery messengers, shall not enter into any agreement for the division, rebate, or refund of special-delivery fees or the compensation received for special-delivery service.

§ 137.53 **Salaries of special-delivery messengers at offices of first class—(a) Regular employees.** Where special-delivery messengers are employed on a full-time basis in offices of the first class, they shall be divided into nine grades, with annual salaries as follows:

Grade 1.....	\$2, 450	Grade 6.....	\$2, 950
Grade 2.....	2, 550	Grade 7.....	3, 050
Grade 3.....	2, 650	Grade 8.....	3, 150
Grade 4.....	2, 750	Grade 9.....	3, 250
Grade 5.....	2, 850		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the ninth grade.

(b) **Substitute, temporary, or auxiliary employees.** The pay of substitute, temporary or auxiliary special-delivery messengers in offices of the first class shall be on an hourly basis at the following rates:

Grade 1.....	\$1. 24	Grade 6.....	\$1. 49
Grade 2.....	1. 29	Grade 7.....	1. 54
Grade 3.....	1. 34	Grade 8.....	1. 59
Grade 4.....	1. 39	Grade 9.....	1. 64
Grade 5.....	1. 44		

(c) **Promotion of substitute employees.** Substitute employees listed in this section shall be promoted in the same manner and subject to the same conditions as provided in § 137.66 (a).

§ 137.54 **Grades of special-delivery messengers.** Special-delivery messengers in offices of the first class shall, upon the effective date

of this Act, be entitled to the grade to conform with their years of service, as follows:

Less than 2 years' service.....	Grade 1
2 years but less than 3 years' service.....	Grade 2
3 years but less than 4 years' service.....	Grade 3
4 years but less than 5 years' service.....	Grade 4
5 years but less than 6 years' service.....	Grade 5
6 years' service or more.....	Grade 6

(Sec. 22, 59 Stat. 459, as amended; 39 U. S. C. 872c.)

§ 137.55 Automotive-equipment maintenance allowance. In addition to compensation provided in subsections (a) and (b) [§ 137.52], each special-delivery messenger in offices of the first class shall be paid for automotive-equipment maintenance at the rate of 7 cents per mile or major fraction thereof for miles traveled under the direction of the Post Office Department in making delivery of special-delivery mail or at the option of the Post Office Department at the rate of 90 cents per hour spent in making delivery of special-delivery mail. Payment for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to special-delivery messengers. (Sec. 22, 59 Stat. 459; 39 U. S. C. 872d.)

§ 137.56 Provision of vehicles by Department. The Postmaster General may provide or hire vehicles under an allowance basis for use in the delivery of special-delivery mail whenever the exigencies of the service may require. (Sec. 22, 59 Stat. 459; 39 U. S. C. 872f.)

§ 137.57 Employment of special-delivery messengers at other duties; delivery by other employees. Special-delivery messengers may be employed at duties other than the delivery of special-delivery mail when their regular duties do not require eight hours work in ten; and special-delivery articles may, in the discretion of the Postmaster General, be delivered by regular, substitute, and temporary postal employees, and such employees shall be paid their regular rate of compensation for such delivery service. (Sec. 22, 59 Stat. 459; 39 U. S. C. 872e.)

§ 137.58 Use of special-delivery messengers as rural carriers. In all instances where regular special-delivery messengers at offices of the first-class are used as substitute rural carriers they shall be placed on leave without pay as special-delivery messengers and paid as substitute rural carriers while performing service as rural carriers. In a similar manner substitute special-delivery messengers used as substitute rural carriers must be paid as substitute rural carriers. (Comptroller General decision dated January 9, 1947, B-62391.) (See note to paragraph (b), § 137.52 as to payment of fees to rural carriers.)

§ 137.59 Special-delivery messengers considered as employees of U. S. For the purposes of section 8 (b), (c), and (g) of the Selective Training and Service Act of 1940, as amended, and of section 3 (b)

and (c) of the joint resolution entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, as amended (relating to reemployment of persons who have served in the armed forces of the United States), services as a special-delivery messenger in the Postal Service shall be considered services as an employee of the United States in a position other than temporary. (Sec. 22, 59 Stat. 459; 39 U. S. C. 872g.)

MAIL EQUIPMENT SHOPS

§ 137.60 Salaries in Mail Equipment Shops—(a) Supervisory employees. The salary of employees in the Mail Equipment Shops shall be as follows:

"Superintendent, \$6,550; assistant superintendent, \$5,050; general foremen, \$4,450; foremen of the clerical-mechanical service, \$3,450 and \$3,650; cost accounting and purchasing clerks, \$3,950, \$4,150, and \$4,350; engineers in charge, \$3,950; draftsmen, \$3,950, \$4,150, and \$4,350; assistant foremen, \$3,250.

(b) Clerks, nurses, and painters. Clerks, nurses, and painters shall be divided into eleven grades with annual salaries as follows:

Grade 1.....	\$2,550	Grade 7.....	\$3,150
Grade 2.....	2,650	Grade 8.....	3,250
Grade 3.....	2,750	Grade 9.....	3,350
Grade 4.....	2,850	Grade 10.....	3,450
Grade 5.....	2,950	Grade 11.....	3,550
Grade 6.....	3,050		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That there shall be three additional grades; that is, grade 12, \$3,650; grade 13, \$3,750; and grade 14, \$3,850; and employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(c) Pressmen, lock makers, mail-bag repairers, inspectors, mechanics, and postmarking stamp makers. Pressmen, lock makers, mail-bag repairers, inspectors, mechanics, and postmarking stamp makers shall be divided into seven grades, with annual salaries as follows:

§137.61

POSTAL LAWS AND REGULATIONS

Grade 1.....	\$2, 650	Grade 5.....	\$3, 050
Grade 2.....	2, 750	Grade 6.....	3, 150
Grade 3.....	2, 850	Grade 7.....	3, 250
Grade 4.....	2, 950		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(d) Firemen, firemen-guards, skilled laborers, and sewers.

Firemen, firemen-guards, skilled laborers, and sewers shall be divided into six grades, with annual salaries as follows:

Grade 1.....	\$2, 450	Grade 4.....	\$2, 750
Grade 2.....	2, 550	Grade 5.....	2, 850
Grade 3.....	2, 650	Grade 6.....	2, 950

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(e) Junior mechanics, laborers, and messengers.

Junior mechanics, laborers, and messengers shall be divided into seven grades with annual salaries as follows:

Grade 1.....	\$2, 150	Grade 5.....	\$2, 550
Grade 2.....	2, 250	Grade 6.....	2, 650
Grade 3.....	2, 350	Grade 7.....	2, 750
Grade 4.....	2, 450		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade. (Sec. 18, 59 Stat. 457, as amended; 39 U. S. C. 868.)

(f) Temporary employees.

Temporary employees in the mail equipment shops shall be paid at the respective rates of pay of grade 1 provided herein for regular employees. (Sec. 18, 59 Stat. 457, as amended; 39 U. S. C. 868.)

DIVISION OF EQUIPMENT AND SUPPLIES

§137.61 Salaries in Division of Equipment and Supplies—(a)

Traveling mechanics. Traveling mechanics shall be divided into eleven grades, with annual salaries as follows:

Grade 1.....	\$3, 850	Grade 7.....	\$4, 450
Grade 2.....	3, 950	Grade 8.....	4, 550
Grade 3.....	4, 050	Grade 9.....	4, 650
Grade 4.....	4, 150	Grade 10.....	4, 750
Grade 5.....	4, 250	Grade 11.....	4, 850
Grade 6.....	4, 350		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the ninth grade, shall be promoted to the tenth grade, after three years' faithful and meritorious service in grade 9, and shall be promoted to the eleventh grade after five years' faithful and meritorious service in grade 10.

(b) **Storekeepers.** Storekeepers shall be paid annual salaries of \$4,050 and foremen shall be paid annual salaries of \$3,550.

(c) **Requisition fillers and packers.** Requisition fillers and packers shall be divided into seven grades, with annual salaries as follows:

Grade 1.....	\$2, 650	Grade 5.....	\$3, 050
Grade 2.....	2, 750	Grade 6.....	3, 150
Grade 3.....	2, 850	Grade 7.....	3, 250
Grade 4.....	2, 950		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(d) **Laborers.** Laborers shall be divided into seven grades with annual salaries as follows:

Grade 1.....	\$2, 150	Grade 5.....	\$2, 550
Grade 2.....	2, 250	Grade 6.....	2, 650
Grade 3.....	2, 350	Grade 7.....	2, 750
Grade 4.....	2, 450		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade. (Sec. 19, 59 Stat. 458, as amended; 39 U. S. C. 869.)

RURAL DELIVERY SERVICE

§ 137.62 Salaries of rural carriers—(a) Routes 30 miles or less.

Carriers in the rural delivery service shall be divided into 11 grades, with salaries based in part on specified rates per mile per annum and in part on fixed compensation per annum, as follows:

For routes 30 miles or less in length served 6 days a week:

Rates per mile:	Fixed compensation	Rates per mile—Con.	Fixed compensation
Grade 1, \$54.....	\$850	Grade 7, \$66.....	\$994
Grade 2, \$56.....	874	Grade 8, \$68.....	1, 018
Grade 3, \$58.....	898	Grade 9, \$70.....	1, 042
Grade 4, \$60.....	922	Grade 10, \$72.....	1, 066
Grade 5, \$62.....	946	Grade 11, \$74.....	1, 090
Grade 6, \$64.....	970		

and carriers shall be promoted successively at the beginning of the quarter following 1 year's satisfactory service in each grade to the

next higher grade until they reach the eleventh grade: *Provided*, That there shall be three additional grades of carriers in the rural delivery service, with rates of pay per mile per annum and fixed compensation per annum, as follows:

Rates per mile:	<i>Fixed compensation</i>
Grade 12, \$76.....	\$1, 114
Grade 13, \$78.....	1, 138
Grade 14, \$80.....	1, 162

and carriers who perform faithful and meritorious service shall be promoted to grade 12 after 3 years of such service in grade 11, and shall be promoted to grade 13 after 5 years of such service in grade 12, and shall be promoted to grade 14 after 7 years of such service in grade 13. (Sec. 17, 59 Stat. 455, as amended; 39 U. S. C. 867a.)

(b) Routes over 30 miles. A rural carrier assigned to a route over thirty miles in length served six days a week shall be promoted and shall be paid for the first thirty miles at the rates per mile per annum and the fixed compensation per annum, as herein provided for routes thirty miles or less in length, and shall be paid \$20 per mile per annum for each mile or major fraction thereof said route is in excess of thirty miles, based on actual mileage. (Sec. 17, 59 Stat. 455, as amended; 39 U. S. C. 867b.)

(c) Determination of length of route. The pay of rural carriers and substitute rural carriers, which depends upon the length of the route, shall be determined in accordance with the records of the Post Office Department, which records shall be promptly corrected whenever the Postmaster General determines that such records are not correct. (Sec. 1, 41 Stat. 582; 39 U. S. C. 199.)

NOTE: See 5 Comp. Gen. 626, and 6 Comp. Gen. 569.
See § 52.10 as to deductions for failure to perform service.

(d) Triweekly routes. A rural carrier serving one triweekly route shall be paid a salary on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary on the basis of a route one-half the combined length of the two routes. (Sec. 17, 59 Stat. 455, as amended; 39 U. S. C. 867 (c).)

(e) Heavily patronized routes. The Postmaster General may, in his discretion, allow and pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural carriers serving heavily patronized routes not exceeding forty-five miles in length: *Provided*, That the total annual compensation of a rural carrier serving a heavily patronized route of not exceeding forty-five miles in length shall not exceed \$3,850, exclusive of maintenance allowance: *Provided further*, That a rural carrier below the

maximum grade provided herein shall not be granted an additional allowance for serving a heavily patronized route in an amount that would exceed \$3,850 when added to the salary he would receive in the maximum grade. (Sec. 17, 59 Stat. 455, as amended; 39 U. S. C. 867 (d).)

(f) Payment for equipment maintenance. In addition to the salary provided in this section, each carrier in the Rural Delivery Service shall be paid for equipment maintenance a sum equal to 7 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment and maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers. (Sec. 17, 59 Stat. 455, as amended; 39 U. S. C. 867 (e).)

NOTE: Section 17 (g) of Public Law 134, approved July 6, 1945, relating to the readjustment of the salaries of carriers in the Rural Delivery Service to conform to the provisions of the act, has been executed and is therefore omitted herefrom.

(g) Additional compensation—(1) For additional service. The Postmaster General may, in his discretion, allow and pay additional compensation to rural letter carriers who are required to carry pouch mail to intermediate post offices, or for intersecting loop routes, in all cases where it appears that the carriage of such pouches increases the expense of the equipment required by the carrier or materially increases the amount of labor performed by him, such compensation not to exceed the sum of \$12 per annum for each mile such carrier is required to carry such pouch or pouches. (Sec. 1, 39 Stat. 423; 39 U. S. C. 205.)

(2) Claims for. All claims for additional compensation on account of increase in the expense of equipment required, or of any material increase in the amount of labor performed because of the carriage of pouch mail, shall be submitted to the First Assistant Postmaster General, with a full statement of the facts, through the postmaster, who shall make such comment or recommendation thereon as he may deem proper.

(h) Pay of substitute and temporary carriers. A substitute rural carrier who performs service for a regular carrier absent with pay shall be paid at the same rate paid the regular carrier for each day's service, exclusive of Sundays and authorized holidays. A temporary rural carrier serving a route in place of a regular carrier absent without pay shall be paid at the same rate paid the regular carrier, Sundays and holidays included except at the beginning or end of the period of employment. A temporary rural carrier serving a route for which there is no regular carrier shall be paid at the rate of salary provided for a carrier of grade 1 for the route on which service is performed, including Sundays and authorized holidays except

at the beginning and end of the period of employment. (Sec. 17, 59 Stat. 455; 39 U. S. C. 867 (f).)

(i) Pay of temporary carrier when regular carrier inducted into armed forces. A temporary rural carrier serving a rural route during the vacancy created by the induction of the regular carrier into the armed forces of the United States shall be paid for such service at the same rates per mile per annum and the same rate of fixed compensation that would have been paid to the regular carrier, Sundays and holidays included except at the beginning or end of the period of employment. (Sec. 4, 60 Stat. 36; 39 U. S. C. 867a.)

NOTE: See § 137.19 as to seniority for rural carriers, preferential assignments, and filling vacancies on preferred routes.

RAILWAY MAIL SERVICE AND AIR MAIL SERVICE

§ 137.63 Salaries in Railway Mail Service—(a) Officers. The annual salaries of officers in the Railway Mail Service and the Air Mail Service shall be as follows: Division superintendents, \$7,550; assistant division superintendents, \$6,550; assistant superintendents at large, \$6,350; chief clerks, \$5,850; assistant chief clerks, \$5,050; chiefs of sections in offices of division superintendents, Railway Mail Service, \$5,050; regional superintendents, Air Mail Service, \$5,850; and assistant regional superintendents, Air Mail Service, \$5,050. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (a).)

NOTE: The titles "division superintendent," "assistant division superintendent," "assistant superintendent at large," "chief clerk," and "assistant chief clerk" were changed to "general superintendent," "assistant general superintendent," "assistant general superintendent at large," "district superintendent," and "assistant district superintendent," respectively, by administrative action effective November 1, 1946.

(b) Railway postal clerks and clerks in regional offices—(1) Regular employees. Railway postal clerks, and clerks assigned to offices of regional superintendents of Air Mail Service, shall be divided into seventeen grades with annual salaries as follows:

Grade 1.....	\$2, 750	Grade 10.....	\$3, 650
Grade 2.....	2, 850	Grade 11.....	3, 750
Grade 3.....	2, 950	Grade 12.....	3, 850
Grade 4.....	3, 050	Grade 13.....	3, 950
Grade 5.....	3, 150	Grade 14.....	4, 050
Grade 6.....	3, 250	Grade 15.....	4, 150
Grade 7.....	3, 350	Grade 16.....	4, 250
Grade 8.....	3, 450	Grade 17.....	4, 350
Grade 9.....	3, 550		

(Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (b).)

(2) Substitute employees. Substitute railway postal clerks shall be paid, for actual services performed when on other than road duty,

and shall be paid for road services performed according to the time value of the trip of such road service including a proper allowance for all services required on lay-off periods, as provided herein for regular employees assigned to road duty, on an hourly basis at the following rates:

Grade 1.....	\$1. 39	Grade 6.....	\$1. 64
Grade 2.....	1. 44	Grade 7.....	1. 69
Grade 3.....	1. 49	Grade 8.....	1. 74
Grade 4.....	1. 54	Grade 9.....	1. 79
Grade 5.....	1. 59		

and shall be promoted successively to grade 9 following 1 year's satisfactory service in the next lower grade. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (k).)

(c) Mail handlers—(1) Regular employees. Mail handlers in the Railway Mail Service shall be divided into six grades, with annual salaries as follows:

Grade 1.....	\$2, 450	Grade 4.....	\$2, 750
Grade 2.....	2, 550	Grade 5.....	2, 850
Grade 3.....	2, 650	Grade 6.....	2, 950

and shall be promoted successively to grade 6 following one year's satisfactory service in the next lower grade. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (n).)

(2) Substitute employees. Substitute mail handlers in the Railway Mail Service shall be paid hourly rates as follows:

Grade 1.....	\$1. 24	Grade 4.....	\$1. 39
Grade 2.....	1. 29	Grade 5.....	1. 44
Grade 3.....	1. 34	Grade 6.....	1. 49

(Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (o).)

§ 137.64 Grades and promotions in Railway Mail Service—(a) Clerks on class A and B lines; on highway post offices. Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 9, and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11, and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Clerks in charge in class A lines shall be of grade 14. Clerks assigned to class B lines shall be promoted successively to grade 11 and shall be promoted to grade 12 after three years of faithful and meritorious service in grade 11; to grade 13 after five years of faithful and meritorious service in grade 12; and

to grade 14 after seven years of faithful and meritorious service in grade 13. Clerks in charge of Class B lines shall be of grade 16: *Provided*, That in trains in which more than sixty feet of distributing car space is authorized in either direction over the entire length of the run not less than five days per week in either direction, the clerk in charge may be of grade 17 and in such trains there may be a second clerk in charge, who may be of grade 16. The provisions of this paragraph shall apply to the employees assigned to highway post-office service. Lines in class A existing on July 1, 1945, shall be continued in class A and lines in Class B existing on that date shall be continued in Class B. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (c).)

(b) Clerks at terminal railway post offices and air mail field railway post offices. Clerks assigned to terminal railway post offices and air mail field railway post offices shall be promoted successively to grade 9; and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11; and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Clerks in charge of terminal railway post offices and air mail field railway post offices with less than twenty employees shall be of grade 14 and the clerks in charge of tours shall be of grade 13. Clerks in charge of terminal railway post offices and air mail field railway post offices with twenty to seventy-four employees shall be of grade 16 and clerks in charge of tours shall be of grade 15 and clerks in charge of crews within tours shall be of grade 14. Clerks in charge of terminal railway post offices and air mail field railway post offices with seventy-five or more employees shall be of grade 17, the clerks in charge of tours shall be of grade 16, and the clerks in charge of crews within tours shall be of grade 15: *Provided*, That in terminal railway post offices and air mail field railway post offices having twenty or more employees there shall be appointed for each clerk in charge, including clerks in charge of tours and crews, a clerk of one grade lower than the lowest grade clerk in charge in each organization and such clerks shall act as clerks in charge during the absences of the clerk in charge for whom designated: *Provided further*, That in terminal railway post offices and air mail field railway post offices with fewer than twenty employees a relief clerk in charge may be appointed in grade 13 to be the clerk in charge during the absences of the clerks in charge. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (d).)

(c) Clerks at transfer offices. Clerks assigned to transfer offices shall be promoted successively to grade 11, and after three years of

faithful and meritorious service in grade 11 shall be promoted to grade 12; after five years of faithful and meritorious service in grade 12 shall be promoted to grade 13; and after seven years of faithful and meritorious service in grade 13 shall be promoted to grade 14. Clerks in charge of transfer offices with one to four employees and of tours in such transfer offices shall be of grade 15. Clerks in charge of transfer offices with five to nineteen employees shall be of grade 16 and clerks in charge of tours shall be of grade 15. Clerks in charge of transfer offices with twenty or more employees shall be of grade 17 and the clerks in charge of tours shall be of grade 16: *Provided*, That in transfer offices having twenty or more employees there shall be appointed for each clerk in charge, including clerks in charge of tours, a clerk of one grade lower than the lowest grade clerk in charge of each organization and such clerks shall act as clerks in charge during absences of the clerk in charge for whom designated: *Provided further*, That in transfer offices with nineteen or fewer employees and having two or more clerks in charge regularly assigned a relief clerk in charge may be appointed in grade 15. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (e).)

(d) Determination of number of employees. In determining the number of employees in terminal railway post offices, transfer offices, and air mail field railway post offices, credit shall be allowed for service performed by regular employees, substitute employees other than those serving in lieu of regular employees absent for any cause, and temporary employees assigned to such offices, and for each two thousand and twenty-four hours of service performed by such employees the office shall be allowed credit for one employee. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (f).)

(e) Definition of "clerk in charge." A clerk in charge is defined as a clerk in charge of a railway post office, terminal railway post office, or transfer office whether he performs service alone or has a crew of clerks under his supervision, or of a tour or a crew within a tour of a terminal railway post office or transfer office. (41 Stat. 1050; 39 U. S. C. 620.)

(f) Clerks at division, regional, and district offices. Clerks assigned to offices of division superintendents, regional superintendents Air Mail Service, and in chief clerks' offices shall be promoted successively to grade 9 and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11; and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Assistant chiefs of sections in offices of division superintendents and clerks in charge of units in

offices of regional superintendents of Air Mail Service, and in offices of chief clerks, shall be of grade 16 or 17: *Provided*, That all clerks in charge and those clerks designated to act as clerks in charge during absences of clerks in charge, in offices of division superintendents, regional superintendents Air Mail Service, chief clerks, class A runs, terminal railway post offices, and air mail field railway post offices, shall be required to progress through the automatic grades to and including grade 9 before being eligible to receive the salary provided herein for the various grades of clerks in charge and clerks who will act as clerks in charge: *Provided further*, That clerks in charge and clerks designated to act as clerks in charge during absences of clerks in charge in transfer offices and clerks in charge assigned to class B runs shall be required to progress through the automatic grades to and including grade 11 before being eligible to receive the salary provided herein for the various grades of clerks in charge and clerks who will as [act] as clerks in charge. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (g).)

(g) Examiners. Examiners shall be of grade 16 and assistant examiners shall be of grade 15 whether assigned to the offices of division superintendent or chief clerk: *Provided*, That examiners to be eligible to receive the salary provided herein shall first progress through the automatic grades to and including grade 9. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (h).)

(h) Operators of highway post office vehicles. Operators of highway post-office vehicles shall be entitled to the same rights and benefits that accrue to railway postal clerks assigned to road duty, except no allowance shall be given these employees for service required on lay-off periods as provided herein for railway postal clerks assigned to road duty [§ 137.71 (a)]: *Provided*, That such operators shall be promoted successively to grade 9; after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11, and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (j).)

(i) Automatic promotions. Promotions to automatic grades shall be made at the beginning of the quarter following one year's satisfactory service in the next lower grade. Promotions to additional grades shall be made at the beginning of the quarter following the required periods of faithful and meritorious service as provided herein: *Provided*, * * * That there shall be not more than one increase in the rate of pay of a substitute employee within a period of

twelve months. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (s).)

NOTE: See § 137.66 (a) (1) for the law applicable to leave and promotion of substitute employees.

(j) Readjustment to conform to Public Law 134. In the readjustment of the service to conform to the provisions of this chapter, clerks in charge of the Railway Mail Service of grade 5 or higher shall be placed in the grades provided for their assignments. A relief clerk in charge for whom a clerk in charge assignment is not provided under this Act shall be assigned to one grade lower than the lowest grade clerk in charge in the organization to which such relief clerk in charge is assigned. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (t).)

(k) Restoration of grade. Whenever an employee provided for in this chapter shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. * * *. (Sec. 7, 37 Stat. 556, as amended; 39 U. S. C. 627.)

(l) When promotion withheld. Whenever the promotion of an employee herein provided for is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. (Sec. 7, 37 Stat. 556, as amended; 39 U. S. C. 625.)

(m) Promotion to district superintendent or assistant district superintendent. * * * clerks assigned as assistant chief clerks and clerks in grade * * * [16], or higher rank, in their respective divisions, shall, after one year of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service, under such regulations as the Postmaster General shall prescribe. (Sec. 16, 59 Stat. 451; 39 U. S. C. 866 (g).)

NOTE: By administrative action effective November 1, 1946, the titles "chief clerk" and "assistant chief clerk" were changed to "district superintendent" and "assistant district superintendent," respectively.

(n) Advancement limited to one grade a year. In filling positions below that of clerks in charge no clerk shall be advanced more than one grade in a period of a year. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866.)

(o) Determination of efficiency and faithfulness. In determining the efficiency and faithfulness of a clerk, consideration shall be given to readiness and willingness in the performance of duty; capability, as shown by amount and

accuracy of work done; familiarity with and observance of rules and regulations; regularity in keeping up runs; and knowledge of distribution and connections.

(p) **Eligibility requirements for promotion—(1) To clerk in charge.** Eligibility for promotion to clerk in charge shall include all requirements of the preceding paragraphs of this section, and the clerk shall be especially adapted to the assignment and competent to direct a crew to the best advantage.

(2) **To district superintendent.** Eligibility for promotion to the position of district superintendent shall be based upon the following factors: Experience, record, efficiency, faithfulness, adaptability, impartiality, and capacity as a supervisory officer.

NOTE: The term "employees" in this section includes officers, supervisors, and all other employees of the Railway Mail Service and Air Mail Service other than employees who are paid on a fee or contract basis. (See sec. 1, 59 Stat. 435, as amended; 39 U. S. C. 851.)

§ 137.65 Allowances for travel expenses—(a) Authorization. In addition to the salaries provided by this chapter, the Postmaster General may make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, and substitute railway postal clerks, assigned to road duty in railway post-office cars, and highway post-office vehicles after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such allowance exceed \$6 per day. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (r).)

(b) **Rate.** After the expiration of ten hours from the time required to report for duty at the initial point or service head-out of the assignment or run, one item (\$1.50) of travel allowance will be granted for each six hours or fraction thereof until actual return to the point where run ends.

(c) **Substitute on assignment away from headquarters.** Substitute railway postal clerks shall be credited with full time while traveling under orders of the Department to and from their designated headquarters to take up assignments, together with actual and necessary travel expenses, not to exceed \$6 per day, while on duty away from such headquarters. When a substitute railway postal clerk performs service in a railway post office or highway post office starting from his official headquarters, he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (m).)

PROMOTIONS (OTHER THAN R. M. S.)

§ 137.66 Promotions in the Postal Service—(a) Substitute employees—(1) Method. All substitute employees in the Postal Service shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade until they reach the maxi-

mun grade authorized for their respective assignment, without regard to the number of hours they are actually employed in the Postal Service during the year. (Sec. 1, 61 Stat. 40; 39 U. S. C. 862c.)

(2) Credit for service on monthly basis. Each substitute employee in the postal service shall, for promotional and leave purposes, receive credit for one-twelfth of a year for each whole calendar month that the substitute employee has been on the rolls as a substitute since his last promotion as a substitute or appointment as a substitute, whichever is later: *Provided*, That when a regular employee has been reduced to a substitute position, the months of service as a regular employee shall be included with the months served as a substitute to determine the date he will be eligible for automatic promotion under 862a of this title: *Provided further*, That the automatic promotion of a substitute employee in the postal service shall be withheld (1) for three months when such employee is absent on leave without pay and not available for duty for ninety days during a calendar year; (2) for six months when such employee is absent on leave without pay and not available for duty for one hundred and eighty days during a calendar year; (3) for nine months when such employee is absent on leave without pay and not available for duty for two hundred and seventy days during a calendar year; and (4) for one year when such employee is absent on leave without pay and not available for duty for three hundred and sixty days during a calendar year. (Sec. 2, 61 Stat. 40; 39 U. S. C. 862d.)

(3) Upon appointment to regular position. Upon appointment to a regular position in the Postal Service, any employee who was a substitute in the Postal Service prior to July 1, 1945, shall receive credit for actual substitute service including time served as a special-delivery messenger, performed prior to July 1, 1945, computed on the basis of one year for each unit of two thousand four hundred and forty-eight hours of service, but such credit shall not exceed four years. The credit thus computed shall be added to credit for the time the employee has been on the rolls as a substitute employee in the Postal Service on and after July 1, 1945, computed on the basis of one-twelfth of a year for each whole calendar month that the employee has been on the rolls. Upon the appointment of any such employee to a regular position he shall be placed in the salary grade to which he would have progressed had his original appointment been made to a regular position of grade 1, plus four grades, and the progression shall be computed on the basis of years of substitute service as herein provided. Any fractional part of a year's substitute service accumulated since the last compensation increase as a substitute shall be included with the regular service as a regular employee in determining eligibility for promotion

to the next higher grade following appointment to a regular position: *Provided*, That no substitute shall be appointed to a higher grade of a regular position than the highest grade to which employees may progress through annual promotions: *Provided further*, That upon appointment of a substitute employee to a regular position he shall not be placed in or promoted to a grade higher than the grade to which he would have progressed, including benefits authorized by section 873 of this title, had his original appointment been to a regular position of grade 1: *And provided further*, That employees shall not be allowed credit for service performed under temporary or war-service appointments except when such service is continuous to the date of appointment as a classified substitute or regular employee. (Sec. 3, 61 Stat. 40; 39 U. S. C. 862a.)

NOTE: Section 23 of Public Law 134, approved July 6, 1945, relating to the readjustment of salaries to conform to the provisions of the act, and section 24 of the same act, relating to the readjustment of part-time positions, have been executed and are therefore omitted herefrom.

(b) When promotion withheld. Whenever the promotion of an employee provided for in this chapter is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. (Sec. 11, 43 Stat. 1064; 39 U. S. C. 123.)

(c) Quarterly recommendations for promotions. Thirty days before the end of each quarter postmasters shall submit to the Department recommendations either for or against the promotion of every employee who at the end of the quarter may be entitled to promotion.

(d) Restoration of grade. * * * The Post Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline * * *. Whenever an employee provided for in this chapter shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. (34 Stat. 1206, sec. 11, 43 Stat. 1064; 39 U. S. C. 109, 121.)

COMPUTATION AND PAYMENT OF SALARIES

§ 137.67 Computation and payment of salaries. Where the compensation of any postmaster, other officer, or employee is on an annual basis, the following rules for division of time and computation of pay for services rendered are established:

Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month and one-half of each such installment shall be paid on the sixteenth day of the month and the first day of the following month, or as soon thereafter as practicable. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the Postal Service during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said Service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry. For each day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (Sec. 7, 59 Stat. 436, as amended; 39 U. S. C. 857.)

ALLOWABLE SERVICE

§ 137.68 Allowable service. Allowable service under the provisions of this Act shall be only such continuous active service as has been rendered and shall not include previous periods or terms of employment, except that in the case of employees who have been separated or shall hereafter be separated from the field service of the Post Office Department for military duty, or to comply with a war transfer as defined by the Civil Service Commission, the periods or terms of such service immediately preceding entry into military service or immediately preceding such transfer, as well as the time engaged in military service and service on war transfer, shall be construed as allowable service, and pro rata credit shall be given for the time engaged in military service and service on war transfer for each year of such service. (Sec. 25, 59 Stat. 461, as amended; 39 U. S. C. 875.)

NOTE: By specific provision in section 4, Public Law 850, approved June 30, 1948, the above provision "shall take effect as of July 1, 1945."

HOURS OF SERVICE, OVERTIME, AND COMPENSATORY TIME

§ 137.69 Hours of service. Employees shall be required to work not more than eight hours a day except as provided in section 854 of this title. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the

employees shall be regulated accordingly: *Provided*, That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanics; examiners of equipment and supplies; employees in third-class post offices; employees paid on an hourly basis; employees not in the automatic or additional annual salary grades; and carriers in the Village Delivery Service: *Provided further*, That any classified substitute employee who reports for duty at any post office or other postal unit in compliance with an official order shall be employed not less than two hours following the hour at which such classified substitute employee is ordered to report. Employment in any branch of the Postal Service will be construed as compliance with this proviso. (Sec. 2, 59 Stat. 435; 39 U. S. C. 852.)

§ 137.70 Overtime—(a) Rate of compensation. In emergencies or if the needs of the service require, employees may be employed in excess of eight hours per day and for such overtime service they shall be paid on the basis of 150 per centum of the annual rate of pay received by such employees. In computing compensation for such overtime employment, the annual salary or compensation for such employees shall be divided by two thousand and eighty, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation and one and one-half times that amount will be the hourly rate of overtime pay: *Provided*, That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanics examiners of equipment and supplies; employees paid on an hourly basis, and supervisory employees. (Sec. 4, 59 Stat. 435; 39 U. S. C. 854.)

NOTE: See § 137.71 (b) concerning the payment of overtime in lieu of compensatory time.

(b) Employment of substitute in lieu of. Whenever practicable, in case of emergency or otherwise, if a substitute is available the postmaster shall not employ a regular clerk overtime. (Sec. 1, 40 Stat. 1192; 39 U. S. C. 125.)

(c) Certain employees of Railway Mail Service and Air Mail Service. Employees of the Railway Mail and Air Mail Services, other than railway postal clerks assigned to road duty and officers, shall be required to work not more than eight hours a day, and the eight hours of service shall not extend over a longer period than ten consecutive hours, but in case of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day and shall be paid overtime for such additional service on the basis of 150 per centum of their annual base pay. In computing compensation for

such overtime the annual salary or compensation shall be divided by two thousand and twenty-four, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation, and one and one-half times that amount will be the hourly rate of overtime pay. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (q).)

§ 137.71 Compensatory time, or overtime in lieu thereof—(a) Railway Mail Service and Air Mail Service employees. When the needs of the service require employees of the Railway Mail and Air Mail Services, other than railway postal clerks assigned to road duty and officers, to perform service on Saturdays, Sundays, or holidays they shall be allowed compensatory time for such service within five working days next succeeding the Saturday or Sunday, and on one day within thirty days next succeeding the holiday: *Provided, however,* That the Postmaster General may, if the exigencies of the service require, authorize the payment of overtime for services performed on the Saturdays, Sundays during the month of December, and on Christmas Day in lieu of compensatory time: *Provided further,* That the service of railway postal clerks assigned to road duty shall be based on an average of not exceeding eight hours daily for two hundred and fifty-three days per annum, including allowances for all service required on lay-off periods, and such allowances shall be not less than fifty minutes per day for two hundred and fifty-three days per annum for clerks assigned to class A runs and not less than one hour and thirty-five minutes per day for two hundred and fifty-three days per annum for clerks assigned to class B runs, and railway postal clerks assigned to road duty required to perform service in excess of an average of eight hours daily for two hundred and fifty-three days shall be paid for such overtime service on the basis of 150 per centum of the annual rate of pay received by such employees. In computing compensation for such overtime employment, the annual salary or compensation for such employees shall be divided by two thousand and twenty-four, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation and one and one-half times that amount will be the hourly rate of overtime pay. (Sec. 16, 59 Stat. 451, as amended; 39 U. S. C. 866 (p).)

(b) Other employees. When the needs of the service require employees to perform services on Saturdays, Sundays, or holidays, they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday or Sunday and within 30 days next succeeding the holiday: *Provided,* That the Postmaster General may, if the exigencies of the service require, authorize the payment of overtime to employees other than supervisory employees whose

base salaries are more than \$4,050 per annum for services performed on Saturdays, Sundays, and Christmas Day during the month of December in lieu of compensatory time: *Provided further*, That supervisory employees shall be allowed compensatory time for services performed in excess of 8 hours per day, and those whose base salaries are more than \$4,050 per annum shall be allowed compensatory time for services performed on Saturdays, Sundays, and on Christmas Day during the month of December within 180 days from the days such service was performed: *And provided further*, That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanics; examiners of equipment and supplies; clerks in third-class post offices; and employees paid on an hourly basis. (Sec. 3, 59 Stat. 435, as amended; 39 U. S. C. 853.)

NOTE: See § 137.71 (a) as to compensatory time to employees of the Railway Mail Service and the Air Mail Service.

§ 137.72 Definition of "employees." * * * the term "employees" wherever used in this chapter shall include officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the Postal Service, other than postmasters, skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis. (Sec. 1, 59 Stat. 435; 39 U. S. C. 851.)

§ 137.73 Time allowed railway postal clerks—(a) When dead-heading. Railway postal clerks and substitute railway postal clerks shall be credited with full time when dead-heading under orders of the department. (Sec. 1, 39 Stat. 1065, as amended; 39 U. S. C. 636.)

(b) When trains delayed. Clerks assigned to road duty shall be credited with full time for delays to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run. (Sec. 7, 43 Stat. 1063; 39 U. S. C. 630.)

NOTE: The term "employees" in §§ 137.70 (c) and 137.71 (a), includes officers, supervisors, and all other employees of the Railway Mail Service and the Air Mail Service other than employees who are paid on a fee or contract basis. (See sec. 1, 59 Stat. 435; 39 U. S. C. 851.)

NIGHT WORK

§ 137.74 Night differential in pay. Employees who are required to perform night work shall be paid extra for each hour of such work at the rate of 10 per centum of their base hourly compensation, computed by dividing the base annual salary by two thousand and eighty. Night work shall be defined as any work performed between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian: *Provided*, That such differential for night duty shall not be included in computing

any overtime compensation to which the officer or employee may be entitled. The provisions of this section shall not apply to post-office inspectors; traveling mechanics; examiners of equipment and supplies; officers of the Railway Mail Service and of the Air Mail Service; and rural carriers. (Sec. 5, 59 Stat. 436; 39 U. S. C. 855.)

§ 137.75 Definition of "employees." The term "employees" wherever used in this Act [39 U. S. C., ch. 23] shall include officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the Postal Service, other than postmasters, skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis. (Sec. 1, 59 Stat. 435; 39 U. S. C. 851.)

NOTE: By specific provision in the Act, July 1, 1945, is the effective date of Public Law 134, 79th Congress, 1st Session, approved July 6, 1945.

HOLIDAYS IN THE POSTAL SERVICE

§ 137.76 Holidays in the Postal Service—(a) List of. Holidays in the Postal Service shall be New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Armistice Day (November 11); Thanksgiving Day (fourth Thursday of November); and Christmas (December 25). All days, other than the holidays enumerated herein, set aside by the President of the United States as holidays to be observed by the other departments of the Government throughout the United States shall be construed as applicable to the Postal Service in the same manner and to the same extent as the executive departments. (See 39 U. S. C. 119; 5 U. S. C. 87a, 87b.)

(b) When holiday falls on Sunday. When any of the holidays mentioned in paragraph (a) falls on Sunday, the following Monday shall be observed. (E. O. 9636, October 3, 1945; 10 F. R. 12543.)

NOTE: See 21 Comp. Gen. 901.
See § 137.71 (b) as to compensatory time for service performed by employees in post offices on Sundays and holidays.

LEAVES OF ABSENCE OF EMPLOYEES IN POSTAL SERVICE

§ 137.77 Leave of absence—(a) Authorization. Postmasters and employees shall be granted fifteen days' leave of absence with pay, exclusive of Saturdays, Sundays, and holidays, each fiscal year and sick leave with pay at the rate of ten days a year, exclusive of Saturdays, Sundays, and holidays, to be cumulative. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General: *Provided*, That the fifteen days' leave shall be credited at the rate of $1\frac{1}{4}$ days for each month of actual service: *Provided further*, That classified substitute employees, under such regulations as the Postmaster General may prescribe, shall be granted the same rights and benefits with

respect to annual and sick leave that accrue to regular employees in proportion to the time employed in a pay status * * *: *And provided further*, That in no event shall a classified substitute employee be credited during a twelve-month period with more than fifteen days' annual and ten days' sick leave. (Sec. 6, 59 Stat. 436, as amended: 39 U. S. C. 856.)

(b) Absence of rural carrier on Saturday. The authorized absence of a rural carrier on Saturdays which occurs within or at the beginning or end of a period of sick or annual leave of five or more days duration (or four days duration if a holiday falls within or at the beginning or end of the period of sick or annual leave) shall be without charge to such leave or loss of compensation: *Provided*, That Saturdays occurring in a period of annual or sick leave taken in a smaller number of days may, at the option of the carrier be charged to his accrued leave, and when so charged he shall be paid for such absence. (Sec. 1, 61 Stat. 57; 39 U. S. C. 856.)

NOTE: See 8 Comp. Gen. 348, and 25 Comp. Gen. 412.

(c) Substitute employees—(1) Amount of leave credit. Each substitute employee in the Postal Service shall, for * * * leave purposes, receive credit for one-twelfth of a year for each whole calendar month that the substitute employee has been on the rolls as a substitute since his last promotion as a substitute or appointment as a substitute, whichever is later * * *. (Sec. 2, 61 Stat. 40; 39 U. S. C. 862d.)

(2) War service indefinite substitute employees. War service indefinite substitute employees in the postal service, under such regulations as the Postmaster General may prescribe, shall be entitled to the same rights and benefits with respect to annual and sick leave that accrue to classified substitute employees in proportion to the time employed in a pay status. (Sec. 3, 60 Stat. 36; 39 U. S. C. 856a.)

(3) When not entitled to sick leave. No substitute shall be entitled to sick leave for an illness or disability incurred at a time when such substitute is on leave of absence, granted at his own request, other than annual leave, or/when such substitute is not available for duty. (Sec. 2, act of April 30, 1940, 54 Stat. 172.)

(d) Definition of "employees." The term "employees," wherever used in * * * (subparagraph (a)) shall include officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the Postal Service, other than postmasters, skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis. (Sec. 1, 59 Stat. 435; 39 U. S. C. 851.)

§137.78 Leaves for postmasters—(a) Prior approval. Postmasters shall not absent themselves from their offices without prior approval from the Post Office Inspector in Charge of the division in which the post office is located, except that in an emergency a postmaster may absent himself and notify the Inspector in Charge as soon as possible.

(b) Competent replacement to be left in charge. During the absence of a postmaster at a third- or fourth-class office, a competent clerk, or substitute clerk where there is no regular clerk or competent replacement, shall be left in charge.

NOTE: See § 24.9 as to performance of duties during absence of postmaster. Postmasters are not included in the scope of the 40-hour-week law (sec 3, 59 Stat. 435; 39 U. S. C. 853). They may, however, take time off on Saturday or such other day when there is a suspension of business, provided they have made necessary arrangements for proper and efficient service to the public, the protection of the finances, and prompt handling of the mail.

(c) Amounts for postmasters and acting postmasters. Postmasters of all classes shall be granted leave of absence as follows, and the provisions of this section apply in all respects to acting postmasters:

(1) Annual leave. 15 days' annual leave with pay during each fiscal year, the unused portion of which is cumulative. Saturdays, Sundays, and holidays are excluded in counting annual leave.

(2) Sick leave. 10 days' sick leave with pay during each fiscal year exclusive of Saturdays, Sundays, and holidays, to be cumulative. The minimum charge for absence on account of sickness shall be one-half day. Application for sick leave shall be filed within 2 days after return to duty or at the end of each 30-day period in cases of extended illness.

(d) When leave may not be granted. Annual and sick leave shall not be granted with pay at the beginning of a fiscal year immediately following a period of absence in a nonpay status in the preceding fiscal year unless and until there is a return to duty.

(e) Leave without pay. All leave without pay is granted on the basis of full days only.

(f) Attendance at conventions. Leave of absence with pay is granted without application therefor, and without charge to annual leave, to postmasters who desire to attend their State and National postmasters' conventions for the time in attendance at the convention and actual time taken to travel to and from the convention by the shortest possible route by train. Offices must be left in charge of competent and duly bonded employees, and when a postmaster returns to his office, he must make prompt report of his absence to the inspector in charge.

NOTE: See § 135.49 as to lump-sum payment for accumulated and current accrued annual leave upon separation from service; § 137.77 as to leaves of absence of employees in the postal service; § 135.40 as to leaves of absence for jury service; and §§ 135.35 to 135.38, inclusive, as to leaves of absence for military duty.

(g) Retention of leave credit when employee appointed postmaster. Every classified civil-service employee who shall be appointed to the position of postmaster shall retain to his credit whatever amount of sick leave and vacation time is properly due him on the date of his appointment to the position of postmaster: *Provided*, That such accumulated sick leave and vacation time shall be transferred to the credit of the employee as of the date of his appointment as postmaster in the same manner as the time might have been utilized by him before appointment: *Provided further*, That this section shall

be retroactive to the extent that every postmaster at a first- or second-class post office who shall have received appointment as postmaster while an employee of the classified civil service and who shall hold the position of postmaster on the date this section becomes effective, shall be entitled to the benefits of the section and shall be credited with the amount of accumulated sick leave and vacation time which was due him on the date of his appointment as postmaster. * * * (54 Stat. 252; 39 U. S. C. 68.)

(h) **Inquiries about leave.** Inquiries relative to leave should be made to the Inspector in Charge of the division in which the post office is located, and every application for leave of absence shall be made on Form 3957-B by postmasters of the first, second, and third classes and on Form 3957-F by postmasters of the fourth class, and forwarded to that official. When extended leave (duration of week or more) is requested on account of illness, the postmaster's application should be accompanied by a doctor's certificate. Postmasters' telegrams applying for leave shall be prepaid and replies thereto from the Inspector in Charge or the Department sent "collect."

NOTE: See § 137.30 (e) as to compensation of persons performing the duties of postmaster at fourth-class offices during the absence of the postmaster.

§ 137.79 **Leaves for employees—(a) Granting of.** (1) Postmasters at offices of the first, second, and third classes, and field officials of the Railway Mail Service and Air Mail Service, shall require employees to take their leaves at such times and in such order as will least interfere with the service, and the business of the office or organization shall be so arranged that it can be carried on during such absences without the employment of temporary help.

(2) A regular employee may not be granted annual leave in excess of that accumulated to his credit at the rate of $1\frac{1}{4}$ days a month until he has been on the rolls one calendar year including time served as a substitute. Regular employees who have been in the service for 1 year or more may be granted their full 15 days' vacation at any time during the fiscal year or when their services can best be spared. Temporary employees and those employed jointly by the Post Office Department and railroad, bus, steamboat, and express companies, shall not be granted annual leave or sick leave with pay.

(b) **Employment of substitutes to cover leaves.** Where leaves cannot, however, be granted without serious embarrassment to the service, authority may be obtained from the First Assistant Postmaster General to employ substitutes at the rate of pay prescribed by law.

(c) **Leave without pay.** (1) **At post offices.** Postmasters may, in addition to leave of absence with pay, provided by law, grant leave of absence without pay to employees for personal reasons, such leave not to exceed 30 days in any case during any one fiscal year. Application for leave of absence for a period longer than 30 days shall be submitted to the proper bureau of the Department with a full statement of the facts. An employee shall not be allowed to start on such leave until formal approval has been received.

(2) **In Railway Mail Service.** Leave of absence without pay may be granted by the district superintendent or general superintendent for periods not exceeding 30 consecutive days and not exceeding 60 days in any one fiscal year. Should further leave be desired, special authority shall be obtained from the Director, Divisions of Personnel and Facilities, Surface Postal Transport.

(d) **Method of granting leave on account of illness.** A postal employee shall not be separated from the service on account of illness for a period less than one year. A postmaster may, without specific approval from the Department, upon written application of an employee of his office, accompanied with proper physician's certificate, grant leave without pay on account of personal illness of the employee concerned in 30-day periods for a total not to exceed one year's continuous absence. Each new application shall be accompanied with a physician's certificate. An employee who has been absent from duty for three months or longer shall not be permitted to return to duty unless he produces a physician's certificate to the effect that he is restored to health and is able to perform the duties to which he is assigned. Postmasters shall exercise care not to permit an employee to return to duty for the mere purpose of breaking the continuity of his absence. At the expiration of one year's continuous absence the employee may be dropped without prejudice. However, an employee who has been absent for one year on account of illness and has enough service to his credit to entitle him to retirement under section 6 of the act of May 29, 1930, shall not be separated from the service until he has been given an opportunity to retire.

NOTE: See § 135.52 as to continuance on the rolls of an employee injured in performance of duties and being paid compensation under the Federal Compensation Act.

(e) **Absence without leave.** An employee, absenting himself without leave shall be reprimanded by the postmaster, or reported to the Department for suitable discipline or for removal. (See § 135.35.)

(f) **Rural carriers—(1) Absence caused by injury while on duty.** When a rural carrier is absent from duty on account of an injury sustained while on duty, the first date of absence and the name of the temporary carrier employed shall be reported promptly to the First Assistant Postmaster General. A report of the injury shall be made to the Federal Security Agency, Bureau of Employees' Compensation, 4th and Independence Ave. S. W., Washington 25, D. C., upon a form which may be obtained from the nearest post office of the first class. An employee who is injured in the performance of his duties, and is paid compensation under the act of September 7, 1916, shall not be separated from the service, but shall be continued on the rolls without pay until the Federal Security Agency discontinues his compensation, or the employee has been given an opportunity to retire in accordance with the provisions of section 6 of the act of May 29, 1930.

(2) **Absence without permission.** A rural carrier who is absent without permission from the postmaster shall forfeit his pay for the period of such absence, and in addition may be reprimanded, suspended without pay, or removed from the service, as the circumstances may warrant.

(3) **Another carrier not to serve as substitute.** When a rural carrier is absent, or when a vacancy in the rural carrier force at an office exists for any reason, the bonded substitute shall be employed to serve the route; if a bonded substitute is not available some other capable person shall be employed. A regular carrier shall not be employed as a substitute for another carrier nor to serve a route other than that to which he is assigned.

TRANSFERS

§ 137.80 **Transfer and interchange of employees—(a) Authorization.** The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the

post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged. The time which any clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: *Provided*, That no clerk or carrier shall be promoted more than one grade within any one year's period of service. (Sec. 11, 43 Stat. 1065, 34 Stat. 1207; 39 U. S. C. 129, 130.)

(b) Credit for services performed; promotion—(1) Provisions. Any employee of the postal service who is in a position for which salary grades are provided in the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945, and who transfers or is transferred from such position to any other position in the postal service for which salary grades are provided by such Act, shall, for purposes of establishing eligibility for promotion in the position to which he transfers or is transferred, (1) in the case of an employee in a position for which automatic promotions are provided, be credited with all satisfactory service since his last automatic promotion and (2) in the case of an employee in a position for which automatic promotions are not provided, be credited with all satisfactory service, not exceeding one year of such service, performed in such position.

(2) Applying of credit. Any such employee shall be eligible for promotion within the salary grades of his new position after completing an amount of service in such position, which when added to the prior service for which credit is provided by the first section of this Act, gives such employee sufficient service for promotion in his new position.

(3) Definition of "employee." As used in this Act, the term "employee" includes postmasters, officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the postal service for whom salary grades are provided in the Act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes", approved July 6, 1945.

(4) Prior transfers. This Act shall be applicable in determining eligibility for promotion of any employee who has been transferred from one position of the postal service to another prior to the date of enactment of this Act [June 19, 1948] and who has not received

a promotion in his new position since such transfer, except that no employee shall be promoted because of such application prior to the first day of the first quarter which begins after the date of enactment of this Act.

(5) **No reduction in salary by dual employment.** The rate of compensation of any employee in the postal service whose services are utilized in a dual capacity shall not be reduced as a result of employment in such capacity: *Provided*, That this section shall not apply to the rural delivery service.

(6) **Not applicable to certain positions.** The provisions of sections 1, 2, 3, and 4 of this Act [subparagraphs (b) (1) to (b) (4)] shall not apply to employees who transfer or are transferred to the position of post-office inspector or to the position of railway postal clerk. (Secs. 1-6, 62 Stat. 484; 39 U. S. C. 879-884.)

(c) **Of clerks to carriers and vice versa—(1) Veterans.** Any letter carrier or clerk in the postal service entitled as a preference eligible to ten points under the Veterans' Preference Act of 1944, as amended, in addition to his earned rating who, on or after the date of enactment of this Act [June 22, 1948], transfers from the position of letter carrier to that of clerk or from the position of clerk to that of letter carrier, as the case may be, shall not incur loss of seniority by reason of such transfer if, within thirty days after such transfer, he presents to the Civil Service Commission evidence satisfactory to the Commission that such transfer was necessitated principally by reason of a disability which he received on active duty in the armed forces of the United States.

(2) **Prior transfers.** Any such letter carrier or clerk who, prior to the date of enactment of this Act [June 22, 1948], has transferred from the position of letter carrier to that of clerk or from the position of clerk to that of letter carrier, as the case may be, and has incurred loss of seniority by reason of such transfer, shall be restored the seniority to which he would have been entitled if such transfer had not occurred if he presents to the Civil Service Commission evidence satisfactory to the Commission that such transfer was necessitated principally by reason of a disability which he received on active duty in the armed forces of the United States.

(3) **No reduction to substitute status.** No regular employee shall be reduced to substitute status to accord the benefits of this Act to another employee. (62 Stat. 574; 39 U. S. C. 103b.)

(4) **Time counted toward promotion.** The time which any clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service neces-

sary to entitle such employees to promotion: * * *. (34 Stat. 1207; 39 U. S. C. 130.)

(5) **In same office.** Transfers from the grade of clerk to that of carrier in the same office may be made, provided the clerks to be transferred are physically able to perform the duties of a carrier, but such transfers should be recommended only when the best interests of the service will be served.

(d) **To another office.** The transfer of an employee from one office to another shall be made only in exceptional cases. Applications shall contain a full statement of the circumstances in the case and be addressed to the postmaster at the office to which transfer is desired, and submitted to the postmaster at the office in which the carrier is employed. The last-named postmaster shall forward the application accompanied with a statement of the employee's record and any pertinent facts in his case. If the postmaster at the office to which the transfer is desired is favorable thereto, he shall forward the application, together with his recommendations, to the First Assistant Postmaster General, Division of Post Office Personnel.

(e) **Of clerks or carriers to other positions.** Whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks, or carriers in the City Delivery Service to the position of clerk at division headquarters and other posts of duty of post-office inspectors at a salary not to exceed \$3,150 when the salary of the employee being transferred is less than \$3,150, and when the salary of the employee being transferred is equal to or greater than \$3,150, such employee may be transferred at not less than the salary received in the position from which transferred. After such transfer is made effective, employees so transferred shall be eligible for promotion to the grades of salary provided herein for clerks at division headquarters and other posts of duty of post-office inspectors. (Sec. 15, 59 Stat. 450, as amended; 39 U. S. C. 450.)

(f) **Of rural carriers—(1) Authority required.** Rural carriers shall not be transferred from one route to another without specific authority from the department.

(2) **Application for transfer.** The application of a rural carrier for a transfer from one route to another at the same office, or from the route to which he is assigned to a route at another office, should be submitted to the First Assistant Postmaster General, through the postmaster at the office to which he is attached. In the latter case the application shall be accompanied with the recommendation of the postmaster at each office concerned.

(g) **Of fourth-class postmasters.** (1) A postmaster of the fourth class appointed (a) before August 14, 1946, and having an annual compensation of less than \$500; or (b) appointed on or after August 14, 1946, and before November 10, 1948, and having an annual compensation of less than \$1,000; or (c) appointed on or after November 10, 1948, and having an annual compensation of less than \$1,300, shall not be eligible for transfer to any other position under the civil service rules.

(2) Where the annual compensation of the office has amounted to \$500 or more at any time during his incumbency in the case of appointment before August 14, 1946; or \$1,000 or more at any time during his incumbency in the case of appointment on or after August 14, 1946, and before November 10, 1948; or \$1,300 or more at any time during his incumbency in the case of appointment on or after November 10, 1948, a fourth-class postmaster may, after serving 1 year and upon passing an appropriate noncompetitive examination, be transferred to a position of rural carrier at the office at which he is serving. After 3 years' service and upon passing an appropriate noncompetitive examination, he may be transferred to a position of rural carrier at any other post office or to any other position for which he can qualify.

(3) When the annual compensation of an office is increased to (a) \$500 or more in the case of a person appointed before August 14, 1946; or (b) \$1,000 or more in the case of appointment on or after August 14, 1946, and before November 10, 1948; or (c) \$1,300 or more in the case of appointment on or after November 10, 1948, the incumbent of such office shall be given all rights and privileges of persons appointed before August 14, 1946, to offices with annual compensation of \$500 or more; or appointed on or after August 14, 1946, and before November 10, 1948, to offices with compensation of \$1,000 or more; or appointed on or after November 10, 1948, to offices with compensation of \$1,300 or more.

NOTE: See Executive Order 9769, dated August 14, 1946, 11 F. R. 8857; and E. O. 10017, dated November 10, 1948, 13 F. R. 6703.

(h) Of railway postal clerks—(1) Authorization. A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent [general superintendent] or chief clerk [district superintendent], may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk, under such regulations as the Postmaster General may deem proper. (Sec. 7, 37 Stat. 556, 39 U. S. C. 624.)

(2) No reduction in salary. Railway postal clerks of any grade transferred or reassigned after June 30, 1945, from one assignment or classification to another because of classification or changes in the service shall not be reduced in grade or salary by reason of such classification or change, and while serving in miscellaneous assignments they will be carried on the roster of their own organizations and retain the promotion status authorized by law for the positions from which withdrawn and be paid after this enactment by the hour for actual services performed when on other than road duty, and shall be paid for road services performed according to the time value of the trip of such road service including a proper allowance for all services required on lay-off periods, as are provided for regular employees assigned to road duty, until again restored to regular positions, the hourly rate for such pay to be determined by dividing the annual salary by 2024, the number of working hours in a year. (Sec. 1, 39 Stat. 1065, as amended; 39 U. S. C. 632.)

RESIGNATIONS

§ 137.81 **When a postmaster leaves office—(a) Procedure.** When a postmaster resigns, retires, dies, or is removed, the assistant postmaster or designated employee shall conduct the business of the office until otherwise instructed by proper authority, or until an acting postmaster has been appointed and assumed charge of the office, as provided in § 137.7, or until a successor is appointed and commissioned.

(b) **Abandonment of office.** When a postmaster voluntarily abandons his office, such action may be regarded as sufficient cause for removal.

NOTE: See § 135.11 (b) as to placing post-office inspector in charge of post office.

§ 137.82 **Resignations—(a) Employees other than postmasters.** Resignations of regular and substitute employees shall be made in writing and forwarded to the proper bureau of the Department. (See also pars. (b) and (c).) A resignation shall not be requested by the postmaster or by anyone for him.

(b) **Rural carriers.** The resignation of a rural carrier or substitute shall be made in writing and forwarded through the postmaster to the First Assistant Postmaster General. In transmitting the resignation of a substitute carrier, the postmaster shall furnish the name of some suitable person agreed upon by himself and the regular carrier for appointment to fill the vacancy.

(c) **Railway Mail Service employees.** Resignations of Railway Mail Service employees shall be sent to the Deputy Second Assistant Postmaster General, Surface Postal Transport, through the general superintendent, and as long prior to the date on which they are intended to take effect as possible. A clerk transferred to another branch of the service shall submit his resignation from the Railway Mail Service.

CASE EXAMINATIONS

§ 137.83 **Case examinations—(a) At first-class offices having superintendent of mails.** At offices of the first class having a superintendent of mails all clerks regularly assigned (at least once each week) to the distribution of mail, either incoming or outgoing, shall be examined yearly on the distribution schemes in use in their offices. Such examinations shall be conducted by the superintendent of mails.

(b) **At first-class offices not having superintendent of mails and at second-class offices.** At first-class offices not having a superintendent of mails and at second-class offices all clerks, including assistant postmasters, assigned to the distribution of mail one hour or more daily, or who from time to time are assigned to assist in distribution during rush hours or periods of congestion, shall be examined once yearly on the distribution schemes in use in their offices, if conditions require that dispatching clerks have a knowledge of scheme distribution. District superintendents of the Railway Mail Service will determine the necessity for and conduct such examinations on dispatching schemes and the postmaster or assistant postmaster shall conduct such examinations on city schemes.

(c) **Record.** A record shall be kept of the number of cards distributed per minute and the number of errors made.

(d) **Frequent questioning about orders.** Clerks engaged in distribution shall also be frequently questioned regarding orders affecting the distribution of mail. Incompetent distributing clerks shall not be retained in the service.

(e) **Proficiency required.** A record of 95 percent and an average of not less than 16 cards correctly thrown per minute on case examinations shall be required of post office clerks.

(f) **Who are exempt.** Post office clerks past 55 years of age or who have been in the service 25 years, shall be exempt from case examination. However, any distributor, regardless of age or length of service, who permits himself to become inefficient in the performance of his duties shall be required to again qualify by passing a satisfactory scheme examination.

(g) **Railway postal clerks.** Railway postal clerks shall be examined from time to time upon the official schemes of distribution furnished them, the connections of trains and such other instructions and orders as relate to the service; also at least once a year as to their knowledge of the Book of Instructions for 10 consecutive years, after which they shall be examined thereon at least once in three years. (See R. M. S. Book of Instructions, Form 5002.)

UNIFORMS AND BADGES

§ 137.84 **Uniforms for city letter carriers—(a) Authorization.** The Postmaster General may prescribe a uniform dress to be worn by letter carriers. (R. S. 3867; 39 U. S. C. 154.)

(b) **Penalty for wearing without authority.** Whoever, not being connected with the letter-carrier branch of the Postal Service, wears the uniform or badge which may be prescribed by the Postmaster General, to be worn by letter carriers, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. (62 Stat. 785, 18 U. S. C. 1730.)

(c) **Carriers to provide.** Regular and substitute letter carriers shall procure uniforms at their own expense. Postmasters shall advise and assist them in obtaining well-fitting suits of the prescribed material and at the best terms.

(d) **Acting as agent forbidden.** No postmaster or employee at any post office shall act as agent or collector for any individual or firm engaged in the manufacture or sale of letter carriers' uniforms or any portion thereof.

(e) **Distribution of uniforms.** Postmasters, or employees designated by them for the purpose, may receive and distribute to the letter carriers for whom they are intended uniform goods shipped singly or in bulk by manufacturers to their offices or to the stations thereof, and shall keep a record of such deliveries.

§ 137.85 **Specifications for carriers' uniforms.** Uniforms made according to the following specifications shall be worn by all letter carriers:

FOR WINTER WEAR

(a) **Coat.** A double-breasted, square-corner sack coat, with lapels, and made of bluish, mixed cadet-gray flannel, or a heavy bluish-gray worsted or serge, terminating two-thirds the distance from the top of the hip bone to the knee, with a pocket at each side and one on the left breast, all outside, with flaps $2\frac{3}{4}$ to 3 inches wide, with length to suit height of wearer, say $6\frac{1}{2}$ to 7 inches; coat to be piped with best grade mohair braid, one-sixteenth inch projecting to be inserted between edges; 10 buttons of bluish-gray plastic or other non-metal material with the designs of this department (letter carrier in uniform with mail bag on shoulder and letter in uplifted hand, or present design with letters "P. O. D." beneath) down the front to button to the neck, and cord piping around the sleeves, $2\frac{1}{2}$ inches from the bottom, to correspond with piping on the edge; two circular buttons (vest size) on sleeve of coat, equidistant below cord on sleeve; coat to be lined with a durable all-wool flannel.

(b) **Trousers.** Of same material and color as coat, with fine black broadcloth piping one-fourth inch wide down the outside seam. Side and two hip pockets, to be made of strong, durable material.

(c) **Vest.** A single-breasted vest of same material and color as coat and trousers, with seven circular buttons (vest size), same material and color as for coat, with the letters "P. O. D." upon the face. Four pockets on outside (two on breast and two at waist) and one on inside.

(d) **Overcoat or cape.** A reversible cape (detached from the coat) reaching to the cuff of the coat sleeve when the arm is extended, of the same material and color on one side, and gutta-percha cloth on the other side, with five buttons (the same as on the coat) down the front, and bound entirely round with black mohair piping; or an overcoat of the same material and color, trimmed to correspond with the coat, with five buttons down the front corresponding to the coat button. It shall not be obligatory on the carriers to wear either, but whenever additional covering is needed the postmaster of each city shall decide, in accordance with the wishes of a majority of the carriers, which shall be worn, as both shall not be worn in the same city.

(e) **Sweater coat.** Where the weather is mild throughout the winter and the majority of the carriers at a post office so elect, the carriers at that office may be permitted to wear a sweater coat of uniform color and design in lieu of the prescribed uniform coat, provided that at the office where such permission has been granted all carriers shall wear such sweater coats.

FOR SUMMER WEAR

(f) **Coat.** Single-breasted, straight-front sack, with square corners, skeleton made, of bluish-gray flannel, or a light-weight bluish-gray worsted or serge, composed wholly or in part of wool or cotton, and terminating two-thirds distance from top of hip bone to knee, with lapels (medium roll) made to button over the breast, three pockets outside with flaps, one on each side and one on left breast. Coat to be bound with black mohair piping, one-sixteenth inch projection, and five buttons down front, four buttons to button, and one at top under lapel of coat.

(g) **Trousers.** Same material and color as coat, with black-cloth cord one-fourth inch wide down the outside seam. Side and two hip pockets, to be made of strong and durable material.

(h) **Vest.** Same material and color as coat and trousers, piped same as coat, with collar cut to open same height as coat, and five regulation buttons down the front. Vest may be omitted in summer.

(i) **Summer shirts and trousers.** During the heated term postmasters may permit letter carriers to wear a neat shirt or loose-fitting blouse instead of the coat and vest, the same to be made of light gray chambray, gingham, cheviot, or other light gray washable material, to be worn with turndown or sport collar, either white or of the same material and color as the shirt * * * (the latter being preferred), dark tie when turndown or white collar is worn, and neat belt, all to be uniform at each office, and also may permit letter carriers to wear trousers made of light gray or slate color chambray, cheviot, palm beach cloth, or other light gray or slate color washable material of appropriate weight, provided all the carriers at any office wear the same color trousers, which should be kept neat and clean.

If sport shirts are to be worn, the following specifications should be observed:

Color: Letter Carrier gray, vat fast dye. Goods to be full shrunk and sanforized.

Style: Shirt to be collar attached style with convertible sport collar. An allowance of approximately 3 inches. To be cut with the fronts for turn back for buttons and buttonholes. Six buttonholes buttoning to six 18 line, 2 hole gray buttons. No lining in collar. **Back:** cut off yoke with back and front patches, sewed at either side. These patches to be about $5\frac{1}{2}$ inches in from the sleeve.

Shoulder reinforcements: To be separate two-ply pieces of shirt material about 5 inches wide at the sleeve curving to about 2 inches when put into the yoke, sewed with a single row of stitching. There are four reinforcements, two on the front and two on the back.

Sleeves: Shirt sleeves and cuffs cut full pleated above cuffs. Elbow length optional.

Cuffs: To measure $2\frac{3}{4}$ inches when finished, lined with good sanforized lining, finished with a single row of stitching $\frac{1}{4}$ inch from edge with two rows of stitching at top about $\frac{1}{2}$ inch apart.

Pockets: Two patch pockets, one on each front, $5\frac{1}{2}$ inches wide, $6\frac{1}{4}$ inches deep in center, the outer edges $5\frac{1}{2}$ inches sloping to a point in the center of pocket. Pockets to be finished with a $\frac{3}{4}$ -inch hem at the top. Edges of pockets to be single stitched and to be set about $7\frac{1}{2}$ inches down from the yoke.

Miscellaneous: Vat-dyed thread to be used throughout.

SEWING

(j) **Sewing.** All garments shall be sewed with pure-dye sewing silk, and the garments shall be finished in a proper and workmanlike manner and goods thoroughly shrunk.

§ 137.86 **Carrier's numbered badge.** Each carrier shall be designated by a number, which shall be shown on a metal badge to be worn on hat, cap, or helmet as part of the carrier uniform. The badge shall be solid and composed of metal 18 per centum German silver, No. 18 B. & S. gauge, nickel plated, elliptical in shape, $1\frac{1}{2}$ inches in height the shortest diameter, and $2\frac{1}{2}$ inches in width the greatest diameter; the carrier number shall be raised and japanned and located in the center of the badge, and shall be of numerals nine-sixteenths inch high; surrounding the figures representing the carrier route shall be an elliptical border each point of which shall be five-sixteenths inch from the outer edge of the badge; in the top half of the badge, between the outer border and the inner ellipse shall be the words "U. S. Post Office"; similarly located, except in the lower half of the badge, shall be the name of the post office and State; the legend "U. S. Post Office" and name of the office and State shall be of japanned raised block letters one-eighth inch high; at each end of the badge, between the outer border and the inner ellipse, shall be a raised japanned five-point star; surmounting the badge shall be the symbol eagle and shield, the top of the eagle's head to be one-half inch from the upper edge of the badge and the spread wings to measure 2 inches on a straight line from tip to tip; and the back of the badge and immediately in the rear of each star there shall be one staple, hard-soldered, projecting one-fourth inch; a bar pin of steel wire $2\frac{1}{2}$ inches long with safety catch to be used in fastening a badge to the headgear; the entire badge shall be curved 10 percent, so as to conform to the shape of the headgear.

§ 137.87 **Service stars and bars—(a) Service indicated by stars.** Length of service as letter carriers shall be indicated on the carriers' uniforms by stars, as follows:

- Five years' service, one black silk star.
- Ten years' service, two black silk stars.
- Fifteen years' service, one red silk star.
- Twenty years' service, two red silk stars.
- Twenty-five years' service, one silver star.
- Thirty years' service, two silver stars.
- Thirty-five years' service, one gold star.
- Forty years' service, two gold stars.
- Forty-five years' service, three gold stars.

(b) **Specifications of stars.** All stars shall be three-fourths inch in diameter and placed one-half inch above black braid on each sleeve, equidistant between seams.

(c) **Bars.** Substitute carriers shall wear a black-cloth bar, one-fourth inch wide and $1\frac{1}{2}$ inches long, one-half inch above the black braid on each sleeve, equidistant from seams.

(d) **Computation of length of service.** In computing the length of service as letter carriers under this section, credit shall be allowed to carriers for actual time served as substitutes, upon a basis of one-twelfth of a year for each whole calendar month that the substitute employee has been on the rolls.

§ 137.88 **Uniforms for village carriers.** A village carrier while on duty shall wear a uniform similar to that worn by a city carrier.

§ 137.89 **Inspection of carriers' uniforms.** Postmasters at city delivery offices shall cause a careful inspection of carriers' uniforms to be made twice a year. A carrier shall not be required to buy a new suit or any part thereof unless the postmaster, after inspection, decides that it is necessary in order to maintain a uniform and neat appearance of the force.

§ 137.90 **Uniforms and badges for special-delivery messengers—(a) Specifications.** Postmasters at all offices having three or more special-delivery messengers, each of whom is regularly employed as much as four hours daily, shall require such messengers to provide themselves, at their own expense, with uniforms in full accordance with the following specifications:

(1) **Material.** Same as provided in § 137.85, bluish, mixed cadet gray, flannel, or heavy bluish-gray worsted or serge.

(2) **Style of coat or vest.** Same as provided in § 137.85, except that it may be optional whether the vest is worn, and instead of an overcoat a reefer may be adopted for winter wear. Use of summer coat to be optional, shirt to be used instead.

(3) **Style of trousers.** Same as provided in § 137.85, or, if breeches are worn, they may be made of same cloth as the coat, or for summer wear khaki breeches may be worn, and for the winter, corduroy breeches.

(4) **Style of shirt, material, color, etc.** Same as provided in § 137.85.

(5) **Style of tie.** Either a black four-in-hand or bow may be used.

(6) **Puttees.** Leather, black or dark brown.

(7) **Style of cap.** Cap same material and color as uniform and similar in style and appearance to what is commonly known as the "full-top yacht cap."

(b) **Badge.** Every special-delivery messenger at an office of the first or second class shall wear a badge furnished by the Fourth Assistant Postmaster General, Division of Equipment and Supplies, and postmasters shall require each special-delivery messenger to whom a badge is issued to place a deposit of 50 cents, which shall be treated as a trust fund and accounted for as such to cover losses of badges, the deposit to be returned to the messenger when he is separated from

the service and returns his badge in good condition to the postmaster. Whenever a deposit is forfeited, it shall be accounted for as miscellaneous postal receipts. The badge shall be worn on the messenger's cap.

(c) **Exceptions.** The above requirements shall not apply to substitute carriers wearing the regulation carrier uniform whose services are utilized as special-delivery messengers.

§ 137.91 Uniforms for railway postal clerks—(a) Limitation.

* * * railway postal clerks shall not be required to wear uniform other than a cap or badge. (Sec. 1, 20 Stat. 357, as amended; 39 U. S. C. 638.)

(b) **Badge—(1) Form.** The railway postal clerk's badge shall be in such form as may be prescribed by the Postmaster General.

(2) **Where worn.** Every railway postal clerk, except those assigned to clerical duty in offices of general superintendents and district superintendents, shall wear this badge on the outside of the outer garment, over the left breast, during the entire time he is on duty.

(3) **Care of.** Clerks shall keep their badges in good condition and turn them in with other Government property when leaving the service. A record of all badges, with the names of the clerks holding them, shall be kept by each general superintendent or district superintendent.

The writer will return the badge in good condition to the postmaster. If the badge is found to be damaged or missing, the postmaster should be notified immediately. The badge should be worn on the left breast of the uniform. (a) Exception. The above regulations do not apply to railroad conductors wearing the railroad carrier uniform whose names are listed on special railroad passes.

§ 137.01 Uniforms for railway postal clerks—(a) Limitation. Railway postal clerks shall not be permitted to wear uniforms other than a cap or badge. (Sec. 137.01, Stat. 1917, as amended.)

(b) Badge—(1) Form. The railway postal clerk's badge shall be in such form as may be prescribed by the Postmaster General. The badge shall be worn on the left breast of the uniform. (2) Material. The badge shall be made of metal or other suitable material. (3) Design. The badge shall be designed as follows: A shield-shaped badge with a central emblem depicting a railway train. The emblem shall be surrounded by the words "RAILWAY POSTAL CLERK" and "UNITED STATES DEPARTMENT OF POSTAL SERVICE".

(4) Color. The badge shall be of a color prescribed by the Postmaster General. (5) Size. The badge shall be of a size prescribed by the Postmaster General. (6) Attachment. The badge shall be attached to the uniform by a fastener prescribed by the Postmaster General. (7) Replacement. A replacement badge shall be provided for a railway postal clerk whose badge is lost or damaged.

(8) Use. The badge shall be worn by railway postal clerks when on duty. It shall not be worn by other railway employees. (9) Transfer. A railway postal clerk may transfer his badge to another railway postal clerk upon the order of the Postmaster General. (10) Penalty. A railway postal clerk who fails to wear his badge as prescribed shall be subject to disciplinary action.

(11) Inspection. The Postmaster General may inspect the badge of a railway postal clerk at any time. (12) Lost or Damaged. If a railway postal clerk loses his badge or it becomes damaged, he shall report the loss or damage to his supervisor immediately. (13) Replacement Fee. A railway postal clerk who loses his badge or it becomes damaged shall be responsible for the cost of a replacement badge.

(14) Non-Transferability. The badge shall not be transferred to a non-railway employee. (15) Non-Use by Non-Railway Employees. No non-railway employee shall wear a railway postal clerk's badge. (16) Non-Use by Railway Employees. No railway employee shall wear a badge other than the one prescribed for his position.

(17) Non-Use by Civilians. No civilian shall wear a railway postal clerk's badge. (18) Non-Use by Foreigners. No foreigner shall wear a railway postal clerk's badge. (19) Non-Use by Members of the Public. No member of the public shall wear a railway postal clerk's badge.

(20) Non-Use by Members of the Press. No member of the press shall wear a railway postal clerk's badge. (21) Non-Use by Members of the Judiciary. No member of the judiciary shall wear a railway postal clerk's badge. (22) Non-Use by Members of the Legislature. No member of the legislature shall wear a railway postal clerk's badge.

(23) Non-Use by Members of the Executive Branch. No member of the executive branch shall wear a railway postal clerk's badge. (24) Non-Use by Members of the Military. No member of the military shall wear a railway postal clerk's badge. (25) Non-Use by Members of the Navy. No member of the navy shall wear a railway postal clerk's badge.

(26) Non-Use by Members of the Air Force. No member of the air force shall wear a railway postal clerk's badge. (27) Non-Use by Members of the Coast Guard. No member of the coast guard shall wear a railway postal clerk's badge. (28) Non-Use by Members of the Marine Corps. No member of the marine corps shall wear a railway postal clerk's badge.

(29) Non-Use by Members of the Army. No member of the army shall wear a railway postal clerk's badge. (30) Non-Use by Members of the Navy. No member of the navy shall wear a railway postal clerk's badge. (31) Non-Use by Members of the Air Force. No member of the air force shall wear a railway postal clerk's badge.

(32) Non-Use by Members of the Coast Guard. No member of the coast guard shall wear a railway postal clerk's badge. (33) Non-Use by Members of the Marine Corps. No member of the marine corps shall wear a railway postal clerk's badge. (34) Non-Use by Members of the Army. No member of the army shall wear a railway postal clerk's badge.

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
1	1.1	57	135.31	127	7.25	229	17.15
2	1.2	58	3.4	128	7.26	230	17.16
3	1.3	59	3.5	129	7.27	231	17.17
4	1.4	60	135.32	130	7.28	232	17.18
5	1.5	60½	3.6	131	8.1	233	17.19, 17.20
6	1.6	61	4.1	132	8.2	234	17.21
7	1.7	62	4.2, 135.7	133	8.3	235	17.22
8	1.8	63	4.3, 18.54	134	8.4	236	17.23
9	1.9	64	4.4	135	8.5	237	17.24
10	1.10	65	4.5, 137.28	136	8.6	238	17.25
11	1.11	66-69	135.7	137	8.7	239	17.26
12	1.12, 135.7	70-72	135.8	138	8.8	240	17.27
13	1.13	73	135.9	139	8.9	241	17.28
14	1.14	74	5.1	140	8.10	242	17.29
14½	1.15	74½	5.2	141	8.11	243	17.30
15	Out	75	5.3	142	8.12	244	17.31
16	Out	76	5.4	143	8.13	245	17.32
17	{ 135.1, 135.32,	77	5.5	144	8.14	246	17.33
18	137.1	78	5.6	145	8.15	247	17.34
18½	137.21	79	6.1	146	8.16	248	17.35
19	135.1	80	6.2	147	8.17	249	17.36
20	Out	81-83	6.3	148	8.18	250	17.37
21	Out	84	6.4	149	8.19	251	137.32
21	Out	85	6.5	149½	8.20	252	17.38
22	3.1, 137.17	86	6.6	150	8.21	253	17.39
23	3.2	87	6.7	151	8.22	254	34.51
24	Out	88	6.8, 135.7	152	8.23	255	18.1
24½	135.49	89	6.9	153	8.24	256	18.2, 18.3
25	137.9	90	6.10	154	8.25	257	18.4
26	{ 137.9, 137.29,	91, 92	6.11	155	8.26	258	18.5
26	{ 137.68, 137.80	93	6.12	156	8.27	259	18.6
27	135.7	94	6.13	156½	Out	260	18.7
28	2.1	95	6.14	157	8.28	261	18.8
29	{ 2.2-2.8,	96	6.15	158	8.29	262	{ 18.9, 18.10,
30-32	135.25	97	6.16	158½	8.30	263	18.12
33	135.4, 135.5	98	6.17	159	9.1	264	18.11
34	137.6	99	6.18	160	9.2	265	18.12
35	135.4	99½	6.19	161	6.24	266	18.13
36	135.6	100	6.20	201	15.1	267	18.14
37	135.5	100½	6.21	202	15.2	268	18.15
38	135.26, 137.23	101	6.22	203	15.3	269	18.16
39	135.27	102	6.23	203½	Out	270	18.17
40	135.51	103	7.1	204	15.5	271	18.18
41	135.53-135.76	104	7.2	205	15.6	272	18.19
42	135.77	105	7.3	206	15.7	273	18.20
43	135.43	106	7.4	207	15.8	274	18.21
44	{ 135.39, 135.42,	106½	7.5	208	16.1	275	18.22
44	{ 135.43, 135.50,	107	7.6	209	16.2	276	18.23
44½	137.77	108	7.7	210	16.3	277	18.24, 137.67
44½	137.71, 137.72	109	7.8	211	16.4	278	18.25
44½	{ 137.69, 137.70,	110	7.9	212	16.5, 16.7	279	18.26
44½	{ 137.74, 137.75	111	7.10	212½	16.8	280	18.27
45	137.80	112	7.11	213	16.5, 16.6	281	18.28
46	135.33	113	7.12	214	17.1	282	18.29
46	{ 135.34, 135.40,	114	7.13	215	17.2	283	18.30, 18.31
47	135.41	115	7.14	216	17.3	284	18.32
48	135.35-135.37	116	7.15	217	17.4	285	18.33
49	135.38	117	7.16	218	17.5	286	18.34
50	135.48	118	7.17	219	17.6	287	18.35
51-53	135.28	119	7.18, 9.2	221	17.7	288	18.37
54	135.29	120	7.19	222	17.8	289	18.36
55	135.30	121	7.20	223	17.9	290	18.38
55	135.32	122	7.21	225	17.10	291	18.39
56	137.25	123	7.22	226	17.11, 17.12	292	18.40
56	137.24	125	7.23	227	1.13, 17.13	293	18.41
		126	7.24	228	17.14	294	18.42

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948—Continued

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
295	Out	455	25. 18, 137. 10	544	34. 49, 34. 50	620	37. 18
296	18. 43	456	25. 15, 137. 11	545	34. 42	621	37. 19
297	18. 44	457	Out	546	Out	622	37. 20
298	18. 45	458	135. 52, 137. 79	547	34. 52	623	37. 21
299	18. 46	460	Out	548	34. 53	624	37. 22, 37. 23
300	Out	461	Out	549	34. 54	625	37. 24
301	18. 47	462	137. 83	550	34. 55	626	37. 25
302	18. 48	463	137. 18	551	34. 58	627	37. 26
303	18. 49	464	25. 16, 137. 21	552	34. 56	701	41. 1-41. 3
304	18. 50, 135. 10	467	137. 24	553	34. 57	702	41. 4-41. 12
305	18. 51	468	25. 18	554, 555	34. 60	703	41. 13
306	18. 52, 18. 53	469	25. 19	556	34. 61	704	41. 14
307	4. 3, 18. 54	470	25. 20	557, 558	34. 58	705	41. 15
308	18. 55	471	25. 21	559	34. 59	706	41. 16
309	18. 56	472	135. 13	560	34. 62	707	42. 1
310	18. 57	473	135. 16, 135. 17	561	34. 65	708	42. 2
311	18. 58	474, 475	26. 1	562	34. 66	709	42. 3
312	18. 59	476	26. 2	563	34. 67	710	42. 4
313	18. 60	477	26. 3	564	34. 68	711-713	42. 5
401	24. 1	478	26. 4, 26. 5	565	34. 69	714	42. 6
402	24. 2	479	26. 6	566	34. 70	715	42. 7
403	24. 3	480	26. 7	567	34. 71	716	42. 8
404	24. 4	481	26. 8	568	34. 72	717, 718	42. 9
405	24. 5	482	27. 1	569	34. 73	719	42. 10-42. 12
406	24. 6	483	27. 2	570	34. 74	720	42. 13
407	137. 2, 137. 3, 137. 16, 137. 80	484	27. 3, 27. 4	571	34. 75-34. 82	721	42. 14
408	137. 4	485	27. 5	572	34. 83, 34. 84	722	42. 15
409	137. 5	486	27. 6	573	34. 84	723	42. 16
410-413	135. 11	487	27. 7	574	34. 85	724	42. 17
414	135. 23	488	27. 8	575	34. 93	725	42. 18
415	135. 24	489	27. 9	576	35. 1	726	42. 19
416	137. 7, 137. 81	490	27. 10	577	35. 2	727	42. 20
417	24. 8, 137. 7	491, 492	27. 11	578	35. 3	728	42. 21
418, 419	24. 9	501	27. 12	579	35. 4	729	42. 22
420, 421	24. 10	502	34. 1	580	35. 5	730	42. 23
422	24. 11	503	34. 2	581	35. 6	731	42. 24
424	137. 30, 137. 31	505	34. 3, 34. 4	582	35. 7	732	42. 25
425, 426	137. 32	506	34. 5	583	35. 8	733	42. 26
428	137. 35	507, 508	34. 6	584	35. 9	734	42. 27
429	137. 33	509	34. 7	585	35. 10	735	42. 28
430	137. 34	510	34. 8	586	35. 11	736	42. 29
431	25. 1	511	34. 9	587	35. 12	737	42. 30
432	25. 2	512	34. 89-34. 92	588	35. 13-35. 16	738	42. 31
433	25. 3	513	34. 11	589	35. 17	739	42. 32
434	25. 4	514	34. 12	590	35. 18	740	42. 33
435	25. 5	515	34. 13	591	35. 19	741	42. 34
436	25. 6	516	34. 14, 34. 15	592	35. 20	742	42. 35
437	25. 7, 137. 76	517	34. 16	593	35. 21	743	42. 36
438	25. 8	518	34. 17	594	35. 22-35. 26	744	42. 37
439	25. 9	519	34. 18	595	35. 27	745	42. 38
440	25. 10	520	34. 19	596	35. 28	746	42. 40
441	137. 24	521	34. 20	597	36. 1	747	42. 41
442	25. 11	522	34. 21	598	36. 2, 36. 3	748	42. 42
443	25. 12	523	34. 22	599	36. 4	749	42. 43
444	25. 13	524	34. 23	600	36. 5	750	42. 44
445	25. 14, 137. 78	524	34. 24	601	36. 6	751	42. 45
446	25. 17, 135. 12, 137. 8, 137. 28, 137. 30	525	34. 25	602	36. 7	752	42. 46
447	135. 4	526	34. 26	603	36. 8	753	42. 47
448	137. 36, 137. 43	527	34. 27	604	36. 9	754	42. 48
449	137. 81	528	34. 28	605	36. 10	755	42. 49
451	137. 31, 137. 37, 137. 39, 137. 40, 137. 41, 137. 43	529	34. 29	606	36. 11	756, 757	42. 50
452	137. 15, 137. 45-137. 49, 137. 66, 137. 68, 137. 80	530	34. 30, 34. 31	607	36. 12	758	43. 1
453	137. 15, 137. 50, 137. 66, 137. 68	531	34. 32	607½	36. 13	759	43. 2
453½	137. 51, 137. 66, 137. 68	532	34. 33	608	37. 1	760	43. 3
454	135. 3, 137. 10, 137. 16	533	34. 34	609	37. 2, 37. 3	761	43. 4
		534	34. 35	610	37. 4	762	43. 5
		535	34. 36	611	37. 5	763	43. 6
		536	34. 37	612	37. 6	764	43. 7
		537	34. 38, 34. 39	613	37. 7	765	43. 8
		538	34. 40, 34. 41	614	37. 8	766	43. 9
		539	34. 42	615	37. 9	767	43. 10
		540	34. 44	616	37. 10	768	43. 11
		541	34. 45-34. 47	617	37. 11-37. 13	769	43. 12
		542	34. 48	618	37. 14-37. 16	770	43. 13
		543	34. 40, 34. 41	619	37. 17	771	43. 14
						772	43. 15

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948—Continued

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
Section	Section	Section	Section	Section	Section	Section	Section
773	43. 16	924	50. 5	1009	52. 31	1087	53. 12
774	43. 17	927	50. 6, 137. 17	1010	52. 32	1088	53. 13
775	43. 18	928	50. 7, 137. 17	1011	52. 33	1089	53. 14
776	43. 19	929, 930	137. 24	1012	52. 34	1090	53. 15, 53. 18
777	43. 19, 43. 20,	931	135. 42, 137. 79	1013	52. 35	1091	53. 16
	43. 25, 43. 26,	932	137. 79	1015	52. 36	1092	53. 17
778	43. 28	933	50. 8	1016	52. 37	1093	53. 15
779	43. 36	934	50. 9	1017	52. 38	1094	53. 19
780	43. 23	935	50. 10	1018	52. 39	1095	53. 20
781	43. 21	936	50. 11	1019	52. 40	1096	53. 21
782, 783	43. 20, 43. 24	937	50. 12	1020	52. 41	1097	53. 25
	43. 22	938	50. 13	1021	52. 42	1098	53. 26
784	43. 27	939	50. 14	1022	52. 43	1099	137. 90
785	43. 29	940	50. 15	1023	52. 44	1100	53. 27
786	43. 30	941	50. 16	1024	52. 45	1101	53. 22
787	43. 31	942	50. 17	1025	52. 46	1102	53. 23
788	43. 25, 43. 34,	943	50. 18	1026	52. 47	1103	53. 24
	43. 35	944	50. 19	1027	52. 48	1104	58. 1
789	43. 32, 43. 35	945	50. 20	1028, 1029	52. 49	1202	58. 2
790-792	43. 32	946	50. 21, 50. 22	1030	52. 50	1203	58. 3-58. 5
793	43. 33	947	50. 23	1031	52. 51	1204	58. 6
794	43. 37	948	50. 24	1032	52. 52	1205	58. 7
795	43. 38	949, 950	51. 1	1033	52. 53	1206	58. 8
796	43. 39	951	137. 48, 137. 66,	1034	52. 54	1207, 1208	58. 9
797	43. 40	952, 953	137. 68	1035	52. 55	1209	58. 10
798	43. 41	954	137. 10	1036	52. 56	1210	58. 11
799	43. 42	955	51. 2	1037	52. 57	1211, 1212	58. 12
800	43. 43	956	Out	1038	52. 58	1213, 1214	58. 13
801	43. 44	957	135. 14	1039	52. 59	1215	58. 14
802	43. 45	958	137. 88	1040	52. 60	1216	59. 1
803	43. 46	959	137. 79	1041	52. 61	1217	59. 2
804	43. 47	960	51. 3	1042	52. 62	1218	59. 3
805	43. 48	961	51. 4	1043	52. 63	1219, 1220	59. 4
806	43. 49	962	51. 5	1044	52. 64	1221	59. 5
807	43. 50	963	52. 1	1045	52. 65	1222	59. 6
808	34. 63	964	52. 2	1046	52. 66	1223	59. 7
809	44. 1	965	137. 13	1047	52. 67	1224	59. 8
810	44. 2-44. 11	966	135. 4	1048	52. 68, 135. 19	1225	59. 9
811	Out	967	135. 15	1049	52. 69	1226	59. 10
812	44. 12	968	52. 3	1050	52. 70	1227	59. 11
813	45. 1	969	52. 4	1051	52. 71	1228	59. 12
814	45. 2	970	52. 5	1052	52. 72	1229	59. 13
815, 816	45. 3	971	52. 6	1053	52. 73	1230	59. 14
	45. 4	972	137. 62, 137. 66	1054	52. 74	1231	59. 15
817	45. 5	973	52. 7, 137. 62	1055	52. 75	1232	59. 16
818	45. 6	974	52. 8	1056	52. 76	1233	59. 17
819	45. 7	975	Out	1057	52. 77	1234	59. 18
820	45. 8	976	Out	1058	52. 78	1235, 1236	59. 44
821	45. 9	977	137. 80	1059	52. 79	1237	59. 34
822	45. 10	978	137. 19	1060	52. 80	1238	59. 35
823	45. 11	978½	52. 9	1061	52. 81	1239	59. 19
824	45. 12	981	135. 42, 137. 77	1062	52. 82	1240	59. 20
825	45. 13	982-984	137. 79	1063	52. 83	1241	59. 21
826	45. 14, 45. 15	985	52. 10	1064	52. 84	1242	59. 22
827	45. 16	986	52. 11	1065	52. 85	1243	59. 23
828	50. 1	987	52. 12	1066	52. 86	1244	59. 24
829	137. 26	988	137. 24	1067	52. 87	1245	59. 25
830	50. 2	989	135. 41	1068	52. 88	1246	59. 26
831	50. 3	990	52. 13	1069, 1070	52. 89	1247	59. 27
832	50. 4	991	52. 14	1071	52. 90	1248	59. 28
833	Out	992	52. 15	1072	52. 91	1249	59. 29
834, 835	137. 15, 137. 45,	993	52. 16	1073	52. 92	1250	59. 30
	137. 46, 137. 66,	994	52. 17	1074	52. 93	1251-1253	59. 31
836	137. 68	995	52. 18	1075	53. 1	1255	59. 32
837	137. 66	996	52. 19	1076	53. 2	1256	59. 33
838	Out	997	52. 20	1077	53. 3	1257	59. 36
839	137. 12	998	52. 21	1078	53. 4	1258	59. 37
840	135. 48	999	52. 22	1079	53. 5	1259	59. 38
841	137. 80	1000	52. 23	1080	53. 6	1260	59. 39
842	137. 82	1001	52. 24	1081	53. 7	1261	59. 40
843	135. 18	1002	52. 25	1082	53. 8	1262	59. 45
844	135. 4	1003	52. 26	1083	137. 52	1263	59. 40
845	137. 84	1004	137. 20, 137. 82	1083½	137. 53-137. 59,	1264	59. 41
846	137. 85	1005	52. 27	1084	137. 66, 137. 68	1265	59. 42
847	137. 86	1006	52. 28	1085	53. 9	1266	59. 43
848	137. 87	1007	52. 29	1086	53. 10	1267	59. 44
849	137. 89	1008	52. 30, 137. 27	1086	Out	1268	59. 46

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948—Continued

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
Section	Section	Section	Section	Section	Section	Section	Section
1269	59. 47	1349	61. 16	1440	72. 20	1522	76. 19
1270	59. 48	1350	61. 17	1441	72. 21	1523	76. 20
1271	59. 49	1351	61. 18	1442	73. 1	1524	76. 21
1272	59. 50	1352	61. 19	1443	73. 2	1525	76. 22
1273	59. 51	1353	61. 20	1444	73. 3	1526	76. 23, 76. 24
1274	59. 52	1354	61. 21	1445	73. 4	1527	76. 25
1275	59. 53	1355	61. 22	1446	73. 5	1528	76. 26
1276, 1277	59. 54	1356	61. 23	1447-1449	73. 6	1529	76. 27
1278	59. 55	1357	61. 24	1450	73. 7	1530	76. 28
1279	59. 56	1358	61. 25	1451	73. 8, 73. 9	1531	76. 29
1280	59. 57	1359	61. 26	1452	73. 10	1532, 1533	77. 1
1281	59. 58	1360, 1361	61. 27	1453	73. 11	1534	77. 2
1282	59. 59	1362, 1363	61. 28	1454	73. 12	1535	77. 3
1283	59. 60	1364	61. 29	1455	73. 13	1536	77. 4
1284, 1285	59. 61	1365	61. 30	1456	73. 14	1537	77. 5
1286	59. 62	1366	61. 31	1457	73. 15	1538	77. 6
1287	59. 63	1367	62. 1	1458	74. 1	1539	77. 7
1288	59. 64	1368	62. 2	1459	74. 2	1540	77. 8
1289	59. 65	1369	62. 3	1460	74. 3	1541	77. 9
1290	59. 66	1370	62. 4	1461	74. 4	1601	81. 1, 81. 5
1291	59. 67	1371	62. 5	1462	74. 5, 74. 6	1602	81. 6, 81. 7
1292	59. 68	1372	62. 6	1463	74. 7	1603	82. 1, 82. 2, 82. 5
1293	59. 69	1373	62. 7	1464	74. 8	1604	82. 7, 82. 10
1294	59. 70	1374	62. 8	1465	74. 9	1605	84. 17
1295	59. 71	1375	62. 9	1466	74. 10	1606	82. 4
1296	59. 72	1376	62. 10	1467	74. 11	1607	82. 8, 82. 9
1297	59. 73	1377	62. 11	1468	74. 12	1608	82. 11, 82. 12
1298	59. 74	1378	62. 12	1469	74. 13	1609	82. 13-82. 19
1299	59. 75	1379	62. 13	1470	Out	1610	82. 23
1300	59. 76	1380	63. 1	1471	74. 14	1611	86. 1-86. 4
1301	59. 77	1381	63. 2	1472	74. 15	1612	82. 20, 82. 21
1302	59. 78	1382	63. 3-63. 8	1473	74. 16	1613	82. 22
1303	59. 79	1383	63. 9-63. 17	1474	74. 17	1614	83. 2-83. 4
1304	59. 80	1384	63. 18-63. 22	1475	74. 19	1615	82. 6
1305	59. 81	1385	64. 1-64. 14	1476	74. 20	1616	85. 1
1306	59. 82	1386	64. 15-64. 22	1477	74. 21	1617	85. 1-85. 3
1307	59. 83	1387	64. 23-64. 35	1478	74. 22	1618	84. 1, 84. 2
1308	59. 84	1388	64. 36, 64. 37	1479	74. 23	1619	84. 9, 85. 4-85. 7
1309	59. 85	1389	64. 38-64. 41	1480	74. 24, 74. 25	1620	84. 2, 84. 3
1310	59. 86	1401	70. 1	1481	74. 26	1621	84. 10-84. 16
1311	59. 87	1402	78. 1-78. 15	1482	74. 27	1622	84. 4, 84. 5
1312	59. 88	1403	70. 2	1483	74. 28	1623	84. 6
1313	59. 89	1404	70. 3, 70. 4	1484	74. 29, 74. 30	1624	84. 18
1314	60. 1	1405	70. 5	1485	74. 31	1625	86. 5-86. 9
1315	60. 2	1406	70. 6	1486	74. 33	1626	86. 10
1316	60. 3	1407	71. 1, 71. 2	1487	74. 18	1627	86. 11
1317	60. 4	1408	71. 3	1488	74. 32	1628	86. 12
1318	60. 5	1409	71. 4	1489	75. 1	1629	81. 3
1319	60. 6	1410	71. 5	1490	75. 2	1630	81. 4, 81. 8
1320	60. 7	1411	71. 6	1491	75. 3	1631	81. 2
1321	60. 8	1412	71. 7-71. 9	1492	75. 4-75. 6	1632	81. 9
1322	60. 9	1413, 1414	71. 10	1493, 1494	75. 7	1633	82. 3, 84. 7
1323	60. 10	1415	71. 11	1495	75. 8	1634	90. 1
1324	60. 11	1416	71. 12, 71. 13	1496	75. 9	1635	90. 2
1325	60. 12	1417	71. 14	1497	75. 10	1636	90. 3
1326	60. 13	1418	71. 15	1498	75. 11	1637	90. 4
1327, 1328	60. 14	1419	71. 16	1499	75. 12	1638	90. 5
1329	60. 15, 60. 16	1420	71. 17	1500	75. 13	1639	90. 6
1330	60. 17	1421	Out	1501	75. 14	1640	90. 7
1331	60. 18	1422	71. 18	1502	76. 1	1641	90. 8, 137. 28
1332	60. 19	1423	71. 19	1503	76. 2	1642	90. 9
1333	60. 20	1424	71. 20	1504	76. 3	1643	91. 1
1334	61. 1	1425	71. 21	1505, 1506	76. 4	1644	91. 2
1335	61. 2	1426	71. 22, 71. 23	1507	76. 5, 76. 6	1645	91. 3
1336	61. 3	1427	72. 1	1508	76. 5	1646	91. 4
1337	61. 4	1428	72. 2	1509	76. 7	1647	91. 5
1338	61. 5	1429	72. 3	1510	76. 8	1648	91. 6
1339	61. 6	1430	72. 4, 72. 5	1511	76. 9	1649	91. 7
1340	61. 7	1431	72. 6	1512	76. 10	1650	91. 8
1341	61. 8	1432	72. 7	1513	76. 11	1651	91. 9
1342	61. 9	1433	72. 8	1514	76. 12	1652	91. 10
1343	61. 10	1434	72. 9	1515	76. 13	1653	91. 11
1344	61. 11	1435	72. 10	1516	76. 14	1654	91. 12
1345	61. 12	1436	72. 11-72. 15	1517, 1518	76. 15	1655	91. 13
1346	61. 13	1437	72. 16	1519	76. 16	1656	91. 14
1347	61. 14	1438	72. 17, 72. 18	1520	76. 17	1657	91. 15
1348	61. 15	1439	72. 19	1521	76. 18	1658	92. 1-92. 24

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948—Continued

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
1727	92 39	1805	97 26	1882	99 23	2054	107 22, 137 24
1728	Out	1806	97 27	1883	99 24	2055	107 23
1729	92 25	1807	97 28	1884	99 25	2056	106 3
1730	92 27, 92 28	1807½	97 29	1885	99 26	2057	107 24
1731	92 26, 92 47	1808	97 30	1886	99 27	2058,	} 137 24
1732	92 29	1809	97 31	1887	99 28	2059	
1733	92 30	1810	97 32	1888	99 29	2060	107 7
1734	92 31	1811	97 33	1889	99 30	2061	107 8
1735	92 32	1812	97 34	1890	99 31	2062	107 25
1736	92 49	1813	97 35	1891	99 32	2063	108 1
1737	92 50	1814	97 36	1892	99 33	2064	108 2
1738	92 40	1815	97 37	1893	99 34	2065	108 3
1739	92 42	1816	97 38	1894	99 35	2066	108 4
1740	92 41	1817	97 39	1895	99 36	2067	108 5
1741	92 33	1818	97 40	1896	99 37	2068	108 6
1742	92 43	1819	97 41	1897	99 38	2069	108 7
1743	92 34	1820	97 42	1898	99 39	2070	108 8
1744	92 35	1821	97 43	1899	99 40	2071	108 9
1745	92 36	1822	97 44	1900	99 41	2072	108 10
1746	92 37	1823	97 45	1901	99 42	2073	108 11
1747	92 38	1824	97 46	2001	137 14	2074	108 12
1748	Out			2002	137 63	2075	108 13
1749	92 44	1825	97 47	2003	105 1	2076	108 14
1750	92 45	1826	97 48	2004	105 2	2077	108 15
1751	92 45	1827	97 50	2005	105 3	2078	108 16
1752	92 46	1828	97 51	2006	105 4	2079	108 17
1752½	92 26	1829	97 52	2007	137 22	2080,	} 108 18
1753	93 1	1830	97 53	2008	105 5	2081	
1754	93 2	1831	97 54	2009	135 32	2082	108 19
1755	93 3	1833	97 55	2010	137 65	2083	108 20
1756	93 4	1834	97 56			2084	108 21
1757	93 5	1835	97 57			2085	108 22
1758	93 6	1836	97 58	2011	{ 137 14, 137 15, 137 63, 137 66, 137 70, 137 71, 137 73	2086	108 23
1759	93 7	1837	97 59			2087	108 24
1760	93 8	1838	97 60	2012	137 14	2088	108 25
1761	93 9	1839	97 61	2012½	137 16	2089	108 26
1762	93 10	1840	97 62	2013	{ 105 5, 137 64, 137 68, 137 80	2090	108 27
1763	93 11	1841	97 63			2091	108 28
1764	93 12	1842	97 64	2014	135 20	2092	108 29
1765	93 13	1843	97 65	2015	137 22	2093	108 30
1766	93 14	1844	97 66	2016	106 2	2094	108 31
1767	93 15	1845, 1846	97 67	2017	106 1	2095	108 32
1768	94 1	1847	97 68	2018	137 79	2096-	} 108 33
1769	94 2, 94 3	1848	97 69	2020	106 3,	2098	
1770	94 4	1849	97 70, 97 71	2021	137 79	2099	108 34
1771	94 5	1850	97 72	2022	137 82	2100	108 35
1772	94 6	1851	97 73	2023	137 14	2101	108 36
1773	94 7	1852	98 1	2024	135 48	2102	108 37
1774	94 8	1853	98 2	2025	137 91	2103	108 38
1775	94 9	1854	98 3	2026	137 83	2104	108 39
1776	94 10	1855	98 4	2027	Out	2105	108 40
1777	94 11	1856	98 5, 98 6	2028	135 42	2106,	} 109 1
1778	94 12, 94 13	1857	98 7	2029	106 4	2107	
1779	94 14	1858	98 8	2030	106 5	2108	109 2
1780	95 1	1859	98 9	2031	106 6	2109	109 3
1781	95 2	1860	98 10	2032	107 1	2110	109 4
1782	{ 96 3-96 19, 96 24, 96 25	1861	98 11	2033	107 2	2111	109 5
1783	97 1, 97 2	1862½	98 12	2034	107 3	2112	109 6
1784	97 3	1862¾	137 60, 137 66	2035	107 4	2101	113 1
1785	97 4	1863	137 61	2036	106 3,	2202	113 2
1786	97 5	1864	99 2, 99 3	2037	107 5	2203	114 1
1787	97 6	1865	99 4	2038	107 6	2204	114 2-114 4
1788	97 7, 97 8	1866	99 5-99 8	2039	106 3	2205	114 5
1789	97 9	1867	99 9	2040	107 9	2206	114 6
1790	97 10	1868	99 10	2041	107 10	2207	114 7
1791, 1792	97 11	1869, 1870	99 11	2042-	107 11	2208	114 8
1793	97 12	1871	99 12	2044	107 12	2209	114 9
1794	97 13	1872	99 13	2045	107 13	2210	114 10
1795, 1796	97 14	1873	99 14	2046	107 14	2211	114 11
1797	97 15	1874	99 15	2047	107 15	2212	114 12
1798	97 16	1875	99 16	2048	107 16	2213	114 13
1799	97 17	1876	99 17	2049	107 17	2214	Out
1800	97 18	1877	99 18	2050	107 18	2215	114 14
1801	97 19, 97 20	1878	99 19	2051	107 19	2216	114 15
1802	97 21	1879	99 20	2052	107 20	2217	114 16
1803	97 22, 97 23	1880	99 21	2053	107 21	2218	114 17
1804	97 24, 97 25	1881	99 22			2219	114 18
						2220	114 19

CONCORDANCE

SECTION NUMBERS, EDITIONS 1940-1948—Continued

[See also concordance 1948-1940]

1940	1948	1940	1948	1940	1948	1940	1948
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
2221	114. 20	2246	122. 2	2312	130. 12	2338	130. 41
2222	114. 21	2247	123. 1, 135. 21	2313	130. 13	2339	130. 41
2223	114. 22	2247½	123. 2, 135. 22	2314	130. 14	2340	130. 42
2224	114. 23	2248	124. 1	2315	130. 15	2341	130. 43
2225	114. 24	2249	124. 2	2316	130. 16	2342	130. 44
2226	114. 25	2250	125. 1	2317	130. 17	2343	130. 45
2227	114. 26	2251	125. 2	2318	130. 18	2344	130. 46
2228	115. 1	2252	125. 3	2319	130. 19	2345	130. 47
2229	116. 1-116. 26	2253	125. 4	2320	130. 21	2346	130. 48
2230	116. 51-116. 66	2254	125. 5	2321	130. 22	2347	130. 49
2231	117. 1	2255	125. 6	2322	130. 23	2348	130. 50
2232	117. 2	2256	125. 7	2323	130. 24	2349	130. 51
2232½	118. 2	2257	125. 8	2324	130. 25, 130. 26	2350	130. 52
2233	118. 1-118. 12	2258	125. 9	2325	130. 27	2351	130. 53
2234	119. 1-119. 4	2259	125. 10	2326	130. 28	2352	130. 54
2235	120. 1	2301	130. 1	2327	130. 29	2353	130. 55
2236	120. 2	2302	130. 2	2328	130. 30	2354	130. 56
2237	120. 3, 120. 4	2303	130. 3	2329	130. 31	2355	130. 57
2238	120. 5	2304	130. 4	2330	130. 32	2356	130. 58
2239	120. 6	2305	130. 5	2331	130. 33	2357	Out
2240	120. 7	2306	130. 6	2332	130. 34	2358	130. 59
2241	120. 8	2307	130. 7	2333	130. 35	2359	130. 60
2242	121. 1	2308	130. 8	2334	130. 36	2360	130. 61
2243	121. 2	2309	130. 10	2335	130. 37	2361	130. 62
2244	121. 3	2310	130. 11	2336	130. 38	2362	130. 63
2245	122. 1	2311	130. 9	2337	130. 39	2363	130. 64, 130. 65

CONCORDANCE
SECTION NUMBERS, EDITIONS 1948-1940

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>		<i>Section</i>	<i>Section</i>
1.1	1	7.8	109	16.5	212, 213	18.28	281
1.2	2	7.9	110	16.6	213	18.29	282
1.3	3	7.10	111	16.7	212	18.30, 18.31	283
1.4	4	7.11	112	16.8	212½	18.32	284
1.5	5	7.12	113	17.1	214	18.33	285
1.6	6	7.13	114	17.2	215	18.34	286
1.7	7	7.14	115	17.3	216	18.35	287
1.8	8	7.15	116	17.4	217	18.36	289
1.9	9	7.16	117	17.5	218	18.37	288
1.10	10	7.17	118	17.6	219	18.38	290
1.11	11	7.18	119	17.7	221	18.39	291
1.12	12	7.19	120	17.8	222	18.40	292
1.13	13, 227	7.20	121	17.9	223	18.41	293
1.14	14	7.21	122	17.10	225	18.42	294
1.15	14½	7.22	123	17.11, 17.12	226	18.43	296
2.1	28	7.23	125	17.13	227	18.44	297
2.2-2.8	29	7.24	126	17.14	228	18.45	298
3.1	22	7.25	127	17.15	229	18.46	299
3.2	23	7.26	128	17.16	230	18.47	301
3.3	(No. reserved)	7.27	129	17.17	231	18.48	302
3.4	58	7.28	130	17.18	232	18.49	303
3.5	59	8.1	131	17.19, 17.20	233	18.50	304
3.6	60½	8.2	132	17.21	234	18.51	305
4.1	61	8.3	133	17.22	235	18.52, 18.53	306
4.2	62	8.4	134	17.23	236	18.54	63, 307
4.3	63, 307	8.5	135	17.24	237	18.55	308
4.4	64	8.6	136	17.25	238	18.56	309
4.5	65	8.7	137	17.26	239	18.57	310
5.1	74	8.8	138	17.27	240	18.58	311
5.2	74½	8.9	139	17.28	241	18.59	312
5.3	75	8.10	140	17.29	242	18.60	313
5.4	76	8.11	141	17.30	243	18.61	New
5.5	77	8.12	142	17.31	244	18.62	New
5.6	78	8.13	143	17.32	245	24.1	401
6.1	79	8.14	144	17.33	246	24.2	402
6.2	80	8.15	145	17.34	247	24.3	403
6.3	81-83	8.16	146	17.35	248	24.4	404
6.4	84	8.17	147	17.36	249	24.5	405
6.5	85	8.18	148	17.37	250	24.6	406
6.6	86	8.19	149	17.38	252	24.7	New
6.7	87	8.20	149½	17.39	253	24.8	417
6.8	88	8.21	150	18.1	255	24.9	418, 419
6.9	89	8.22	151	18.2, 18.3	256	24.10	420, 421
6.10	90	8.23	152	18.4	257	24.11	422
6.11	91, 92	8.24	153	18.5	258	25.1	431
6.12	93	8.25	154	18.6	259	25.2	432
6.13	94	8.26	155	18.7	260	25.3	433
6.14	95	8.27	156	18.8	261	25.4	434
6.15	96	8.28	157	18.9, 18.10	262	25.5	435
6.16	97	8.29	158	18.11	263	25.6	436
6.17	98	8.30	158½	18.12	262, 264	25.7	437
6.18	99	9.1	159	18.13	265	25.8	438
6.19	99½	9.2	119, 160	18.14	266	25.9	439
6.20	100	15.1	201	18.15	267	25.10	440
6.21	100½	15.2	202	18.16	268	25.11	442
6.22	101	15.3	203	18.17	269	25.12	443
6.23	102	15.4	(No. reserved)	18.18	270	25.13	444
6.24	103	15.5	204	18.19	271	25.14	445
7.1	104	15.6	205	18.20	272	25.15	456
7.2	105	15.7	206	18.21	273	25.16	464
7.3	106	15.8	207	18.22	274	25.17	446
7.4	106½	16.1	208	18.23	275	25.18	455, 468
7.5	107	16.2	209	18.24	276	25.19	469
7.6	108	16.3	210	18.25	277	25.20	470
7.7		16.4	211	18.26	278	25.21	471
				18.27	279	26.1	474, 475

CONCORDANCE

SECTION NUMBERS, EDITIONS 1948-1940—Continued

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
26. 2	476	34. 68	564	42. 3	709	43. 33	793
26. 3	477	34. 69	565	42. 4	710	43. 34	788
26. 4, 26. 5	478	34. 70	566	42. 5	711-713	43. 35	788, 789
26. 6	479	34. 71	567	42. 6	714	43. 36	778
26. 7	480	34. 72	568	42. 7	715	43. 37	794
27. 1	481	34. 73	569	42. 8	716	43. 38	795
27. 2	482	34. 74	570	42. 9	717, 718	43. 39	796
27. 3, 27. 4	483	34. 75-34. 82	571	42. 10-42. 12	719	43. 40	797
27. 5	484	34. 83, 34. 84	572	42. 13	720	43. 41	798
27. 6	485	34. 85	574	42. 14	721	43. 42	799
27. 7	486	34. 86	New	42. 15	722	43. 43	800
27. 8	487	34. 87	New	42. 16	723	43. 44	801
27. 9	488	34. 88	New	42. 17	724	43. 45	802
27. 10	489	34. 89-34. 92	511	42. 18	725	43. 46	803
27. 11	490	34. 93	575	42. 19	726	43. 47	804
27. 12	491, 492	35. 1	576	42. 20	727	43. 48	805
34. 1	501	35. 2	577	42. 21	728	43. 49	806
34. 2	502	35. 3	578	42. 22	729	43. 50	807
34. 3, 34. 4	503	35. 4	579	42. 23	730	44. 1	809
34. 5	505	35. 5	580	42. 24	731	44. 2-44. 11	810
34. 6	506	35. 6	581	42. 25	732	44. 12	812
34. 7	507, 508	35. 7	582	42. 26	733	45. 1	813
34. 8	509	35. 8	583	42. 27	734	45. 2	814
34. 9	510	35. 9	584	42. 28	735	45. 3	815, 816
34. 10	(No. reserved)	35. 10	585	42. 29	736	45. 4	817
34. 11	512	35. 11	586	42. 30	737	45. 5	818
34. 12	513	35. 12	587	42. 31	739	45. 6	819
34. 13	514	35. 13-35. 16	588	42. 32, 42. 33	740	45. 7	820
34. 14, 34. 15	515	35. 17	589	42. 34	741	45. 8	821
34. 16	516	35. 18	590	42. 35	742	45. 9	822
34. 17	517	35. 19	591	42. 36	743	45. 10	823
34. 18	518	35. 20	592	42. 37	744	45. 11	824
34. 19	519	35. 21	593	42. 38	745	45. 12	825
34. 20	520	35. 22-35. 26	594	42. 39	738	45. 13	826
34. 21	521	35. 27	595	42. 40	746	45. 14, 45. 15	827
34. 22	522	35. 28	596	42. 41	747	45. 16	828
34. 23	523	36. 1	597	42. 42	748	50. 1	901
34. 24	524	36. 2, 36. 3	598	42. 43	749	50. 2	903
34. 25	525	36. 4	599	42. 44	750	50. 3	904
34. 26	526	36. 5	600	42. 45	751	50. 4	905
34. 27	527	36. 6	601	42. 46	752	50. 5	924
34. 28	528	36. 7	602	42. 47	753	50. 6	927
34. 29	529	36. 8	603	42. 48	754	50. 7	928
34. 30, 34. 31	530	36. 9	604	42. 49	755	50. 8	933
34. 32	531	36. 10	605	42. 50	756, 757	50. 9	934
34. 33	532	36. 11	606	43. 1	758	50. 10	935
34. 34	533	36. 12	607	43. 2	759	50. 11	936
34. 35	534	36. 13	607½	43. 3	760	50. 12	937
34. 36	535	37. 1	608	43. 4	761	50. 13	938
34. 37	536	37. 2, 37. 3	609	43. 5	762	50. 14	939
34. 38, 34. 39	537	37. 4	610	43. 6	763	50. 15	940
34. 40	538, 543	37. 5	611	43. 7	764	50. 16	941
34. 41	538, 543	37. 6	612	43. 8	765	50. 17	942
34. 42	545	37. 7	613	43. 9	766	50. 18	943
34. 43	545	37. 8	614	43. 10	767	50. 19	944
34. 44	549	37. 9	615	43. 11	768	50. 20	945
34. 45-34. 47	541	37. 10	616	43. 12	769	50. 21, 50. 22	946
34. 48	542	37. 11-37. 13	617	43. 13	770	50. 23	947
34. 49, 34. 50	544	37. 14-37. 16	618	43. 14	771	50. 24	948
34. 51	545	37. 17	619	43. 15	772	51. 1	949, 950
34. 52	547	37. 18	620	43. 16	773	51. 2	954
34. 53	548	37. 19	621	43. 17	774	51. 3	961
34. 54	549, 550	37. 20	622	43. 18	775	51. 4	962
34. 55	550	37. 21	623	43. 19	776, 777	51. 5	963
34. 56	552	37. 22, 37. 23	624	43. 20	777, 781	52. 1	964
34. 57	553	37. 24	625	43. 21	780	52. 2	965
34. 58	551, 557, 558	37. 25	626	43. 22	782, 783	52. 3	969
34. 59	559	37. 26	627	43. 23	779	52. 4	970
34. 60	554, 555	41. 1-41. 3	701	43. 24	781	52. 5	971
34. 61	556	41. 4-41. 12	702	43. 25	777, 778	52. 6	972
34. 62	560	41. 13	703	43. 26	788	52. 7	974
34. 63	808	41. 14	704	43. 27	784	52. 8	975
34. 64	573	41. 15	705	43. 28	777	52. 9	979
34. 65	561	41. 16	706	43. 29	785	52. 10	985
34. 66	562	42. 1	707	43. 30	786	52. 11	986
34. 67	563	42. 2	708	43. 31	787	52. 12	987
				43. 32	789-792	52. 13	990

CONCORDANCE

SECTION NUMBERS, EDITIONS 1948-1940—Continued

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
Section	Section	Section	Section	Section	Section	Section	Section
52.14	991	52.91	1072	59.35	1238	61.3	1336
52.15	992	52.92	1073	59.36	1257	61.4	1337
52.16	993	52.93	1074	59.37	1258	61.5	1338
52.17	994	53.1	1075	59.38	1259	61.6	1339
52.18	995	53.2	1076	59.39	1260	61.7	1340
52.19	996	53.3	1077	59.40	1261, 1263	61.8	1341
52.20	997	53.4	1078	59.41	1264	61.9	1342
52.21	998	53.5	1079	59.42	1265	61.10	1343
52.22	999	53.6	1080	59.43	1266	61.11	1344
52.23	1000	53.7	1081	59.44	{1235, 1236,	61.12	1345
52.24	1001	53.8	1082	59.45	1267	61.13	1346
52.25	1002	53.9	1084	59.46	1268	61.14	1347
52.26	1003	53.10	1085	59.47	1269	61.15	1348
52.27	1005	53.11	(No. reserved.)	59.48	1270	61.16	1349
52.28	1006	53.12		59.49	1271	61.17	1350
52.29	1007	53.13		59.50	1272	61.18	1351
52.30	1008	53.14		59.51	1273	61.19	1352
52.31	1009	53.15	1090, 1093	59.52	1274	61.20	1353
52.32	1010	53.16		59.53	1275	61.21	1354
52.33	1011	53.17		59.54	1276, 1277	61.22	1355
52.34	1012	53.18		59.55	1278	61.23	1356
52.35	1013	53.19		59.56	1279	61.24	1357
52.36	1015	53.20		59.57	1280	61.25	1358
52.37	1016	53.21		59.58	1281	61.26	1359
52.38	1017	53.22		59.59	1282	61.27	1360, 1361
52.39	1018	53.23		59.60	1283	61.28	1362, 1363
52.40	1019	53.24		59.61	1284, 1285	61.29	1364
52.41	1020	53.25		59.62	1286	61.30	1365
52.42	1021	53.26		59.63	1287	61.31	1366
52.43	1022	53.27		59.64	1288	62.1	1367
52.44	1023	58.1		59.65	1289	62.2	1368
52.45	1024	58.2		59.66	1290	62.3	1369
52.46	1025	58.3-58.5		59.67	1291	62.4	1370
52.47	1026	58.6		59.68	1292	62.5	1371
52.48	1027	58.7		59.69	1293	62.6	1372
52.49	1028, 1029	58.8		59.70	1294	62.7	1373
52.50	1030	58.9		59.71	1295	62.8	1374
52.51	1031	58.10	1207, 1208	59.72	1296	62.9	1375
52.52	1032	58.11		59.73	1297	62.10	1376
52.53	1033	58.12	1211, 1212	59.74	1298	62.11	1377
52.54	1034	58.13	1213, 1214	59.75	1299	62.12	1378
52.55	1035	58.14	1215	59.76	1300	62.13	1379
52.56	1036	59.1	1216	59.77	1301	63.1	1380
52.57	1037	59.2	1217	59.78	1302	63.2	1381
52.58	1038	59.3	1218	59.79	1303	63.3-63.8	1382
52.59	1039	59.4	1219, 1220	59.80	1304	63.9-63.17	1383
52.60	1040	59.5	1221	59.81	1305	63.18-63.22	1384
52.61	1041	59.6	1222	59.82	1306	64.1-64.14	1385
52.62	1042	59.7	1223	59.83	1307	64.15-64.22	1386
52.63	1043	59.8	1224	59.84	1308	64.23-64.35	1387
52.64	1044	59.9	1225	59.85	1309	64.36, 64.37	1388
52.65	1045	59.10	1226	59.86	1310	64.38-64.41	1389
52.66	1046	59.11	1227	59.87	1311	70.1	1401
52.67	1047	59.12	1228	59.88	1312	70.2	1403
52.68	1048	59.13	1229	59.89	1313	70.3, 70.4	1404
52.69	1049	59.14	1230	60.1	1314	70.5	1405
52.70	1050	59.15	1231	60.2	1315	70.6	1406
52.71	1051	59.16	1232	60.3	1316	71.1, 71.2	1407
52.72	1052	59.17	1233	60.4	1317	71.3	1408
52.73	1053	59.18	1234	60.5	1318	71.4	1409
52.74	1054	59.19	1239	60.6	1319	71.5	1410
52.75	1055	59.20	1240	60.7	1320	71.6	1411
52.76	1056	59.21	1241	60.8	1321	71.7-71.9	1412
52.77	1057	59.22	1242	60.9	1322	71.10	1413, 1414
52.78	1058	59.23	1243	60.10	1323	71.11	1415
52.79	1059	59.24	1244	60.11	1324	71.12, 71.13	1416
52.80	1060	59.25	1245	60.12	1325	71.14	1417
52.81	1061	59.26	1246	60.13	1326	71.15	1418
52.82	1062	59.27	1247	60.14	1327, 1328	71.16	1419
52.83	1063	59.28	1248	60.15, 60.16	1329	71.17	1420
52.84	1064	59.29	1249	60.17	1330	71.18	1422
52.85	1065	59.30	1250	60.18	1331	71.19	1423
52.86	1066	59.31	1251-1253	60.19	1332	71.20	1424
52.87	1067	59.32	1255	60.20	1333	71.21, 71.22	1425
52.88	1068	59.33	1256	61.1	1334	71.23	1426
52.89	1069, 1070	59.34	1257	61.2	1335	72.1	1427
52.90	1071					72.2	1428

CONCORDANCE

SECTION NUMBERS, EDITIONS, 1948-1940—Continued

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
72. 3	1429	76. 9	1511	90. 5	1705	95. 2	1781
72. 4, 72. 5	1430	76. 10	1512	90. 6	1706	96. 1	New
72. 6	1431	76. 11	1513	90. 7	1707	96. 2	New
72. 7	1432	76. 12	1514	90. 8	1708	96. 3-96. 19	1782
72. 8	1433	76. 13	1515	90. 9	1709	96. 20	New
72. 9	1434	76. 14	1516	91. 1	1710	96. 21	New
72. 10	1435	76. 15	1517, 1518	91. 2	1711	96. 22	New
72. 11-72. 15	1436	76. 16	1519	91. 3	1712	96. 23	New
72. 16	1437	76. 17	1520	91. 4	1713	96. 24, 96. 25	1782
72. 17, 72. 18	1438	76. 18	1521	91. 5	1714	97. 1, 97. 2	1783
72. 19	1439	76. 19	1522	91. 6	1715	97. 3	1784
72. 20	1440	76. 20	1523	91. 7	1716	97. 4	1785
72. 21	1441	76. 21	1524	91. 8	1717	97. 5	1786
73. 1	1442	76. 22	1525	91. 9	1718	97. 6	1787
73. 2	1443	76. 23, 76. 24	1526	91. 10	1720	97. 7, 97. 8	1788
73. 3	1444	76. 25	1527	91. 11	1721	97. 9	1789
73. 4	1445	76. 26	1528	91. 12	1722	97. 10	1790
73. 5	1446	76. 27	1529	91. 13	1723	97. 11	1791, 1792
73. 6	1447-1449	76. 28	1530	91. 14	1724	97. 12	1793
73. 7	1450	76. 29	1531	91. 15	1725	97. 13	1794
73. 8, 73. 9	1451	77. 1	1532, 1533	92. 1-92. 24	1726	97. 14	1795, 1796
73. 10	1452	77. 2	1534	92. 25	1729	97. 15	1797
73. 11	1453	77. 3	1535	92. 26	1731, 1752½	97. 16	1798
73. 12	1454	77. 4	1536	92. 27, 92. 28	1730	97. 17	1799
73. 13	1455	77. 5	1537	92. 29	1732	97. 18	1800
73. 14	1456	77. 6	1538	92. 30	1733	97. 19, 97. 20	1801
73. 15	1457	77. 7	1539	92. 31	1734	97. 21	1802
74. 1	1458	77. 8	1540	92. 32	1735	97. 22, 97. 23	1803
74. 2	1459	77. 9	1541	92. 33	1741	97. 24, 97. 25	1804
74. 3	1460	78. 1-78. 15	1402	92. 34	1743	97. 26	1805
74. 4	1461	81. 1	1601	92. 35	1744	97. 27	1806
74. 5, 74. 6	1462	81. 2	1628	92. 36	1745	97. 28	1807
74. 7	1463	81. 3	1626	92. 37	1746	97. 29	1807½
74. 8	1464	81. 4	1627	92. 38	1747	97. 30	1808
74. 9	1465	81. 5	1601	92. 39	1727	97. 31	1809
74. 10	1466	81. 6, 81. 7	1602	92. 40	1738	97. 32	1810
74. 11	1467	81. 8	1627	92. 41	1740	97. 33	1811
74. 12	1468	81. 9	1629	92. 42	1739	97. 34	1812
74. 13	1469	82. 1, 82. 2	1603	92. 43	1742	97. 35	1813
74. 14	1471	82. 3	1630	92. 44	1749	97. 36	1814
74. 15	1472	82. 4	1606	92. 45	1751	97. 37	1815
74. 16	1473	82. 5	1603	92. 46	1752	97. 38	1816
74. 17	1474	82. 6	1613	92. 47	1731	97. 39	1817
74. 18	1487	82. 7	1604	92. 48	1750	97. 40	1818
74. 19	1475	82. 8, 82. 9	1607	92. 49	1736	97. 41	1819
74. 20	1476	82. 10	1604	92. 50	1737	97. 42	1820
74. 21	1477	82. 11, 82. 12	1607	92. 51	New	97. 43	1821
74. 22	1478	82. 13-82. 19	1608	92. 52	New	97. 44	1822
74. 23	1479	82. 20, 82. 21	1610	93. 1	1753	97. 45	1823
74. 24, 74. 25	1480	82. 22	1611	93. 2	1754	97. 46	1824
74. 26	1481	82. 23	1608	93. 3	1755	97. 47, 97. 48	1825
74. 27	1482	83. 1	New	93. 4	1756	97. 49	1826
74. 28	1483	83. 2-83. 4	1612	93. 5	1757	97. 50	1827
74. 29, 74. 30	1484	84. 1	1617	93. 6	1758	97. 51	1828
74. 31	1485	84. 2	1617, 1618	93. 7	1759	97. 52	1829
74. 32	1488	84. 3	1618	93. 8	1760	97. 53	1830
74. 33	1486	84. 4, 84. 5	1619	93. 9	1761	97. 54	1832
75. 1	1489	84. 6	1620	93. 10	1762	97. 55	1833
75. 2	1490	84. 7	1630	93. 11	1763	97. 56	1834
74. 3	1491	84. 8	(No. reserved)	93. 12	1764	97. 57	1835
75. 4-75. 6	1492	84. 9	{ reserved	93. 13	1765	97. 58	1836
75. 7	1494	84. 9	1617	93. 14	1766	97. 59	1837
75. 8	1495	84. 10-84. 16	1618	93. 15	1767	97. 60	1838
75. 9	1496	84. 17	1605	93. 16	New	97. 61	1839
75. 10	1497	84. 18	1621	94. 1	1768	97. 62	1840
75. 11	1498	85. 1	1614-1616	94. 2, 94. 3	1769	97. 63	1841
75. 12	1499	85. 2, 85. 3	1615	94. 4	1770	97. 64	1842
75. 13	1500	85. 4-85. 7	1617	94. 5	1771	97. 65	1843
75. 14	1501	86. 1-86. 4	1609	94. 6	1772	97. 66	1844
76. 1	1502	86. 5-86. 9	1622	94. 7	1773	97. 67	1845, 1846
76. 2	1503	86. 10	1623	94. 8	1774	97. 68	1847
76. 3	1504	86. 11	1624	94. 9	1775	97. 69	1848
76. 4	1505, 1506	86. 12	1625	94. 10	1776	97. 70, 97. 71	1849
76. 5	1507, 1508	90. 1	1701	94. 11	1777	97. 72	1850
76. 6	1507	90. 2	1702	94. 12, 94. 13	1778	97. 73	1851
76. 7	1509	90. 3	1703	94. 14	1779	98. 1	1852
76. 8	1510	90. 4	1704	95. 1	1780	98. 2	1853

CONCORDANCE

SECTION NUMBERS, EDITIONS 1948-1940—Continued

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
98. 3	1854	107. 18	2050	114. 24	2225	130. 36	2334
98. 4	1855	107. 19	2051	114. 25	2226	130. 37	2335
98. 5, 98. 6	1856	107. 20	2052	114. 26	2227	130. 38	2336
98. 7	1857	107. 21	2053	115. 1	2228	130. 39	2337
98. 8	1858	107. 22	2054	116. 1-	2229	130. 40	2338
98. 9	1859	107. 23	2055	116. 26		130. 41	2339
98. 10	1860	107. 24	2057	116. 51-	2230	130. 42	2340
98. 11	1861	107. 25	2062	116. 66		130. 43	2341
98. 12	1862	108. 1	2063	117. 1	2231	130. 44	2342
99. 1	1863	108. 2	2064	117. 2	2232	130. 45	2343
99. 2, 99. 3	1864	108. 3	2065	118. 1	2233	130. 46	2344
99. 4	1865	108. 4	2066	118. 2	2232½	130. 47	2345
99. 5-99. 8	1866	108. 5	2067	118. 3-		2233	130. 48
99. 9	1867	108. 6	2068		118. 12	2233	130. 49
99. 10	1868	108. 7	2069	119. 1-119. 4	2234	130. 50	2348
99. 11	1869, 1870	108. 8	2070			120. 1	2235
99. 12	1871	108. 9	2071	120. 2	2236	130. 52	2350
99. 13	1872	108. 10	2072	120. 3, 120. 4	2237	130. 53	2351
99. 14	1873	108. 11	2073	120. 5	2238	130. 54	2352
99. 15	1874	108. 12	2074	120. 6	2239	130. 55	2353
99. 16	1875	108. 13	2075	120. 7	2240	130. 56	2354
99. 17	1876	108. 14	2076	120. 8	2241	130. 57	2355
99. 18	1877	108. 15	2077	121. 1	2242	130. 58	2356
99. 19	1878	108. 16	2078	121. 2	2243	130. 59	2358
99. 20	1879	108. 17	2079	121. 3	2244	130. 60	2359
99. 21	1880	108. 18	2080, 2081	122. 1	2245	130. 61	2360
99. 22	1881	108. 19	2082	122. 2	2246	130. 62	2361
99. 23	1882	108. 20	2083	123. 1	2247	130. 63	2362
99. 24	1883	108. 21	2084	123. 2	2247½	130. 64,	2363
99. 25	1884	108. 22	2085	124. 1	2248	130. 65	
99. 26	1885	108. 23	2086	124. 2	2249	135. 1	17, 19
99. 27	1886	108. 24	2087	125. 1	2250	135. 2	54
99. 28	1887	108. 25	2088	125. 2	2251	135. 3	454
99. 29	1888	108. 26	2089	125. 3	2252	135. 4	30-33, 35,
99. 30	1889	108. 27	2090	125. 4	2253		447, 917,
99. 31	1890	108. 28	2091	125. 5	2254	967	
99. 32	1891	108. 29	2092	125. 6	2255	135. 5	33, 37
99. 33	1892	108. 30	2093	125. 7	2256	135. 6	36
99. 34	1893	108. 31	2094	125. 8	2257	135. 7	12, 27, 62,
99. 35	1894	108. 32	2095	125. 9	2258	135. 8	66-69, 88
99. 36	1895	108. 33	2096-2098	125. 10	2259	135. 9	70-72
99. 37	1896	108. 34	2099	130. 1	2260	135. 10	73
99. 38	1897	108. 35	2100	130. 2	2261	135. 11	304
99. 39	1898	108. 36	2101	130. 3	2262	135. 12	410-413
99. 40	1899	108. 37	2102	130. 4	2263	135. 13	446
99. 41	1900	108. 38	2103	130. 5	2264	135. 14	472
99. 42	1901	108. 39	2104	130. 6	2265	135. 15	473, 956
105. 1	2003	108. 40	2105	130. 7	2266	135. 16,	968
105. 2	2004	109. 1	2106, 2107	130. 8	2267	135. 17,	473
105. 3	2005	109. 2	2108	130. 9	2268	135. 18	
105. 4	2006	109. 3	2109	130. 10	2269	135. 19	916
105. 5	2008, 2013	109. 4	2110	130. 11	2270	135. 20	1048
106. 1	2017	109. 5	2111	130. 12	2271	135. 21	2014
106. 2	2016	109. 6	2112	130. 13	2272	135. 22	2247
106. 3	2020, 2035,	113. 1	2201	130. 14	2273	135. 23	2247½
	2037, 2038,	113. 2	2202	130. 15	2274	135. 24	414
	2056	114. 1	2203	130. 16	2275	135. 25	415
106. 4	2028	114. 2-114. 4	2204	130. 17	2276	135. 26	29
106. 5	2029	114. 5	2205	130. 18	2277	135. 27	38
106. 6	2030	114. 6	2206	130. 19	2278	135. 28	39
107. 1	2031	114. 7	2207	130. 20	2279	135. 29	50
107. 2	2032	114. 8	2208	130. 21	New	135. 30	50½
107. 3	2033	114. 9	2209	130. 22	2280	135. 31	51-53
107. 4	2034	114. 10	2210	130. 23	2281	135. 32	57
107. 5	2035	114. 11	2211	130. 24	2282	135. 33	17, 69, 2009
107. 6	2036	114. 12	2212	130. 25,	2283	135. 34	45
107. 7	2060	114. 13	2213	130. 26	2284	135. 35-	46
107. 8	2061	114. 14	2215	130. 27	2285	135. 36	
107. 9	2039	114. 15	2216	130. 28	2286	135. 37	47
107. 10	2040	114. 16	2217	130. 29	2287	135. 38	48
107. 11	2041	114. 17	2218	130. 30	2288	135. 39	44
107. 12	2042-2044	114. 18	2219	130. 31	2289	135. 40	46
107. 13	2045	114. 19	2220	130. 32	2290	135. 41	46, 989
107. 14	2046	114. 20	2221	130. 33	2291	135. 42	44, 931,
107. 15	2047	114. 21	2222	130. 34	2292	135. 43	981, 2027
107. 16	2048	114. 22	2223	130. 35	2293		43, 44
107. 17	2049	114. 23	2224				

CONCORDANCE

SECTION NUMBERS, EDITIONS 1948-1940—Continued

[See also concordance 1940-1948]

1948	1940	1948	1940	1948	1940	1948	1940
<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>	<i>Section</i>
135.44-	New	137.18	463	137.43	448, 451	137.69	44½
135.47		137.19	978½	137.44	(No. reserved)	137.70	44½, 2011
135.48	49, 913, 2023	137.20	1004	137.45	452, 907	137.71	44½, 2011
135.49	24½	137.21	18, 464	137.46	452, 907	137.72	44½
135.50	44	137.22	2007, 2015	137.47	452	137.73	2011
135.51	40	137.23	38	137.48	452, 951	137.74	44½
135.52	458		56, 441,	137.49	452	137.75	
135.53-	41	137.24	467, 929,	137.50	453	137.76	437
135.76			930, 988,	137.51	453½	137.77	44, 981
135.77	42		2054, 2058,	137.52	1083	137.78	445
137.1	17		2059	137.53-	1083½	137.79	458, 931,
137.2	407	137.25	55	137.59			932, 960,
137.3	408	137.26	902	137.60	1862½	982-984,	
137.4		409	137.27	1008	137.61	1862¾	2019, 2020
137.5	34	137.28	65, 446,	137.62	973, 974	26, 4434,	
137.6	416, 417	137.29		1708	137.63	2002, 2011	407, 452,
137.7	446	137.30	26	137.64	2013	914, 978,	
137.8	25, 26	137.31	424, 446	137.65	2010	2013	
137.9	454, 456,	137.32	424, 451		452, 453,	137.81	416, 449
137.10	952, 953	137.33	251, 425,		453½, 907,	137.82	915, 1004,
137.11	456	137.34	426		909, 951,	137.83	2021
137.12	911, 912	137.35	429		973,	137.84	462, 2025
137.13	966	137.36	430	137.66	1083½	137.85	918, 919
137.14	2001, 2011,	137.37	428		1862½	137.86	920
	2012, 2022	137.38	448		2011	137.87	921
137.15	452, 453,		451	137.67	276	137.88	922
	907, 2011	137.39-	(No. reserved)		26, 452,	137.89	957
137.16	407, 454,	137.40-	451	137.68	453, 453½,	137.90	923
	2012½	137.41	(No. reserved)		907, 951,	137.91	1099
137.17	22, 927,	137.42			1083½,		2024
	928				2013		

REFERENCE INDEX

ARTICLES OF CONSTITUTION OF THE UNITED STATES REFERRED TO OR CITED

	P. L. & R. sec.
Art. I, sec. 8.....	1.1
Art. I, sec. 9.....	16.1

CONVENTIONS REFERRED TO OR CITED

	P. L. & R. sec.
Convention of the Postal Union of the Americas and Spain.....	119.1, 119.3, 120.7
Convention of the Universal Postal Union.....	8.17, 34.7, 114.1, 114.13, 114.20, 114.25, 116.9, 119.1, 119.3, 120.7, 125.7

EXECUTIVE ORDERS REFERRED TO OR CITED

Executive Order		P. L. & R. sec.	Executive Order		P. L. & R. sec.
No.	Date		No.	Date	
325-A	May 18, 1905.....	6.1	9636	Oct. 3, 1945.....	25.7, 137.76
6166	June 10, 1933.....	6.2	9769	Aug. 14, 1946.....	
8512	Aug. 13, 1940.....	1.9	9805	Nov. 25, 1946.....	135.32
8705	Mar. 5, 1941.....	135.28	9817	Dec. 31, 1946.....	3.6
9346	May 27, 1943.....	4.4	10017	Nov. 10, 1948.....	137.3, 137.80

DECISIONS OF THE COMPTROLLER GENERAL REFERRED TO OR CITED

C. G. Decisions		P. L. & R. sec.	C. G. Decisions		P. L. & R. sec.
Volume	Page		Volume	Page	
1	201	97.68	21	901	25.7, 137.76 137.77
1	544	135.38	25	412	
2	1	135.35	No. Date		
2	29	135.38			
2	54	135.35			
4	862	52.1			
5	626	137.62			
6	569	137.62	B-51710.....	Aug. 28, 1945	25.18-25.20, 137.8, 137.43 137.58 34.86
8	348	137.77			
19	687	135.35	B-62391.....	Jan. 9, 1947	
19	690	135.35	B-78848.....	Aug. 9, 1948	
20	555	98.9			

REFERENCE INDEX

REVISED STATUTES OF THE UNITED STATES REFERRED TO OR CITED

Rev. Stat. sec.	P. L. & R. sec.	Rev. Stat. sec.	P. L. & R. sec.	Rev. Stat. sec.	P. L. & R. sec.	Rev. Stat. sec.	P. L. & R. sec.
161	1. 8	3648	17. 3	3898	34. 4	3980	91. 9
177-180	1. 5	3651	7. 7	3900	43. 8	3987	125. 1
182	17. 4	3674	17. 15	3901	27. 7	3989	91. 13
183	135. 5	3678, 3679,	17. 1	3913	34. 16	3990	91. 14
184	18. 56	3682, 3683	16. 5	3914	8. 1	3991	91. 15
195	5. 4	3690	6. 5	3915	8. 10, 8. 14	3993	91. 3
236	18. 5	3709	6. 1, 26. 2,	3916	8. 16	3994	90. 6
276	18. 1	3710	92. 22	3917	8. 5	4006	90. 5
277, 292	18. 3	3732, 3735	6. 4	3918	35. 5, 42. 9	4007	120. 2
293	18. 8	3737	6. 5	3921	58. 1, 63. 1	4008	120. 1
294	18. 3	3741	4. 3	3926	58. 7	4009	120. 7
295	18. 51	3744	4. 2	3927	58. 12	4010	98. 10
296	18. 35	3828	6. 2, 6. 3	3929	36. 9	4011	120. 5
298	18. 12	3829	24. 1	3930, 3931	43. 41	4012	125. 8
382	18. 44	3833	18. 33, 130. 1	3932	58. 13	4015	125. 9
388	1. 2	3834	135. 11	3933-3935	43. 41	4017	1. 4, 17. 17, 135. 7, 137. 9,
391, 392	135. 4	3835	18. 30, 18. 31	3936	43. 42, 45. 8		137. 14
395	1. 7	3836	135. 11, 137. 2	3937	34. 13, 42. 14	4018	185. 7
396	1. 6	3838	18. 45	3938	45. 11	4019	1. 4
398	113. 1	3839	25. 1	3939	43. 43	4021	124. 1
399	113. 2	3840	42. 1	3940	43. 12	4022	124. 2
401	114. 26	3841	98. 1	3942	92. 25	4026	91. 12
402	4. 1	3842	17. 31	3943	97. 6, 97. 7,	4027	70. 1
403	4. 2, 135. 7	3843	18. 10		120. 2	4028	74. 1
404	97. 34	3844	18. 11	3944	97. 18	4029	71. 3
405	18. 6	3845	18. 17	3945	97. 15	4031	24. 9
406	17. 21	3846	7. 3	3946	97. 16	4033	71. 9
407	7. 23	3847	7. 19	3948	97. 21	4034	71. 10
408	7. 25	3849	98. 4	3949	97. 28, 97. 29	4037	72. 10
409	18. 52	3850	6. 5, 90. 8,	3950	97. 31	4038	71. 16
850	135. 32		137. 28		97. 29, 97. 30,	4039	73. 1
924, 925	18. 43	3857	18. 14	3951	97. 32, 97. 33,	4040	73. 4, 73. 15
964	18. 41	3858	137. 25		97. 60, 97. 68	4041	72. 17
1757, 1758	135. 4	3861	17. 22	3955	97. 36	4043	76. 4
1763	135. 26	3862	18. 15	3956	97. 30	4044	18. 25
1764	17. 4	3863	25. 20	3958	97. 29, 97. 35	4045	76. 1, 76. 18
1765	17. 5	3864	24. 5	3959	97. 37	4049	18. 8
1766	18. 55	3867	137. 84	3960	97. 60	4051	7. 2
1778	135. 4	3868	50. 17	3961	97. 29, 97. 61	4052	27. 5
1784	135. 31	3870	135. 18	3962	98. 9	4054	16. 2
2139	35. 13	3871	24. 2	3963	97. 38, 120. 6	4055	17. 17
3466	18. 48	3873	137. 26	3964	90. 1	4057	18. 34
3407	18. 49	3874	17. 33	3965	90. 2	4058	17. 18
3408	18. 50, 135. 10	3879	34. 73	3966	90. 3	4059	18. 46
3477	18. 54	3880	6. 15	3967	97. 3	4061	43. 46
3576	8. 6	3882	43. 6	3968	97. 1	7309	135. 1
3620	7. 6	3883	34. 62	3969	97. 5		
3641	7. 17	3888	91. 8	3971	97. 4		
3642	7. 21	3889	108. 4	3974	90. 7		
3644	7. 26	3895	45. 16	3975	90. 4		
3646	17. 26	3896	34. 3	3978	97. 56		

UNITED STATES STATUTES AT LARGE REFERRED TO OR CITED

Statutes			P. L. & R. section	Statutes			P. L. & R. section
Volume	Page	Section		Volume	Page	Section	
18	19	-----	25. 13	19	335	2	135. 7
18	109	3	17. 5	19	335	3	6. 7
18	110	5	16. 5	19	335	5	37. 9
18	232	5	34. 40, 34. 46, 34. 47	19	335	5, 6	37. 9
18	233	6	34. 45	19	336	5, 6	43. 7
18	237	13	34. 71	20	62	2	97. 39
18	286	-----	6. 5	20	62	3	97. 41
18	343	4	18. 8	20	130	4	16. 6
18	343	5	37. 2	20	140	-----	137. 9, 137. 14
18	343	7	37. 3	20	141	1	17. 38, 18. 11
18	420	14	135. 23	20	203	1	17. 7
18	452	1	135. 32	20	216	1	6. 3
18	481	-----	18. 55	20	240	1	6. 14
19	80	4	5. 3	20	357	1	137. 91
19	80	6	137. 2	20	358	6	92. 48
19	82	11	25. 19	20	358	7	34. 1
19	82	14	8. 10	20	358	8	34. 5
19	82	15	34. 6	20	358	9	34. 8, 34. 11, 34. 14

REFERENCE INDEX

UNITED STATES STATUTES AT LARGE REFERRED TO OR CITED—Continued

Statutes			P. L. & R. section	Statutes			P. L. & R. section
Volume	Page	Section		Volume	Page	Section	
20	359	10	34. 19	28	623	92, 94	17. 1
20	359	12	34. 58	28	803	1	6. 5
20	359	14	34. 20	28	807	5	135. 7
20	359	15	34. 23	29	108	-----	90. 9
20	359	16	34. 53	29	148	1	16. 4
20	360	18	34. 67	29	313	-----	24. 2, 24. 5
20	360	19	34. 68	30	316	7	3. 2
20	360	21	43. 17, 43. 40	30	317	9	137. 17
20	361	24	35. 6	30	344	4	43. 48
20	361	25	34. 41	30	419	-----	34. 7
20	361	26	8. 4, 34. 12, 43. 8	30	444	3	135. 13
20	362	31	137. 34	30	444	4	43. 12, 43. 48
20	362	32	8. 11, 8. 16	30	890	4	135. 77
21	179	1	8. 17	30	966	5	71. 5, 71. 8
21	374	1	97. 13, 135. 32	31	259	-----	137. 14
22	23	1	97. 40	31	260	-----	137. 9
22	28	1, 2	9. 1	31	690	-----	34. 22
22	53	1	97. 37	31	1107	1	34. 37
22	54	1	17. 22, 94. 12	32	113	ch. 563	6. 5
22	255	4	137. 17	32	114	1	6. 5, 95. 1
22	406	7	135. 1, 137. 1	32	481	1	6. 11
22	527	2	6. 5, 6. 13	32	615	-----	135. 35
22	528	4	70. 2, 137. 33	32	1176	4	130. 45
22	528	5	73. 14	32	1176	6	17. 16
22	602	1	18. 13	33	313	-----	34. 70, 37. 22-37. 24, 37. 26
22	602	3, 4	137. 32	33	435	1	6. 6
23	3	-----	90. 1	33	439	1	52. 25
23	156	-----	1. 3	33	440	2	35. 4
23	158	3	58. 12	33	440	3	6. 8, 135. 7
23	210	-----	34. 42	33	441	7	37. 4
23	386	1	97. 9, 26. 2	33	441	8	137. 5
23	387	1	34. 41	33	687	4	17. 1
23	387	3	53. 6	33	1091	2	35. 9
23	388	6	137. 52	33	1182	1	17. 3
24	220	1	53. 1, 53. 2	33	1213, 1249	1	17. 1
24	221	2	53. 10, 53. 20	33	1259	-----	135. 7
24	221	3	53. 1	34	438	-----	135. 7
24	355	1	17. 38	34	476	-----	6. 12
24	441	4	50. 1	34	477	-----	37. 7, 37. 15
24	492	-----	37. 20	34	764	9	16. 3
24	569	1	94. 1	34	1206	-----	137. 66
25	1	1	50. 17, 50. 18	34	1207	-----	137. 80
25	43	-----	35. 10, 34. 56, 34. 72	34	1214	-----	122. 1
25	387	1	34. 85	34	413	-----	137. 14
25	387	2	137. 14	35	416	-----	18. 4, 73. 14
25	779	49	18. 32	35	418	-----	5. 1
25	782	-----	18. 45	35	634	-----	135. 35
25	844	1	135. 35	35	666	-----	137. 14
25	873	3	25. 13	35	125	-----	135. 8
25	874	4	6. 5	36	359	-----	25. 19
25	874	5	36. 10	36	366	-----	34. 63
26	371	1	36. 8	36	531	4	6. 2
26	418	3	36. 10	36	814	1	81. 1, 84. 17
26	944	1	135. 4	36	815	3	81. 5
26	1079	-----	37. 18	36	815	4	82. 1
27	148	5	1. 3	36	815	6	82. 2
27	268	1	137. 9	36	816	7	83. 1
28	31	3	92. 45	36	816	8	83. 2, 85. 1
28	96	-----	97. 14, 97. 69	36	818	12	81. 3, 86. 12
28	106	2	70. 2	36	818	13	81. 7
28	107	4	25. 7	36	818	14	81. 6
28	205	-----	6. 9	36	818	15	81. 4
28	205	4	72. 14	36	819	16	81. 2
28	206	7	18. 1	36	819	17	86. 11
28	207	8	6. 23	36	843	2	25. 13
28	279	1, 2	18. 3, 18. 4	36	911	-----	50. 1
28	499	-----	18. 29	36	1333	1	6. 5
28	601	2	135. 8	36	1335	-----	137. 14
28	608	51	25. 13	36	1339	1	97. 59
28	609	56	6. 23	37	184	8	17. 2
28	611	65	6. 23	37	312	3	43. 27
28	617	73	113. 2	37	315	-----	35. 27
28	620	73	37. 9	37	414	6, 7	17. 1
28	622	85	37. 9	37	487	8	135. 5
28	622	86, 87, 89	37. 10	37	543	1	25. 6
28	622	-----	37. 1	37	548	-----	137. 14
28	622	-----	6. 23	37	548	-----	137. 14

REFERENCE INDEX

UNITED STATES STATUTES AT LARGE REFERRED TO OR CITED—Continued

Statutes			P. L. & R. section	Statutes			P. L. & R. section
Volume	Page	Section		Volume	Page	Section	
37	550	1	34. 21	41	618	7	135. 58—135. 60
37	553	2	6. 5, 34. 38	41	618	8	135. 61, 135. 62
37	554	2	34. 39	41	618	9	135. 61
37	554	3	135. 21	41	619	11	135. 62—135. 69
37	555	7	137. 14	41	619	12	135. 70
37	556	7	106. 1, 137. 14,	41	619	13	135. 72
37	557	8	137. 64, 137. 80	41	620	13	135. 72
37	558	8	34. 73, 35. 4	41	620	14	135. 71
37	559	8	34. 93, 64. 1	41	620	16	135. 72
37	626	10	81. 1	41	947	7	17. 8
38	280	7	17. 6	41	998	24	120. 3
38	296	-----	72. 3	41	1050	-----	137. 64
38	301	-----	137. 31	41	1151	1	137. 7
38	372	1, 2	105. 5	41	1052	-----	137. 14
38	438	-----	37. 19	42	20	201	15. 1
38	508	5	37. 19	42	21	203	15. 2
38	800	1	17. 1	42	21	204	15. 3
38	1049	6	123. 1	42	21	206	15. 5
38	1113	-----	1. 3	42	23	214	15. 6
38	1161	5	35. 28	42	23	215	15. 7
39	120	6	17. 8	42	23	216	15. 8
39	159	2	135. 26	42	24	304	18. 1, 18. 2
39	161	7	85. 1	42	63	4	3. 5
39	162	9	97. 28	42	539	1, 2	42. 11
39	162	11	97. 43	42	661	5	95. 1
39	163	15	35. 2	42	1248	-----	26. 2
39	163	16	24. 2	42	1434	-----	34. 43
39	197	59	137. 32	42	1488	-----	18. 1, 135. 1
39	203	80	135. 34	43	84	-----	18. 1
39	413	1	135. 35	43	592	1	6. 11
39	416	1	135. 33, 135. 43	43	960	-----	97. 27
39	418	1	25. 7	43	1054	1	25. 18, 70. 2, 137. 30
39	418	1	4. 5, 94. 6, 137. 28	43	1055	1	137. 32
39	419	1	92. 47	43	1055	2	135. 32
39	423	1	52. 1, 52. 65, 137. 62	43	1056	2	137. 9
39	424	2	92. 46	43	1063	-----	52. 1
39	425	5	92. 1, 92. 2	43	1063	7	137. 73
39	426	5	92. 2, 92. 3, 92. 5,	43	1064	8	52. 10
			92. 7, 92. 24	43	1064	11	137. 66
			92. 4, 92. 7, 92. 8,	43	1065	11	137. 80
39	427	5	92. 14, 92. 23,	43	1067	206	34. 65, 35. 4
			92. 24, 109. 1	43	1067	207	34. 79
			92. 9, 92. 10, 92. 12,	43	1069	214	16. 8
39	428	5	92. 13, 92. 15—	43	1105	-----	26. 2
			92. 17, 109. 1	43	1266	-----	18. 52
			92. 6, 92. 18, 92. 19,	43	1359	-----	37. 5
39	429	5	92. 21	44	321	-----	97. 37
39	430	5	92. 19, 92. 20	44	690	11	135. 32
39	431	5	92. 11	44	696	-----	137. 32
39	742	1	135. 51	44	890	-----	34. 65
39	746	15—17	135. 51	44	909	8	135. 76
39	819	1	135. 43	44	910	9	135. 75
39	1065	1	137. 73, 137. 80	44	918	1	135. 6
39	1067	1	17. 13	44	919	22	135. 6
39	1110	1	18. 9	45	469	3	58. 10, 63. 4
40	72	-----	135. 38	45	724	-----	26. 1
40	217	-----	36. 5	45	940	2	34. 9
40	328	1104, 1105	34. 40	45	1175	-----	122. 2
40	747	1	97. 10	45	1177	-----	37. 8, 58. 12, 64. 1
40	748	1	93. 1	45	1341	1	6. 2
40	751	1	97. 28	45	1342	2	6. 2
40	753	8	6. 16	45	1441	1	137. 23
40	1141	-----	37. 9	46	25	14	37. 11, 58. 12
40	1148	1320	135. 8	46	253	1	135. 63
40	1192	1	137. 70	46	264	-----	35. 5
41	323	-----	24. 2	46	264	1	43. 47
41	578	1	26. 2	46	264	2	64. 35
41	581	1	64. 38	46	377	-----	64. 36
41	582	1	137. 62	46	475	10	135. 61
41	583	5	35. 4	46	523	-----	18. 7
41	614	-----	135. 74	46	526	1	34. 5
41	614	1	135. 53	46	688	305 (a)	117. 2
41	614	2	135. 54	46	688	305 (b)	130. 55
41	615	3	135. 54	46	725	486	135. 5
41	616	4	135. 54	46	725	486 (b), (c)	116. 19
41	616	5	135. 55	46	838	-----	6. 5
41	617	6	135. 56, 135. 57	46	1035	-----	63. 18

REFERENCE INDEX

UNITED STATES STATUTES AT LARGE REFERRED TO OR CITED—Continued

Statutes			P. L. & R. section	Statutes			P. L. & R. section
Volume	Page	Section		Volume	Page	Section	
46	1049		125. 5	55	616		135. 50
46	1103		135. 32	55	656	9. 1, 123. 2,	135. 22
46	1415		18. 55	55	862		25. 7
46	1469	1	8. 2	56	189	5	82. 6
46	1469	2	53. 3	57	163	4	135. 50
46	1469	3	137. 52	57	195	203	6. 5
47	285		137. 31	57	380	1	6. 21
47	340	3	58. 4	57	381	3, 4, 6	6. 21
47	382		135. 32	57	382	7-11	6. 21
47	404		135. 56	57	383	14, 15	6. 21
47	412	322	26. 2	58	130		26. 1
47	647		34. 28, 35. 4	58	130	2	137. 30
47	809		92. 26	58	224		137. 2
47	1482	3	82. 3	58	387	2	135. 1
47	1516	10	135. 32	58	394	3	35. 2
47	1529	2	6. 8	58	437	8 (a)	137. 31
48	451	1, 2, 5	8. 28	58	450	15	137. 29
48	933		97. 27	58	463		24. 2
48	962		105. 5	58	703	352	116. 25
48	963		135. 5	58	781		6. 1
48	963		58. 6	58	798		135. 33
48	992		6. 20	58	799	2	135. 33
48	1122	3	52. 1	58	845	1, 2	135. 49
48	1213	3	37. 5	58	846	3	135. 49
48	1395		8. 29	59	435		135. 13
49	21	6	18. 55	59	435	1	137. 64, 137. 72,
49	1374		137. 15	59	435	1	137. 73, 137. 75,
49	1460		120. 3	59	435	2	137. 77
49	1995	405 (a), (b)	120. 3	59	435	3	137. 69
49	1995	405	37. 25	59	435	3	137. 78
50	66		16. 7	59	435	4	137. 70
50	119		9. 1	59	436	5	137. 74
50	479		135. 56	59	436	6	137. 77
50	512		135. 4	59	436	7	18. 24, 137. 67
50	640		97. 2	59	437	8	137. 30, 137. 31
52	219	6	25. 7	59	437	8	137. 37, 137. 39-
52	351		34. 88, 97. 27	59	438	9	137. 41
52	973		96. 1	59	443	10	137. 36
52	977	1	96. 2-96. 5	59	443	11	137. 43, 137. 46
52	987	401	96. 6-96. 15, 96. 20,	59	443	12	137. 45, 137. 47-
52	994	405	96. 21, 121. 1, 121. 2	59	443	12	137. 49
52	998	406	96. 16, 96. 17, 121. 3	59	445	13	137. 50
52	1015	901	96. 18	59	446	14	137. 51
52	1029	1108	96. 19	59	450	15	137. 9, 137. 29,
52	1076	1, 2	137. 2	59	451	16	137. 80
52	1077	3	137. 7	59	455	17	137. 63-137. 65,
52	1175	2	135. 36	59	457	18	137. 70, 137. 71
52	1177	9	135. 36	59	458	19	137. 62
53	201		8. 27	59	457	18	137. 60
53	676		3. 1	59	458	19	137. 61
53	796		82. 4	59	459	22	137. 54-137. 57,
53	1148	9A (1), (2)	135. 29	59	461	25	137. 59
53	1219	1-3	135. 5	59	544		137. 68
53	1338		97. 8	59	584	2	137. 3
53	1358	2	9. 1	59	606	2	135. 39
54	4		116. 25	59	707		92. 22
54	76		6. 5	59	707		37. 5
54	172	2	137. 77	60	36	3	137. 77
54	228	3	97. 28	60	36	4	137. 62
54	252		137. 78	60	97	204 (a)	34. 15
54	589		35. 4	60	99	209 (a)	34. 15
54	689	1-3	135. 40	60	100	209 (c)	34. 15
54	756	1-4	92. 26	60	101	209 (d),	34. 15
54	862	1	121. 2	60	101	210 (b)	34. 15
54	863	2, 3	121. 2	60	102	402	34. 15
54	893	10	37. 13	60	203	1	137. 9
54	954	321	92. 22	60	659		135. 53
54	1061	1, 2	18. 62	60	806	1	135. 32
54	1163	343	37. 12	60	808	5	135. 32
54	1167	346	58. 12	60	809	10	135. 32
54	1167	743 (f)	58. 12	60	809	12	1. 6, 6. 3, 17. 1
54	1175	1	97. 27	60	809	13	6. 8
54	1176	2	97. 27	60	809	14	3. 6
55	13	213	135. 37	60	842		3. 5
55	356	1	8. 28	60	924	1-3	6. 19
55	586		9. 1	60	1062	2	34. 89
55	586	9 (a)	123. 1	61	40	1, 2	137. 66

REFERENCE INDEX

UNITED STATES STATUTES AT LARGE REFERRED TO OR CITED—Continued

Statutes			P. L. & R. section	Statutes			P. L. & R. section
Volume	Page	Section		Volume	Page	Section	
61	40	2	137. 77	62	781	35. 13, 130. 28	
61	40	3	137. 66	62	782	36. 4, 36. 5, 36. 11, 36. 12	
61	57	1	137. 77	62	783	8. 8, 34. 36, 37. 9, 130. 23	
61	308	1	16. 5	62	784	35. 7, 50. 23, 125. 2, 125. 3, 130. 22, 130. 44, 24. 1, 130. 15, 130. 57, 130. 61, 137. 84	
61	327	-----	6. 24	62	785	36. 13	
61	400	-----	137. 30	62	796	130. 19, 130. 20	
61	451	-----	9. 1, 24. 2	62	796	5. 6, 130. 39	
61	652	-----	37. 21	62	797	130. 38, 130. 46, 130. 51, 130. 31, 130. 2, 130. 1	
61	720	1	9. 1	62	802	130. 1	
62	59	b, c	6. 20	62	815	130. 3	
62	236	1-7	137. 19	62	826	130. 1	
62	354	-----	135. 43	62	827	130. 53	
62	484	1-6	137. 80	62	831	130. 9	
62	574	-----	137. 80	62	836	130. 12	
62	576	-----	96. 23	62	851	6. 10	
62	684	{	130. 7, 130. 11, 130. 50	62	910	18. 36, 18. 37	
62	685	{	130. 30	62	929	18. 61	
62	686	{	130. 25, 130. 65, 135. 4	62	932	18. 33, 130. 1, 18. 60, 130. 1	
62	688	{	130. 31	62	933	18. 60	
62	691	{	135. 31	62	934	130. 1	
62	692	{	130. 35	62	937	18. 61	
62	694	{	130. 35, 135. 2	62	940	18. 57	
62	697	{	130. 36, 130. 37	62	941	18. 57-18. 59	
62	698	{	63. 2, 130. 21	62	942	18. 57	
62	701	{	35. 5, 130. 32, 130. 64	62	946	18. 38	
62	702	{	4. 2	62	948	18. 39	
62	703	{	4. 5	62	950	135. 42	
62	704	{	137. 28	62	951, 953	135. 42	
62	705	{	130. 24	62	971	3. 5, 18. 60	
62	706	{	130. 30	62	972	18. 40, 18. 42	
62	711	{	130. 29	62	977	18. 58, 18. 59	
62	712	{	130. 27	62	982, 984	3. 5	
62	713	{	130. 24-130. 26	62	1048	6. 12	
62	722	{	135. 30	62	1048	5. 2	
62	725	{	130. 8, 130. 24	62	1048	37. 14	
62	726	{	130. 14, 130. 18	62	1049	5. 2	
62	727	{	130. 13, 130. 16, 130. 17	62	1049	37. 16	
62	728	{	130. 10, 130. 18	62	1049	6. 12	
62	731	{	130. 34	62	1097	34. 86, 34. 88, 34. 89, 34. 89, 96. 22, 95. 1	
62	740	{	36. 3, 130. 53	62	1098	34. 64, 34. 86, 34. 87, 34. 89, 34. 65, 34. 66	
62	741	{	130. 53	62	1163	34. 75	
62	742	{	130. 33, 130. 34	62	1260	34. 76	
62	749	{	130. 21	62	1260	34. 77	
62	756	{	130. 31	62	1260	34. 84	
62	762	{	36. 6, 130. 56	62	1260	34. 83	
62	763	{	36. 6, 130. 52, 130. 62	62	1260	34. 78	
62	764	{	130. 41	62	1260	71. 7	
62	768	{	130. 54	62	1260	78. 1	
62	769	{	36. 2, 36. 4	62	1265	58. 3	
62	776	{	91. 6, 91. 7, 130. 60, 130. 63	62	1266	59. 3	
62	777	{	91. 1, 91. 2, 91. 4, 91. 5, 91. 10, 97. 54, 125. 4, 125. 6	62	1266	64. 18, 64. 20	
62	778	{	130. 43, 130. 47, 130. 49, 130. 58, 130. 40, 130. 42, 130. 44	62	1267	64. 24, 64. 37	
62	779	{	76. 12, 130. 12, 130. 19, 130. 47, 130. 48	62	1267	58. 6	
62	780	{	130. 48	62	1267	63. 10	

REFERENCE INDEX

TITLES AND SECTIONS OF UNITED STATES CODE REFERRED TO OR CITED

U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section
Title	Section		Title	Section		Title	Section	
2	277	37.9	5	661-674	135.1	18	502	130.25
3	21	1.6	5	691,693	135.53	18	503	130.26
5	1	17.1	5	698,707,709	135.54	18	{ 602,603,	135.30
5	4-7	1.5	5	710-714	135.55	18	606,607	
5	9	17.4	5	715	135.56,135.57	18	641	130.8
5	11	135.23	5	716,717	135.58	18	642	130.24
5	{ 16,17b,	135.4	5	718	135.59	18	643	130.14
5	18-20		5	718a	135.60	18	644	130.18
5	21a, b	135.6	5	719	135.61	18	648	130.16
5	22	1.8,135.6	5	720,721	135.62	18	649	130.17
5	22a	1.6,6.3,17.1	5	722	135.61	18	652	130.13
5	30m-p	135.40	5	724	135.62-135.69	18	653	130.18
5	31	3.2	5	725	135.70	18	654	130.10
5	39	137.17	5	727,728	135.72	18	701	130.34
5	42a	1.3	5	729	135.71	18	871	1.9,36.3
5	46a, b	18.55	5	731	135.72	18	873,876,877	130.53
5	47a	135.53	5	733	135.74	18	912	130.33
5	58,59	135.26	5	736b	135.75	18	913	130.34
5	58,69,70	137.23	5	736c	135.76	18	1001	18.56,130.21
5	61a	135.39,135.50	5	751-801	135.51	18	1114	130.31
5	61b-d	135.49	5	704	135.55	18	1301	130.56
5	69	17.4	5	851	135.1	18	1302	1.9,36.6
5	70,71	17.5	5	2,3	135.7	18	1303	36.6,130.62
5	73	135.32	6	4	18.32	18	1341,1342	{ 36.8,36.10,
5	{ 77,78 (a)-	17.1	6	5	18.45	18	1361	130.52
5	(e)		6	6-15	135.8			
5	82	18.55	7	154	35.27	18	1461	1.9,36.2
5	83	17.2	7	166	35.28	18	1462	130.54
5	87	25.7,137.76	7	301-348	37.18,37.19	18	1463	1.9,36.4
5	92	135.4	7	349	37.20	18	1621,1622	{ 97.15
5	93	135.5	8	743,746	37.12,38.12	18	1691	130.63
5	94,95	18.56	10	371,371b	135.38	18	1692	130.60
5	95a	135.32	11	101a	82.3	18	1693	91.7
5	96	18.56	11	104	18.48	18	1694	91.6
5	97	135.5	12	264,265	85.1	18	1695	91.10,125.6
5	98	135.77	12	371b	83.2,85.1	18	1696	{ 91.1,91.2,
5	106	5.4	14	1	123.1	18	1697	91.5
5	113	135.31	14	313	135.37			
5	116a	3.6	15	318	90.9	18	1698	97.54
5	118d-1	6.5	16	718a, b, e, i	8.28	18	1699	125.4
5	118g	6.8	16	825k	37.16	18	1700	130.59
5	124-132	1.6	17	12,13,15-18	37.21	18	1701	130.45,130.58
5	134	1.6	17	30-33	117.1	18	1702	50.23,130.49
5	{ 134-134h,	9.1	17	33	1.6	18	1703	130.47
5	(1940ed.)		18	2	130.11	18	1704	130.43
5	134b-1	18	3	130.50	18	1705	{ 50.23,130.44,	
5	332	18.44	18	4	130.7	18	1706	130.45
5	361	1.2	18	8	8.6,130.30	18	1707	130.42
5	362	1.7	18	9	135.27	18	1708	130.40
5	363,364	1.3	18	11	130.25	18	1709	{ 50.23,130.44,
5	365	135.4	18	12	130.65,135.4	18	1710	130.45
5	366	1.3,6.8,135.7	18	43,44	35.21	18	1711	130.47
5	367	6.6	18	111	130.31	18	1712	76.12,130.12
5	368	18.9	18	202	135.31	18	1713	18.11,130.19
5	369	1.6	18	205	130.35	18	1714	1.9,36.11
5	370	137.17	18	208-212	137.2	18	1715	{ 1.9,36.12,
5	372	113.1	18	214	135.4	18	1716	116.25
5	373	113.2	18	214,215	135.2	18	1717	{ 1.9,36.5,
5	375	114.26	18	216	130.35	18	1718	43.40
5	376	4.1	18	281	130.36	18	1719	1.9,36.4,37.9
5	377	4.2,135.7	18	283	130.37	18	1720	130.23
5	378	18.6	18	285	18.56	18	1721	8.8
5	379	17.21	18	287	63.2	18	1722	34.36
5	380	7.23	18	288	43.17	18	1723	35.7
5	381	7.25	18	334	36.8,36.10	18	1724	125.2,125.3
5	382	17.16	18	338,339	35.5,130.32	18	1725	50.23,130.44
5	383,384	18.52	18	371	130.64	18	1726	130.22
5	388	5.1	18	372	4.2	18	1727	130.15
5	389	92.48	18	431	130.30	18	1729	24.1
5	393	6.19	18	440	130.24	18	1730	137.84
5	632,633,635	137.1,137.2	18	471	130.30	18	1731	130.57
5	637	137.2	18	472,474	130.24	18	1732	130.61
5	638	{ 135.1,137.1,	18	475	7.5	18	1821	36.13
5	640-642	137.1,137.2	18	492	130.29	18	2071	130.20
5	652	135.43,135.46,	18	494	130.27	18		
5		135.47	18	500	130.24	18		
5			18	501	130.24	18		

REFERENCE INDEX

TITLES AND SECTIONS OF UNITED STATES CODE REFERRED TO OR CITED—Con.

U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section
Title	Section		Title	Section		Title	Section	
18	2073	130. 19	31	203	18. 54	39	67	97. 37
18	2075	5. 6	31	224c	3. 5	39	68	137. 78
18	2112	130. 39	31	227	18. 55	39	82	25. 19
18	2113	130. 45	31	413	8. 6	39	83	25. 18, 70. 2
18	2114	130. 51	31	492	7. 6	39	103b	137. 80
18	2115	130. 38	31	523	7. 17	39	109	137. 66
18	2116	130. 46	31	524	7. 21	39	119	25. 7, 137. 76
18	2231	130. 31	31	526	7. 26	39	121, 123	137. 66
18	3041	{ 35. 13, 130. 2,	31	528	17. 26	39	125	137. 70
18	3231	130. 5	31	529, 530	17. 3	39	129, 130	137. 80
18	3239	130. 1	31	543	7. 7	39	132	135. 13
18	3435	130. 53	31	581 (a), (b)	15. 3	39	133	25. 20
18	3497	130. 9	31	627	16. 3	39	134, 135	123. 1
18	4123, 4124	130. 12	31	628	17. 1	39	135	135. 21
19	1-3	6. 10	31	629	17. 6	39	136	94. 6, 137. 23
19	237	135. 7	31	632	17. 15	39	138	123. 2, 135. 22
19	1305 (a)	34. 68	31	665	17. 1	39	151, 152	50. 1
19	1305 (b), (c)	130. 55	31	668a	16. 7	39	150	51. 1
19	1486 (b), (c)	117. 2	31	669	17. 1	39	154	137. 84
20	41, 45	116. 19, 135. 5	31	670	16. 4	39	155	50. 17, 50. 18
22	452 (I)	1. 6	31	674, 675	17. 1	39	156	135. 18
26	241	116. 25	31	677	17. 7	39	157	24. 2
26	1817	35. 13	31	679	17. 1	39	158-161	137. 26
26	2733	8. 27	31	712, 713	16. 5	39	162	17. 33
26	507	116. 25	31	714	16. 6	39	163	6. 5
26	604	18. 36, 18. 37	32	757c	8. 29, 82. 6	39	164	53. 6
26	738-746	135. 32	32	3	135. 34	39	165	53. 2
28	1291	18. 43	34	75	135. 35	39	167	53. 10, 53. 20
28	1339	18. 61	38	853a, g	135. 36	39	169a, 170	137. 52
28	1346	18. 33, 130. 1	38	50	43. 27	39	171	53. 1
28	1355	18. 60	39	59-61, 126	25. 13	39	172	17. 38
28	1402	130. 1	39	1	24. 1	39	174	130. 45
28	1491	18. 61	39	2, 3	24. 5	39	191, 192	52. 1
28	1493	18. 57	39	4	25. 1	39	193-195	52. 65
28	1494	18. 58	39	5	25. 6	39	196	52. 25
28	1496, 1501, 1503, 1504	18. 59	39	6	42. 1	39	199	137. 62
28	1733	18. 57	39	7	98. 1	39	200	52. 10
28	1743	18. 39	39	10	26. 1, 26. 2	39	205	137. 62
28	1823, 1825, 1871	18. 39	39	12, 14	26. 2	39	213-219	137. 19
28	2402	18. 39	39	31	137. 2	39	218	2. 4
28	2405	135. 42	39	31d	137. 3	39	221	34. 1
28	2407	3. 5	39	32	137. 5	39	222	34. 5
28	2510	18. 60	39	33	135. 5	39	223	35. 2
28	2511	18. 40	39	34	135. 11	39	224	34. 19
28	2671-2675, 2678, 2680	18. 40	39	35	135. 7	39	225	34. 58
29	491	18. 42	39	36	18. 30	39	226	34. 20
31	11	18. 58	39	37	18. 31	39	226a	34. 28
31	14 (a)	18. 59	39	38	135. 7, 135. 11,	39	227	34. 23
31	15	3. 5	39	39	137. 2	39	228	34. 53
31	22	35. 4	39	39a	137. 7	39	229	34. 21
31	23	15. 1	39	40	18. 20, 137. 7	39	230	34. 22
31	24	15. 2	39	41	18. 45	39	232	34. 37
31	25	15. 5	39	42	17. 31	39	233	34. 38
31	26	15. 6	39	43	18. 10	39	234	34. 39
31	27	15. 7	39	44	18. 11	39	235	34. 65
31	28	15. 8	39	45	18. 17	39	236	34. 67
31	45	1. 3, 18. 1, 18. 2	39	46	17. 38, 18. 11	39	240	34. 73
31	71a	18. 5	39	47	7. 3	39	242	34. 93
31	72	18. 62	39	49	7. 19	39	243	43. 17, 43. 40
31	73	18. 3, 18. 4	39	50	9. 1	39	244	64. 1
31	74	18. 3	39	51	17. 22, 94. 12	39	245a	64. 18, 64. 20
31	82a-1	18. 29	39	52	96. 4	39	245b	64. 24, 64. 37
31	109	9. 1	39	54a	6. 5, 90. 8,	39	245d	63. 10
31	111	18. 3	39	56	137. 28	39	246a	64. 1
31	112	18. 8	39	57a	137. 32	39	246b	64. 35
31	113	18. 3	39	58	137. 31	39	246c	64. 36
31	114	18. 8	39	59, 60	137. 32	39	246d	58. 6
31	115	5. 3	39	58	25. 19	39	247	34. 73, 34. 79
31	116	18. 61	39	60a	26. 1	39	248	34. 6
31	118	18. 35	39	61	137. 32	39	249	34. 56, 34. 72
31	132	18. 12	39	62	18. 14	39	250	34. 85, 35. 10
31	191	16. 5	39	63	137. 34	39	251	35. 6
31	192	18. 48	39	64	26. 1	39	252	34. 62
31	193	18. 49	39	65	17. 22	39	254	91. 8
31	193	18. 50, 135. 10	39	66	18. 15	39	255	36. 10

REFERENCE INDEX

TITLES AND SECTIONS OF UNITED STATES CODE REFERRED TO OR CITED—Con.

U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section
Title	Section		Title	Section		Title	Section	
39	256	36.8	39	370	35.5	39	495	91.9
39	257	36.10	39	381	58.1, 63.1	39	496	125.1
39	258	45.16	39	381a	58.10, 63.4	39	497	91.13
39	259	36.9	39	382	64.38	39	498	91.14
39	260a	63.18	39	384	58.12	39	499	91.15
39	261	43.47	39	384a	58.4	39	500	91.2, 91.3
39	271	34.3	39	385	58.13	39	501	90.6
39	272	43.8	39	387	58.3	39	504	6.16
39	273a	35.4	39	388	59.3	39	505-508	92.26
39	274	34.4	39	401-405	43.41	39	522	92.45
39	275	8.4, 34.12, 43.8	39	406	43.42, 45.8	39	523	92.47
39	276	43.12, 43.48	39	407	34.13, 42.14	39	524	92.1
39	276a	8.2	39	408	45.11	39	525-528	92.2
39	276b	53.3	39	409	43.43	39	529	92.5
39	277	34.63	39	410	43.12	39	530	92.2
39	278	43.48	39	411	43.46	39	531	92.24
39	279	27.7	39	421	97.13	39	532	92.3
39	280	34.8, 34.11, 34.14	39	422	97.14	39	533	92.7
39	281	34.7, 34.87	39	423	95.1	39	534, 535	92.23
39	282	34.45	39	424	97.9	39	537	92.8, 109.1
39	283	34.40, 34.46, 34.47	39	425	97.18	39	538	92.7
39	284	34.43	39	425a	97.28	39	539	92.9
39	285	34.45	39	426	97.15	39	540	92.15
39	286	34.41	39	427	97.16	39	541	92.18
39	287	34.42	39	428	97.21	39	541a	92.26
39	288, 289	34.40	39	429	97.28, 97.29	39	{ 542-549, 551, 553 }	92.19
39	290	34.71	39	430	6.7	39	554	92.20
39	290a	34.65, 34.66	39	431	97.34	39	555	92.16
39	291	35.4	39	432	97.31	39	556	92.13
39	291b	34.64	39	433	97.28	39	557-559	92.17
39	292	34.73	39	434	{ 97.29, 97.30, 97.32, 97.33, 97.60, 97.68 }	39	560, 561	92.6
39	292a	34.75, 34.76, 34.78, 34.83, 34.84	39	435	97.36	39	562	92.21
39	293	35.4	39	436	{ 34.86, 34.89, 97.29, 97.30 }	39	563	92.11
39	293c	37.25	39	437	97.35	39	564	92.4
39	295	35.4	39	438	97.29, 97.35	39	565	92.24
39	298	34.16	39	439	97.37	39	566	92.14
39	300	35.9	39	440	97.60	39	567	92.12
39	302	34.65	39	441	97.29, 97.61	39	568	93.1
39	303	34.9	39	442	97.59	39	570	92.25
39	321	37.9, 43.7	39	443	98.9	39	571	92.46
39	321a	58.12	39	444	97.38, 120.6	39	577	105.5
39	321e	35.2	39	445	97.39	39	578	94.1
39	321i	5.2, 6.12	39	446	97.41	39	579	{ 4.5, 94.6, 137.28 }
39	321j, m	5.2	39	447	97.37, 97.40	39	601, 604	135.32
39	321k, l	37.14	39	448	97.43	39	609, 611	137.14
39	321n	37.16	39	449	{ 97.6, 97.7, 120.2 }	39	618a	105.5
39	323	37.9	39	450	97.10, 137.80	39	620	137.64
39	325	37.2	39	451	97.28	39	624	137.80
39	326	37.1	39	462a	34.89	39	625, 627	137.64
39	327	37.4	39	463	97.2	39	630	137.73
39	329	37.3	39	463a	{ 34.86, 34.87, 34.89 }	39	631	106.1
39	330	37.19	39	465a, b	96.6, 96.17	39	632	137.80
39	331	{ 34.70, 37.22-37.24, 37.26 }	39	468	6.18	39	636	137.73
39	333	37.15	39	469	97.2	39	638	137.91
39	335	37.7	39	469a	96.6	39	639	108.4
39	336	37.8, 58.12	39	470	97.2	39	640	122.1
39	337	37.11, 58.12	39	473, 474	96.14, 97.2	39	651	90.5
39	351	8.1	39	475	98.23	39	652	120.2
39	354	8.10, 8.14	39	476	34.88, 34.89	39	653	120.1
39	355	6.12	39	481, 482	96.22	39	654 (a)-(c)	98.10, 125.5
39	356	8.16	39	483	90.1	39	655	120.5
39	357	8.17	39	484	90.2	39	656	122.1
39	358	8.11, 8.16	39	485	90.3	39	659	125.8
39	359	6.9	39	486	97.3	39	671	125.9
39	360	8.5	39	487	97.1	39	672	124.1
39	361	8.7	39	487a	97.5	39	673	124.2
39	362	8.10	39	488	97.8	39	692	137.9
39	365	35.5, 42.9	39	489	96.14, 97.27	39	696	135.7
39	366	42.9	39	492	97.4	39	697	1.4
39	367	6.14	39	493	97.7	39	699	137.9
39	368	42.11	39	494	90.4	39	700	91.12
					97.56	39	704	135.5
						39	711	70.1

REFERENCE INDEX

TITLES AND SECTIONS OF UNITED STATES CODE REFERRED TO OR CITED—Con.

U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section	U. S. Code		P. L. & R. section
Title	Section		Title	Section		Title	Section	
39	712	74.1	39	834	137.15	41	22	4.2
39	713	71.3	39	{ 837, 838-846 }	18.43	41	26, 27	17.8
39	714	24.9				42	262	116.25
39	715	6.5, 6.13	39	851	137.64, 137.72, 137.73, 137.75, 137.77	44	4	6.23
39	716a	71.7				44	95	17.1
39	717	137.33				44	111	6.13, 6.23
39	718	73.14, 73.15	39	851ff.	135.13	44	116	6.23
39	719	71.10	39	851-878	137.75	44	118	17.1
39	720	71.19	39	852	137.69	44	149	37.9
39	723	72.10	39	853	137.71, 137.78	44	162	37.1
39	724	71.5	39	854	137.70	44	185	37.2
39	725	71.16	39	855	137.74	44	191	113.2
39	726	71.8	39	856	137.77	44	213, 216	6.23
39	727	72.3	39	856b	137.30	44	218	37.10
39	728	73.1	39	857	18.24, 137.67	44	219	17.1
39	729	73.1	39	858	137.30, 137.31	44	223	6.23
39	{ 729 }	{ 73.4, 73.14, 73.15 }	39	859	137.37	44	225, 227	6.11
39	730	73.14	39	860	{ 137.39-137.41 }	44	{ 300c, f-1, h-1 }	6.20
39	731	18.4, 73.14	39	861	137.43, 137.46	44	322, 324	6.3
39	732	72.17	39	862	137.45, 137.47-137.49	44		6.21
39	733, 734	76.4				46	{ 366, 368, 369, 371-376, 379, 380 }	
39	735	18.25	39	862a, c	137.66	46	509b	82.4
39	736	76.1, 76.18	39	862d	137.66, 137.77	46	880	120.3
39	738a	78.1	39	863	137.50	46	1145 (a)	120.3
39	746	18.41	39	864	137.51	46	1145 (b)	120.4
39	751 et seq.	1.6	39	865	137.29	46	1-6	6.24
39	751	{ 81.1, 84.17, 85.1 }	39	865a, c-e	137.9	47	35a-c	135.5
39	753	81.5	39	866 (a), (b)	137.63	49	65	92.22
39	754	82.1	39	{ 866 (c)-(h), (j) }	137.64	49	181	96.18
39	756	8.30, 82.2, 82.6	39	866 (k)	137.63	49	401	96.1
39	756a	82.6	39	866 (m)	137.65	49	481	96.2-96.5
39	757	83.1	39	866 (n), (o)	137.63	49	481 (1)	96.14
39	758	83.2, 85.1	39	866 (p)	137.71	49	485	96.6-96.15
39	759	81.1, 85.1	39	866 (q)	137.70	49	485a-c	121.2
39	760	84.18	39	866 (r)	137.65	49	485 (h) (1), (2)	121.1
39	762	81.3, 86.12	39	866 (s), (t)	137.64	49	{ 485 (h) (1), (2) }	96.21
39	763	81.7	39	867a, b	137.62	49	485 (h) (2)	121.1
39	764	81.6	39	867 (c)-(f)	137.62	49	485 (i) (1)	96.20, 121.2
39	765	81.4	39	868	137.60	49	485 (i) (2)	121.2
39	766	81.2	39	869	137.61	49	485 (k)	96.17
39	767	86.11	39	872c	137.54	49	486	96.6, 96.16, 96.17
39	768	81.1	39	872d	137.55	49	486f	121.3
39	781	18.8	39	872e	137.57	49	496 (b)	96.14
39	782	7.2	39	872f	137.56	49	621	96.18
39	783	17.32	39	872g	137.59	49	678	96.19
39	785	27.5	39	875	137.68	49	31-42	36.5
39	786	16.2	39	877	137.9	50	303	34.15
39	787	17.17	39	879-884	137.80	50	308	135.33
39	789	18.34	40	42	137.2	50	310 (c)	37.13
39	790	17.18	40	267	1.6	50	{ 324, 329, 330b, 352 }	34.15
39	791	18.46	40	278a	26.2	50	{ 357, 403, 1471, 1472 }	135.33
39	793	18.7	40	341, 344	1.6	50	App. 308	135.33
39	802-804	6.5	41	5	6.1	50	App. 403	135.50
39	805	17.13	41	5	92.22	50	App. 1474	135.50
39	808, 809	6.5	41	{ (1934 Ed.) }	6.2	50	App. 1638	6.1
39	810	16.15	41	7	6.4			
39	812	137.25	41	8	6.8			
39	815	135.7	41	10a	6.5			
39	818	135.33	41	11, 13	4.3			
39	825	18.33, 130.1	41					
39	826	16.8	41					
39	829	6.5	41					

INDEX

(Numbers refer to sections)

A

Absence. (*See Leave.*)
Absentee ballots for armed forces, 34.15
Access to the mails, 41.13
Accessory after the fact, offense against United States, 130.50
Accidents:
 employees injured, 135.51, 135.52
 mail train, 107.11
Accounting for mail keys, 99.35
Accounts:
 acting postmasters, 18.20
 administrative examination, 18.1
 affidavit waived, 18.23
 audit, 18.3
 box rent, 27.8
 certificates of settlement, 17.37
 certification, 8.23, 18.28, 18.29
 change of postmaster, 7.27, 7.28, 18.19, 18.20, 18.27, 34.51, 76.28, 76.29, 86.8
 city delivery service, 17.33
 claims due deceased creditor, 17.29
 deficiency in, 18.30-18.32
 delinquencies in rendering, 18.3
 depositories, 7.16, 7.21, 7.26
 district office, 17.37, 18.16
 divided, 18.19, 18.20, 34.51, 76.28, 76.29, 86.8
 Division of, 1.15
 Division of Finance, 17.9
 duplicate, 18.21
 examination, 17.31, 18.1, 18.3
 excess from sales of stamped envelopes, 8.24, 52.67
 expenditures for supplies, 6.8
 expense, 135.5, 135.32
 failure to render, 5.6, 18.17, 130.14
 false returns, 17.38, 130.19, 130.21
 first-class office, 17.35
 internal-revenue stamp, 8.27
 manner of keeping, 17.30-17.39, 18.8, 34.51
 migratory-bird hunting stamp, 8.28
 money order, 17.31, 18.3, 18.8, 18.25-18.27, 76.25-76.29
 no business transacted, 18.18, 18.26
 oaths on, 18.10-18.12, 18.16
 postal savings, 1.12, 18.4, 86.5-86.10
 postmasters:
 administration of oath to, 18.12
 at seasonal offices, 18.18
 balance due, 7.13, 18.22
 certified copy, 18.13
 deficiency in, 18.30-18.32
 duplicate, 18.21
 failure to render, 5.6, 18.17, 130.14
 preparation, 18.16
 upon change of, 7.27, 7.28, 18.19, 18.20, 18.27, 34.51, 76.28, 76.29, 86.8
 preservation, 18.3
 refunds, credit for, 35.9, 114.11
 rendition, 7.12, 8.23, 17.30, 18.10, 18.13, 18.15, 18.16
 settlement, 18.1-18.5, 18.29, 18.59
 special delivery service, 53.27
 stamp, 8.23, 8.24, 17.31, 17.35, 17.37
 transfer of funds, 76.4-76.7, 85.4, 85.5, 85.7
 travel expenses, 135.32
 U. S. Savings bond, 8.29
 U. S. Savings stamp, 8.30

Acting postmasters, 24.7, 24.8, 137.7, 137.34
Additions to mail matter:
 fourth-class, 34.85, 35.8
 second-class, 34.53-34.59, 35.8
 third-class, 34.72, 35.8
Address of mail, directions for, 35.10
Addresses:
 change of:
 foreign, 115.1
 forwarding of mail, 43.12, 43.13
 records, 50.6
 city directory, use, 43.22
 fictitious, 43.18, 45.2, 58.2, 130.52
 furnishing, 41.4, 41.7, 41.8
 illegible or indefinite, 45.2, 58.2, 108.24
 misdirected mail, supplied on, 42.17, 43.14
Addressing mail, 34.62, 35.10, 35.28
Administrative Services, Division of, Chief Inspector, 1.14
Administrative Services, Second Assistant Postmaster General, 1.11
Admits, 107.6
Advance delivery to carrier, 42.42
Advance deposits, 8.13, 34.45
Advances of public money, 17.3
Advertisements:
 display in post offices, 25.4
 for proposals:
 mail contracts, 97.12-97.14
 mail messenger service, 94.2
 ocean mail service, 120.2
 supplies, 6.1-6.3, 6.8
 marked, in second-class publications, 34.39, 34.46
 on post and postal cards, 34.6, 34.7
 prohibited on:
 stamped envelopes, 8.14
 U. S. securities, 130.30
 proof sheets, 34.43
Advertising:
 nondelivered matter, 43.41
 pneumatic tube service, 95.1
 position of postmaster not to be used for, 25.11
Affidavits. (*See Oaths.*)
Agencies:
 postal, 124.1, 124.2
 railroad, discontinuance, 92.40
Agency, Stamped Envelope, 8.12
Agents:
 delivery of mail to, 43.20, 43.25
 lottery, 25.11, 36.6, 130.62
 money order, 70.3
 news, 34.60, 34.61
 railroad companies, 92.40, 92.41
 rural boxes, 52.85
 uniforms for carriers, 137.84
Agricultural colleges and experiment stations, reports and bulletins, 37.18-37.20
Agriculture:
 Secretary of, mailing of reports, 37.3
 State departments of, periodicals, 34.22
Air mail:
 acceptable matter, 34.88
 customs, 116.11
 dispatch, 108.11
 domestic, definition, 34.89
 envelopes, 34.91
 free matter, 34.90
 insured and c. o. d., 34.88
 international, 96.20, 96.21, 114.6, 116.11, 121.1-121.3
 make up, 108.11

INDEX

- Air mail—Continued**
 official or franked, 34.90
 parcel post, 34.88
 postage, payment, 34.92
 rates, domestic:
 Alaska, 34.89
 parcel post, 34.88
 postal and post cards, 34.87
 other matter, 34.86, 34.90
 registered, 34.88, 58.5
 size, 35.2
 special delivery, 34.88
 stamps and envelopes, 34.91
 weight, 35.2
- Air mail service:**
 additional:
 provisions, 96.25
 service, 96.5
 air transportation defined, 96.1
 appropriations, 96.17
 between airport and post office, 96.23
 bonds, termination, 96.7
 certificate of authority, 96.2
 change of certification, 96.5
 contracts, 96.6, 96.7, 96.13, 96.14, 96.19,
 97.2, 97.27
 emergency service, 96.13
 facilities, furnishing, 96.4, 96.10
 foreign, 96.3, 96.20, 96.21, 121.1—121.3
 mail to be tendered certificate holder,
 96.11
 maximum mail load, 96.10
 penalty for violations by carrier, 96.18
 performance reports, 96.12
 quarters at airport, 96.22
 records and reports, 96.24
 regulations, 96.8, 96.19
 salaries, 137.63
 schedules, 96.9
 terminal points, designation, 96.3
 transportation of employees, 96.15
 transportation rates, 96.16, 121.2, 121.3
- Air parcel post, 34.88**
- Air Postal Transport, Second Assistant Post-
 master General, 1.11**
- Airplanes:**
 Secretary of Army authorized to furnish,
 6.16
 unsuitable, sale, 6.18
- Alaska:**
 air mail rate, 34.89
 gold shipments between points, 34.82
 parcel post rate to, 34.80
 postmasters as notaries public, 135.5
 registered jackets, used in, 59.22
 star route service, 97.8, 97.27, 97.37
- Allotments of appropriations, 17.1**
- Allowances:**
 carfare, 53.24
 city delivery service, 50.4
 cleaning post offices, 26.4, 26.5
 clerk hire, 25.18, 25.19, 70.2
 fourth-class offices, 25.19—25.21
 leased quarters. (See Leases.)
 miscellaneous items, 26.3—26.6
 rent, light, fuel, water, 26.1
 separating mails, 25.19
 travel, 135.32, 137.65
 unusual conditions, 25.20
- Altering bonds, bids, etc., 130.29**
- Amounts due deceased creditors, 17.29**
- Animals or birds, 35.21**
- Annual leave. (See Leave.)**
- Annual reports (see also Reports):**
 Comptroller's report, 5.3
 failure to make, 5.6
 penalty mail, 5.2
 revenue and expenditure, 5.1
 to Comptroller General, 18.7
 to Congress, 5.1—5.6
 to President, 5.3
 to Secretary of Treasury, 18.7
- Apartment house mail receptacles, 50.23**
- Appeals:**
 on questions of law, 1.9
- Appeals—Continued**
 overcharge in postage, 35.9
 postage due, 43.8
 second-class matter shipped by freight,
 92.46
- Appointments:**
 acting postmasters, 137.7
 assistance in securing, 135.2, 135.3,
 135.6
 assistant postmasters, 137.8, 137.43
 authority, 1.3, 137.9—137.15
 certified to Comptroller General, 137.10
 Comptroller, 18.1
 examination for, 135.1, 135.3, 137.1
 letter carriers, 137.12
 Postmaster General, 1.2
 postmasters, 1.10, 137.2—137.6
 post office inspectors, 137.9
 Purchasing Agent, 6.8
 Railway Mail Service, 137.14
 rural carriers, 137.13
 superintendent of mails, 137.11
 temporary, 137.10, 137.12
 veterans preference, 135.1
- Appropriations:**
 air mail transportation, 96.17
 apportionment, 17.1
 deficiency in:
 certification, 18.7
 prohibited, 17.1
 determination of total, 16.4
 estimates, 15.1—15.8
 exhausted or unavailable, claims under,
 16.6
 expenditures in excess of, 6.23, 16.3, 17.1
 how made, 16.2
 limitations, 3.1
 lump sum, 17.6
 payments in advance, 17.3
 printing, 17.1
 restrictions on, when both star and
 rural route services are involved,
 97.28
 unexpended balances, 16.5—16.7
 utility services, 16.7
 withdrawals from Treasury, 16.1
- Archives, 6.20, 6.21**
- Army mail clerks, 123.2**
- Arrests for violation of law, 130.4—130.6**
- Arson, matter inciting, 36.2**
- Articles:**
 liable to damage mail or injure em-
 ployees, 35.12—35.14, 35.16—35.18
 loose in mails, 45.5, 59.87, 59.89, 108.22
 restoration after theft, 17.18—17.20
- Assassination matter inciting, 36.2**
- Assault on employees, with intent to rob,
 130.46, 130.51**
- Assignee, delivery of mail to, 43.32**
- Assignment of employees, 137.17—137.23**
- Assistant postmasters:**
 appointment, 137.8, 137.43
 as contractors, 137.28
 designation of clerk as, 137.8
 duties, 24.9, 24.10, 137.8, 137.81
 salary, 137.36, 137.37
 selection at fourth-class office, 137.8
 signature, 24.9, 24.10
- Asylums, registered mail for employees or
 inmates, 60.12**
- Automatic promotions. (See Employees.)**
- Awards, Committee of, 6.8**
- Awards for suggestions, 3.6**
- B**
- Baby chicks, 34.78, 35.24, 35.26, 43.47, 64.41**
- Backstamping, 43.4**
- Bad order, 41.15, 59.28, 59.38, 59.70, 59.84—
 59.89, 108.22**
- Badges:**
 carrier, city and village, 137.86
 illegal possession, 130.34
 railway postal clerks, 137.91
 special delivery messengers, 137.90

INDEX

Bags. (See Mail bags.)

Balances, certification of, 18.2, 18.3, 18.29
Balances due:
deceased creditors, 17.29
demand for, 18.39
failure to pay, 7.13
interest on, 18.41
postmaster, 18.22

Ballots for armed forces, 34.15
Bank indorsements on money orders, 72.11, 72.14

Banker receiving unauthorized deposit, 130.18

Bankrupt funds, 82.3
Banks, deposit of public funds in, 7.19, 7.20
Bees, 35.22, 35.26

Benevolent societies, publications, 34.21, 34.29, 34.40

Berries in the mails, 35.19

Bible for blind, 37.24

Bidders, collusion among, 6.5, 97.31

Bids and proposals:

advertisement for, 6.1, 6.3, 6.8, 97.12-97.14

Awards, Committee of, 6.8

combination to prevent, 97.31

forging, 130.29

for supplies, 6.1-6.5, 6.8

mail messenger service, 94.2-94.5

mail service:

amount not to be divulged, 97.22

awards, suspension, 97.20

bond and oath accompanying, 97.15, 97.16, 97.23

consolidated, 97.26

delivery and opening, 6.4, 97.18

destruction of rejected, 97.21

form used, 97.17

record, 97.21

rejection, 97.20

withdrawal, 97.18

opening, 6.4

received after time limit, 97.19

Birds in mails, 35.21

Blind:

Holy Scriptures for, 37.24

letters for, 34.70

limit of weight of mail for, 35.2

publications for, 37.23, 37.25

reading matter for, 37.22

reproducers for, 37.26

Blood specimens in mails, 35.17

Board of Inspection, 6.8

Boat service. (See Transportation of mail.)

Bonds (see also Sureties):

bidders, 97.16

duplicate checks, indemnity, 17.26

employees, 81.8, 135.7-135.20

false swearing, sureties on, 97.16

forging, 130.29

illegal approval by postmasters, 130.61

liability of sureties, 18.45, 135.11

made to United States, 4.2

mail contract, 97.15, 97.16, 97.23

mailing chute contracts, 50.18

payments under old, 18.30

priority of surety, 18.50, 135.10

recording and filing, 135.9

release from, 96.7, 135.7

sea post clerks, 122.2

Books:

rates of postage, 34.65, 34.83, 34.84

restrictions on printing, 6.23, 17.1

stamp, 8.3

Boxes. (See Letter boxes.)

Boxes in post offices:

account of rentals, 17.32, 17.35, 17.37, 27.8

assignment, 27.7

care of, 27.7

collection of rental, 27.7

equipment, furnishing, 27.2, 27.3

information concerning number, 41.6

key deposits, 27.11, 27.12

letter drops, furnishing, 27.1

Boxes in post offices—Continued

name of holder confidential, 27.10

provided by patron, 27.5

record of holders, 27.9

rental rates, 27.6

type used, 27.4

use of, 27.7, 43.24

Boycott, rural, 52.38

Branches and stations:

classification, 24.3

contract, 1.10, 24.2, 24.3

designation, 24.3

establishment, 24.2

hours of service, 25.5

inspections by postmasters, 25.14

money order business, 18.25, 71.3, 71.11, 76.11

postal savings business, 86.10

quarters, 1.13, 26.2

registered mail handled at, 58.8, 58.9, 59.58-59.60, 60.3, 60.18

rural delivery, 52.68-52.77

Brass lock service, 59.6-59.16

Bribe, acceptance of by:

Member of Congress, 130.35, 130.36

official, 135.31

Briefs, 98.9-98.12

Budget and Administrative Planning, Office of, 1.9

Budget and Administrative Services, Division of, First Assistant Postmaster General, 1.10

Budget organization and estimates, 1.9, 15.1-15.8, 17.1

Bulk mailings, 34.66, 35.4

Bulletin boards in post offices, 25.4

Bulletins, agricultural, 37.18-37.20

Bureau of Employees' Compensation, 135.51, 135.52

Bureaus of the Department, correspondence with, 25.10

Burglary, post offices, 9.2, 25.12, 130.38

Business name, mail addressed to, 43.20, 43.25, 43.26

Business reply cards and envelopes, 34.9

Butter in the mails, 35.19

C

Canada:

letter mail exchange with, 108.29

mail from:

dutiable matter, 108.27

matter for foreign countries, 108.26

transportation through United States, 125.8

undelivered and unclaimed, 114.26

postage:

letter and parcel post rates. (See Official Postal Guide, Part II.)

second-class matter, 34.40-34.42

registered jackets for, 114.13

registered mail, inquiries, 118.1, 118.12

sealed packages from, 116.8, 116.12, 116.13

Canal service, 97.3

Canal Zone:

loss, rifling, or damage to mail, 44.1-44.6, 118.9, 118.10

money orders drawn on domestic forms, 71.1

parcel post rate to, 34.80

registered jackets for, 59.24

Canceled stamps, use of, 42.7, 130.23

Canceling ink, 6.14, 42.9

Canceling machines:

application for, 26.3

contracts, 6.5

on electric cars, 93.13

Cancellation of stamps, 6.14, 42.2, 42.9, 42.48, 52.43, 52.74, 53.8, 108.13

Candy in mails, 35.18

Carbon copies, classification, 34.69

Cards. (See Postal and post cards.)

Carfare, special delivery messengers, 53.24

Cars. (See Railroad service.)

INDEX

- Case examinations, 137.83**
Cashing checks, 7.9, 81.3
Casualty, 9.2, 25.12, 44.1, 44.11
Catalogs, 34.77
Catcher pouches and cranes:
 registered mail, 59.52, 59.55, 59.56
 use of, 42.44, 92.38, 97.50, 108.30
 weight of mail, 42.45
Census matter free, 37.11, 58.12
Central accounting offices. (See Post offices.)
Certificates of deposit:
 money order funds, 76.21
 postal funds, 7.21
 postal savings, 82.13-82.23
Certificates of mailing, 35.1, 63.18-63.22
Certificates of rural service, 52.8
Certificates of settlement, 17.37
Change of:
 address, 43.12, 43.13, 50.6, 115.1
 name of employee, 137.6
 name of post office, 1.10, 24.4
 postmaster, 7.19, 7.27, 7.28, 18.19, 18.20, 18.27, 76.28, 76.29, 86.8, 137.2
 site of post office, 25.2
Charges, letters of, 135.43-135.47
Checking accounts:
 local bank, 7.19, 17.23
 Treasury, 17.24, 76.8-76.10
Checks:
 acceptance, 7.9, 7.11, 7.14, 81.3
 duplicate, 17.26-17.28
 employees designated to sign, 24.9-24.11
 invalid money orders, payment by, 73.14, 73.15
 lost, 17.26-17.28
 money order, 24.9, 76.8-76.10
 outstanding, change of postmasters, 7.19
 payments by, 17.12, 17.23-17.25, 73.14, 73.15
 pension, 43.27
 remittance of funds by, 7.9-7.11, 7.16, 7.19, 76.22, 85.2
 unpaid, 7.19, 16.5, 17.29
Chief Clerk and Director of Personnel, 1.9, 6.8, 6.17
Chief Inspector (see also Post office inspectors and Organization of the Department), 1.3, 1.14
Christmas service. (See Holiday service.)
Chutes, mailing, 50.18
Circulars:
 definition, 34.67
 identical pieces, 35.4
 in canvas sacks, 42.35
 made up in separate packages, 42.39
 with second-class matter, 34.54
City carriers (see also Employees):
 acceptance of mail, 50.14, 53.23, 61.1-61.13, 91.9
 badges, 137.86
 bonds, 135.18
 change of address:
 on registered matter, 61.3
 records, 50.6
 clerical work not permitted, 137.17
 clock registers, 25.16, 50.6
 collection of mail, 50.13-50.15
 conduct, 137.24
 delivery of mail. (See Delivery of mail.)
 duties, 137.17
 fees prohibited, 137.26
 hours of service, 50.2, 50.5, 50.6, 137.69-137.71
 houses not to be entered, 50.10
 mail matter:
 not to be:
 carried in pockets, 50.10
 exhibited, 50.10
 returned to senders, 50.15
 thrown away, 50.10
 returned to office, when, 50.6
 undelivered, returned to office at night, 50.16
 City carriers—Continued
 meals, stopping for, prohibited, 50.10
 not permitted in workroom, 50.6
 numbering, 137.86
 office regulations, 50.6
 postage due, collection, 50.12
 prohibitions in delivery of mail, 50.10, 50.15
 routes:
 change in, 50.2
 leaving, prohibited, 50.10
 schedules, 50.5
 service stars, 137.87
 stamps not to be removed from mail, 50.10
 testing of, 50.3
 uniforms, 137.84-137.89
 * **City Delivery Service:**
 accounts, 17.33
 apartment house mail receptacles, 50.23
 carriers. (See City carriers.)
 collection of mail, 50.13-50.15, 50.17, 50.22, 50.24
 conduct, 1.10
 delivery of mail. (See Delivery of mail.)
 discontinuance, 1.10, 50.1
 Division of, 1.10
 establishment and discontinuance, 1.10, 50.1
 expenditures, 1.10, 26.4, 50.4
 extension, 1.10, 50.2
 frequency of service, 50.2
 hours of collection, 50.18, 50.20
 instructions, issuance, 50.3
 limits and frequency, 50.2
 mail receptacles, 50.23
 mailing chutes, 50.18
 orders, filing, 50.3
 routes are post roads, 90.1
 street letter boxes, 50.17, 50.19-50.22, 50.24
 supervision, 1.10, 50.1-50.3
 City directories:
 postal employees not to compile, 137.24
 use of, 43.22
Civil pension roll prohibited, 135.77
Civil Service:
 examinations:
 information regarding, 135.3
 postal employees, 135.1, 137.1
 examining boards:
 employees serving on, 137.18
 free registration of mail, 58.12
 leave of absence to employees serving on, 135.42
 postmaster to facilitate work of, 137.18
 probationary period, 137.16
Claims:
 affidavits waived, 18.23
 annual report to Congress, 3.5
 appropriation exhausted, 16.6
 assignment, 18.54
 claimant indebted to United States, 18.55
 Court of Appeals, jurisdiction, 18.61
 Court of Claims, jurisdiction, 18.57-18.59
 damage to property, 3.5
 deceased creditors, 17.29
 district court, jurisdiction, 18.60
 false presentation, 130.21
 indemnity. (See Indemnity.)
 injury to person or damage to property, 3.5
 loss by fire or burglary, 1.9, 9.1, 9.2, 25.12
 Officers interested, 130.37
 orders or regulations originating, 18.6
 postage-due stamps, 17.39
 prosecution, 18.61
 savings bond deductions, 17.29
 settlement, 18.5

INDEX

- Claims—Continued**
 time limit for filing, 18.62
 transfer, 18.54
 when credit is allowed in suits, 18.40
 witnesses, 18.56
- Classification of mail:**
 first-class matter, 34.1, 34.5-34.7, 34.69
 foreign mails, 114.1
 fourth-class matter, 34.1, 34.73, 34.79
 second-class matter, 34.1, 34.19-34.23
 third-class matter, 34.1, 34.65, 34.67-34.69
- Classified employees, 137.10**
 Cleaning post offices, allowances for, 26.4, 26.5
 Clerks in post offices. (*See Employees.*)
 Clerks, Navy mail, 123.1.
 Clock register in post offices, 25.16, 50.6
 Closed transit mail, foreign service, 114.20
 Closed pouch service, 92.2
 Closing time for mails, 42.1
 Club subscribers, second-class matter, 34.26
 Coast Guard Reserve, 135.37
 Coils of stamps, 8.3
- Coin:**
 foreign or mutilated, acceptance, 7.9, 8.9
 found loose in mails, 45.5, 59.87, 59.89, 108.22
 mutilated, postage on, 34.18
- Collection of mail:**
 city carriers, 50.13-50.15
 receiving boxes, 42.2, 50.13, 50.17-50.22, 50.24
 rural carriers, 52.38-52.42
- Collection of postage due, 43.6-43.11, 50.12, 52.35, 130.15**
- Collect-on-delivery matter. (*See Insured and c. o. d. mail.*)**
- Colleges and institutions:**
 boxes in post offices, use of, 43.24
 delivery of mail addressed to, 43.20, 43.29
 second-class publications of, 34.21
- Collusion among bidders, 6.5, 97.31**
- Commercial papers in foreign mail, 114.1**
- Commissioner of Administrative Planning, 1.9**
- Commissioner of the Budget, 1.9**
- Commissions:**
 inspectors, 2.5, 135.25
 issue and control, 135.23, 135.25
 money order, 76.27
 postmasters, 135.23, 135.24
 railway postal clerks, 107.16
 telephone calls, 17.34
- Communications:**
 attached to second-, third-, and fourth-class matter, 34.53, 34.57, 34.72, 34.85, 35.8
 official, 25.10
- Compensation. (*See Salaries.*)**
- Compensatory time, 137.71**
- Complaints of loss, rifling, or damage of mail, 44.1-44.12, 118.1-118.12**
- Compromises, 18.51-18.53**
- Comptroller, Bureau of Accounts (*see also Organization of the Department*):**
 annual reports, 5.3
 appointment, 1.3, 18.1
 duties, 1.15, 18.1, 18.3, 18.8
 money order accounts, 18.25
 quarterly returns forwarded to, 18.15, 18.16
 settlement of accounts, 18.1-18.3
- Comptroller General. (*See General Accounting Office.*)**
- Conduct and discipline, 137.24**
- Congress:**
 Member of:
 • franked matter, 34.90, 37.1-37.4, 37.6, 37.7
 not to be interested in public contracts, 4.2, 130.35
 receiving pay, in matters affecting United States, 130.35, 130.36
- Congress—Continued**
 reports to, 3.5, 5.1-5.6
 right to petition, 135.43
- Congressional:**
 correspondence, 37.4
 directory, correspondence concerning, free, 37.9
 documents, franked, 37.1-37.3
- Record:**
 free in mails, 37.2
 transient copies, postage, 34.71
- Conspiracy to:**
 commit offense against United States, 130.32
 prevent officer from performing duty, 130.64
- Consular mail, 37.8, 116.5-116.7**
- Contagious disease:**
 in family of postmaster, 41.16
 mail matter carrying, 35.13, 35.17, 41.16, 52.48
- Contingent expenses, Post Office Department, 1.9**
- Contingent fund, control and restrictions, 17.1, 17.7**
- Contract stations and branch offices, 1.10, 7.4, 24.2, 24.3**
- Contractors:**
 access to mails, 41.13
 additional service, 96.5, 97.50, 97.59-97.65
 care of mail, 97.50
 compensation, 97.24, 97.25, 97.37, 97.43, 97.60
 deductions, fines, 98.9-98.12, 125.4-125.6, 130.59
 delinquencies, 98.4-98.6, 98.8
 eligibility, 4.5, 90.8, 92.44, 94.6, 94.9, 137.28
 equipment, restriction on use, 97.70
 extra pay not allowed, 97.24, 97.25, 97.60, 97.61
 extra trips, 97.50
 failure to perform service, 97.32, 97.33, 97.69, 97.70
 for supplies, 6.1-6.9
 fraudulent payments to, 18.34
 inspectors transported by, 97.50
 liability for carriers, 97.39, 97.42, 97.50
 liens on pay, 97.43
 mail messenger service, 94.1-94.14
 oath, 98.7
 penalty envelopes, use, 37.17
 personal supervision, 97.28
 pouch records, 97.52
 reports, 98.3-98.8
 residence on route, 97.28
 schedules and service required, 97.50
 star route, additional duties, 97.47, 97.48
- Contracts:**
 advertisements for proposals, 6.1-6.3, 6.8, 94.2, 97.12-97.14, 120.2
 air mail service, 96.3-96.25, 97.2, 121.1-121.3
 Alaska service, 97.8, 97.27, 97.37
 assignment, 4.3, 97.38-97.43, 120.6
 authority for, 90.4, 90.5
 authorization required, 6.5
 awards, 6.8, 97.28
 bids. (*See Bids and proposals.*)
 bonds, 97.15, 97.16
 change in term, 97.35, 97.59-97.67, 97.73
 claims, assignment, 18.54
 colusion among bidders, 6.5, 97.31
 convict labor, use of, 6.6, 6.10
 dating, 4.1
 deductions and fines, 98.9-98.12, 125.5
 discontinuance or reduction of service, 97.67
 duplicate, disposition, 97.34
 employees interested in, 4.5, 90.8, 94.6, 137.28

INDEX

- Contracts—Continued**
 envelopes and articles bearing penalty indicia, 6.12
 expiration, 97.73
 extensions and additional service, 97.4, 97.59-97.66, 97.73
 failure to:
 enter, 97.32
 execute, 97.33
 made with United States, 4.2, 97.28
 mail letting, 97.13, 97.14
 mail messenger service, 94.2-94.6
 mailing chute, 50.18
Members of Congress:
 accepting consideration for procur-
 ing, 130.35, 130.36
 not to benefit or participate in, 4.2
 new contracts, conditions, 97.29
 ocean mail service, 120.1-120.8
 opening of bids, 6.4
 plank roads, 97.1
 pneumatic tube service, 95.1, 95.2
 proposals. (See Bids and proposals.)
 railroads. (See Railroad service.)
 readvertisement, 97.29
 reports not to be printed, 6.23
 screen vehicle service, 97.11, 97.12
 Secretary of Treasury to make, 6.2
 sections for renewing, 97.12
 side service, 92.39, 93.2
 signing, 6.7
 special provisions, 4.4
 star route and boat service. (See Trans-
 portation of mail.)
 stations. (See Branches and stations.)
 steamship service, 97.5-97.9
 subletting, 94.9, 97.38-97.43, 120.6
 supplies and services, 6.1-6.7
 sureties, 97.16, 97.23, 97.36
 temporary, 97.68-97.73
 term of, 97.14, 97.30, 97.35, 120.5
 time limits, 6.5, 97.30
 waste materials, sale, 6.17
 water routes, 97.3, 97.6-97.9
- Contributions:**
 political, 135.30
 soliciting of prohibited, 135.31, 137.24
- Controlled circulation publications, 34.64**
- Conventions:**
 employee organization, 137.24
 money order, 1.12, 74.1
 postal, 1.11, 113.1, 113.2
- Convict labor, use and products, 6.1, 6.6, 6.10**
- Copyright matter, 34.23, 35.3, 37.21, 117.1**
- Cord fasteners and label cases, 99.17**
- Corporation:**
 dissolved, delivery of mail to, 43.32, 43.35
 mail addressed to, 43.25, 43.26, 43.34, 43.35
 payee of money orders, 72.5
 post office box, use, 43.24
 registered matter for, 60.10
- Correspondence with:**
 contractors for supplies, 6.8
- Department:**
 general, 25.10
 migratory-bird hunting stamps, 8.28
 money order business, 70.6, 74.14, 75.10
 postal savings, 81.9
 registry system, 62.1
 foreign countries, 1.11
 foreign officials, 125.10
- Cost Ascertainment, Division of, 1.15, 16.8**
- Counterfeiting:**
 bonds, etc., 130.29
 mail locks and keys, 130.43
 money orders, 130.27
 postage stamps, 130.24, 130.25
 postmarking stamps, 130.26
 securities of United States, 130.30
- Counterfeits:**
 confiscation and transmittal, 7.5
 in remittances of postal funds, 7.22
 use of mails to dispose of, 130.52
- County, free second-class matter, 34.40, 34.41, 34.49, 34.51, 34.52**
- County seats, mail service to, 90.3**
- Coupons:**
 bond, 81.3
 international reply, 8.18, 8.19, 8.25, 8.26, 114.25
- Courts:**
 delivery of mail by order of, 41.12, 43.33
 duty, 135.40-135.42
 files retained pending action, 6.21
 jurisdiction, 18.33, 18.57-18.60, 130.1
 testimony, 2.6-2.8, 41.9, 41.11, 62.5
- Cranes and catcher pouches:**
 registered mail, 59.52, 59.55, 59.56
 use, 42.44, 92.38, 97.50, 108.30
 weight of mail, 42.45
- Credits for:**
 deposits, 7.12
 postage-due stamps, 17.39
 stamped paper redeemed, 1.12, 8.26
- Crimes and offenses, 130.1-130.65**
- Criminal Investigations, Division of, 1.14**
- Cuba:**
 postage rates, 114.1
 registered jackets for, 114.13
 second-class matter to, rate of postage, 34.40
- Currency for redemption:**
 mutilated, postage on, 34.18
 registration free, 58.13
- Custodial service:**
 Division of Federal Building Operations, 1.13
 salaries, 137.51
- Customs, mail subject to. (See International mail.)**
- D**
- Damage to (see also Indemnity):**
 letter boxes, 130.44
 mail bags, 107.13
 mail matter, 41.15, 44.1-44.12, 59.84-59.89, 63.16, 108.37, 118.1-118.12
 money order forms, 71.20
 postal savings certificates, 86.4
 property and persons, 3.4, 3.5
 stamps and other stamped paper, 8.25-8.27, 8.30, 9.1, 9.2, 42.7
- Dangerous articles, preparation for mailing, 35.12-35.18**
- Day-old fowl in mails, 34.78, 35.24, 35.26, 43.47, 64.41**
- Dead animals or birds in mails, 35.21**
- Dead letter bills, 45.4**
- Dead letter branches, 45.1**
- Dead mail:**
 classification, 45.2
 fee for return, 45.8, 45.9
 international, 114.26
 letters:
 containing valuables, 43.38, 45.11-45.13
 without valuables, 45.14, 45.15
 make-up and transmission, 45.2-45.7
 money, 45.12
 opening, 36.5, 36.8, 45.10
 perishable articles, liquids, etc., 45.13
 postage-due stamps on, 45.4, 114.26
 printed matter without value, 45.14, 45.15
 records, 45.12, 45.13
 registered matter, 60.19
 return of:
 authority for, 45.8
 fee for, 45.8, 45.9
 valuable matter, 43.38
 report of dead letter work, 45.3

INDEX

Dead mail—Continued

- sale, 45.13-45.15
- seized or detained matter, 45.16
- third- and fourth-class containing valuables, 45.13
- unavailable, treated as, 36.10, 42.18-42.20
- valuable matter:
 - found loose in mails, 45.5
 - returned to owner, 43.38
 - where to be sent, 45.1
- Dead parcel post branches, 45.1
- Death of:
 - employee, compensation, 135.51
 - officer of Department, 1.5
 - postmaster, 137.7, 137.81
- Debts:
 - due United States, 18.48
 - employees contracting, 106.5, 137.24
 - judgments for, compromise, 18.51
- Deceased creditors, balances due, 17.29
- Deceased persons, mail addressed to, 43.31, 60.10, 60.11, 114.26
- Deductions and fines, transportation of mails, 98.9-98.12, 125.4-125.6, 130.59
- Defamatory matter, 36.4, 36.7
- Defective bags, lock, or keys, 59.73, 99.10, 99.14, 99.24, 99.25, 99.38, 99.40
- Deficiency in:
 - accounts, 18.30-18.32
 - appropriations, prohibited, 17.1
 - postage, 34.4, 43.6-43.11, 114.2, 130.15
 - revenues due to free matter, 18.7
- Delay of mail:
 - complaints regarding, 44.1-44.11
 - dutiable articles, 116.2
 - on account of casualties, 43.19
 - penalty, 130.47
- Delayed trains, 92.43
- Delinquencies of:
 - contractors and carriers, 98.4-98.6, 98.8
 - postmasters, 18.3, 18.35, 18.39, 18.43
- Delivery of mail:
 - addressed to:
 - bankrupt concerns, 43.32
 - deceased persons, 43.31, 60.10, 60.11, 114.26
 - discontinued office, 43.19
 - dissolved firm, 43.32, 43.35
 - educational or public institutions, 43.20, 43.29
 - employees of firms or corporations, 43.26
 - fictitious persons or addresses, 36.8, 36.10, 43.18, 130.52
 - firm or corporation, 43.25, 43.26, 43.32, 43.35
 - fraudulent or lottery enterprises, 36.9
 - husband or wife, 43.28
 - in care of, 43.20
 - minors, 43.29, 60.10
 - more than one person, 43.20
 - persons of same name, 43.20
 - persons of unsound mind, 43.30, 60.10
 - public officials, 43.26
 - addressee or order, 43.20
 - advance delivery to carrier, 42.42
 - agent of addressee, 43.20, 43.25
 - Army and Navy, 43.19
 - at exchange offices, 114.15
 - business of same name, 43.34
 - boxes in post offices, 43.24
 - city carrier:
 - frequency of service, 50.2
 - hours of service, 50.2, 50.5
 - postage due, 50.12
 - route changes, 50.2
 - rules of delivery, 43.22, 50.8-50.12
 - undelivered, returned to office, 50.16
 - where vicious dogs are kept, 50.11

Delivery of mail—Continued

- club packages of second-class matter, 43.36
 - court order, 41.12, 43.33
 - customs, 116.54-116.66
 - directory service, 43.22
 - disputes, 43.20, 43.32-43.35
 - foreign, 114.15, 114.22-114.24
 - forwarding orders, 43.13
 - fraud orders, 36.9, 60.4
 - general delivery service, 43.23
 - guardians, 43.29, 43.30, 60.10
 - husband and wife, 43.28
 - identification required, 43.20, 43.25, 60.10
 - insured and c. o. d., 53.16, 64.7, 64.21, 64.29-64.31
 - in transit, 43.19, 52.64, 60.10, 61.30, 108.32
 - nonmailable matter, 43.40
 - packages of second class, 43.36
 - pension letters, 43.27, 60.10
 - perishable matter as special delivery, 53.15
 - railway post office cars, 108.32
 - registered. (See Registered mail.)
 - restricted, 58.6, 64.19, 64.25
 - retention by request, 43.21
 - rural carrier:
 - addressed to box number only, 52.31
 - box signals, 52.33
 - cancellation by, 52.43
 - care in, 52.29
 - contagious disease, 52.48
 - direct to patron, 52.82
 - intermediate offices, 52.37, 52.56-52.64, 61.28
 - into boxes, 52.32
 - office delivery, 52.34
 - parcel post, 52.29
 - passage obstructed, 52.17, 52.26
 - postage due, 52.35
 - roster of patrons, 52.15
 - routing for delivery, 52.28
 - schedules, 52.20-52.22
 - separation by routes, 52.27
 - showing mail to others, 52.30
 - special delivery, 52.49-52.54
 - transit matter, 52.36
 - two routes on same road, 52.47
 - undelivered, return of, 52.45
 - unknown, 52.46
 - rural patrons at office, 52.34
 - rural stations, 52.73
 - special delivery. (See Special delivery matter.)
 - star routes, 97.48, 97.50
 - unmailable, 43.40
 - valuable from dead letter branch, 43.38
 - village carriers, 51.1-51.5
 - wrong, 43.12, 43.44, 44.1-44.12, 118.1-118.12
- Demurrage charges, 64.36
- Dentures, 36.13
- Depositories (depositories):
- accounts, keeping, 7.21, 7.26
 - certificates of deposit, 7.21
 - deposit of surplus funds, 7.24
 - designation, 7.14-7.16
 - mail bag and lock, 99.13
 - money order funds, 76.19-76.24
 - opening and treatment of remittances, 7.11, 7.16, 7.21-7.26
 - postal funds, 7.8-7.11
 - remittances to, 7.9, 7.10, 7.12, 7.15, 7.16, 7.18
 - use of deposits, 7.21
- Deposits and remittances. (See Funds.)
- Depot letter boxes, 42.2, 92.50, 108.6
- Depredation reports, 50.24, 52.86, 99.14, 130.3
- Desertion of mail, 130.59
- Destruction of mail, 130.44, 130.47, 130.49

INDEX

- Destruction of records, 6.21
 - Destructive matter, disposition, 42.21
 - Detention of mail :
 - by employees, 130.47
 - for violation of law, 45.16
 - requested by addressee, 43.21
 - Devices, installation of for test, 26.7
 - Diplomatic mail, 37.8, 116.5, 116.6
 - Direct accounting offices :
 - claims for credit on account of losses, 9.2
 - deposit periods, 7.16
 - postage-due stamps, credit for, 17.39
 - postal accounts, 18.16
 - stamp account, 8.23
 - stamp supplies, verification, 8.21
 - stamped paper, redemption shipments from, 8.26
 - Direct packages :
 - how made up, 42.30
 - on star routes, 42.41
 - Directions, part of address, 35.10
 - Directories :
 - compilation, 137.24
 - use, 43.22
 - Disability compensation, 135.51, 135.52
 - Disbursements :
 - departmental, 17.9-17.20, 17.26-17.28
 - postmaster, 17.14, 17.21-17.30
 - records, 17.31, 17.33, 17.36-17.38
 - restrictions on, 17.1-17.8
 - Disbursing officers :
 - advances to, 17.3
 - check lost, 17.26
 - departmental, 17.9-17.13
 - exchange of funds, 7.7
 - extra compensation, 17.5
 - postmasters as, 17.14, 17.22-17.30, 18.16
 - public funds :
 - deposit, 7.6
 - unlawfully using, 130.18
 - Discipline, 44.12, 135.44-135.47, 137.24
 - Discontinuance of post offices, 24.5
 - Discontinued post offices :
 - mail addressed to, 43.12, 43.19
 - public funds and property, disposal, 7.27
 - registry records and reports, 62.12
 - Disease germs and tissues in mails, 35.13, 35.17, 41.16, 52.48
 - Disloyal matter, 36.5, 42.18
 - Dispatch of mails :
 - air mail, 108.11
 - at mailing offices, 42.24-42.42, 114.12-114.14
 - catcher station, 42.44, 42.45, 92.38, 97.50, 108.30
 - closing time, 42.1
 - errors, 43.2, 108.18
 - insured and c. o. d., 64.6
 - late at night, 92.35
 - on star routes, 42.41
 - registered. (*See* Registered mail.)
 - special delivery and special handling, 34.78, 53.7
 - to railway post offices, 42.28, 42.40
 - Disputed delivery of mail, 43.20, 43.32-43.35
 - Dissolved firms, delivery of mail to, 43.32, 43.35
 - Distributing offices :
 - clerk hire, 25.19-25.21
 - separation of rural mails, 52.9, 52.27
 - Distribution of mail :
 - at mailing offices, 42.24-42.43, 114.12-114.14
 - circular matter, 42.35
 - direct packages, make up, 42.30
 - "Dis" labeling, 42.26
 - errors, 43.2, 108.18
 - facing slips, 42.34
 - local mail for R. P. O. lines, 42.28
 - orders for, 42.24
 - perishable matter, 42.36
 - schemes, 42.26, 42.27
 - Distribution of mail—Continued
 - third- or fourth-class matter in sacks, 42.33
 - weight limit in sacks, 42.32
 - District courts, jurisdiction, 18.33, 18.60
 - District offices :
 - accounts and records, 17.37, 18.16
 - credit for postage-due stamps, 17.39
 - money order accounts, 18.25, 18.26, 76.25-76.28
 - stamped paper :
 - redemption shipments, 8.26
 - special request envelopes, remittance for, 8.13
 - supplied by central accounting postmasters, 8.23
 - verification of shipments, 8.21
 - surplus funds, deposit, 7.16
 - Division of mail matter, 42.3, 52.36
 - Divorce, matter concerning, 36.1, 36.11
 - Documentary internal-revenue stamps, 8.27
 - Double or reply cards, 8.16, 8.17, 34.7, 114.1
 - Double postage, 34.4, 34.16, 43.10
 - Drop letters :
 - insufficiently prepaid, 34.13
 - rate of postage, 34.8
 - return to other than office of mailing, 43.44
 - Drugs in mails, 35.15, 117.2
 - Dual employment, 94.6, 137.23, 137.28
 - Due stamps, credit for, 17.39
 - Duplicate checks, 17.26-17.28
- E**
- Educational publications, suspension of issue, 34.24
 - Eggs, 35.19
 - Election notices, display, 25.4
 - Electric car service, 93.1-93.16, 97.72, 98.12
 - Embezzlement of :
 - funds and property, 130.8, 130.10, 130.12-130.18, 130.40, 130.41, 130.43
 - mail matter, 130.47-130.49
 - Employees :
 - agents for :
 - issue of money orders, 70.3
 - lotteries, 25.11, 130.62
 - allowable service for salary purposes, 137.68
 - appointments (*see also* Appointments)
 - authority for, 137.9-137.15
 - civil service examination, 135.1, 135.3, 137.1
 - instructions for examinations, 135.3
 - payment for, 135.2, 135.6
 - persons receiving annuity, 135.57
 - veterans preference, 135.1
 - assaulting and robbing, 130.46, 130.51
 - assignments :
 - carriers, 137.17
 - civil service boards, 135.42, 137.18
 - detail to Department, 137.17
 - dual, 137.23
 - mail handlers, 137.21, 137.22
 - railway mail service, 137.22
 - rural carriers, 137.19, 137.20
 - unbonded clerks, 81.8
 - bonds, 81.8, 135.7-135.22
 - case examinations, 137.83
 - charges, letter of, 135.44-135.47
 - checks, authorized to sign, 24.9-24.11
 - civil service :
 - boards, service on, 135.42, 137.18
 - examination, 135.1, 135.3, 137.1
 - classified service, 137.10
 - collections from for losses, 44.12
 - compensatory time, 137.71
 - compilation of directories, 137.24
 - conduct, 137.24
 - contracts, interested in, 4.5, 90.8, 94.6, 137.28

INDEX

Employees—Continued

court:
 duty, 135.40-135.42
 testimony, 2.8, 41.9, 41.11
 debts, 106.5, 137.24
 deceased, 17.29, 135.51
 defined, 137.72, 137.75
 delay or destruction of mail, 130.47, 130.49
 designated to perform duties of postmaster, 135.12, 137.8
 disability, 135.51, 135.52, 137.79
 disciplinary action, 135.43-135.47, 137.24
 dual employment, 94.6, 137.23, 137.28
 embezzlement by, 130.8, 130.10, 130.12-130.18
 fees not to be accepted, 17.5, 137.25-137.27
 female, marriage, 137.6
 fourth-class offices, 25.17
 gifts to superiors, 135.31
 holding other offices, 135.26, 135.27
 holidays, 25.7, 137.76
 hours of service, 50.2, 50.5, 50.6, 137.69-137.73
 injured, 107.11, 135.51, 135.52, 137.79
 interchange of, 137.17, 137.80
 interested in contracts, 4.5, 90.8, 94.6, 137.28
 intoxicants, use, 137.24
 jury duty, 135.40-135.42
 leave of absence. (*See Leave.*)
 letters of charges, 135.44-135.47
 Mail Equipment Shops, 137.60
 mail, withdrawal, 43.19
 membership in organizations, 17.2, 135.29, 135.43
 military service, 135.33-135.39
 name changed, 137.6
 night work, 137.74
 notarial fees, 135.4, 135.5
 oath of office, 25.17, 135.4, 135.5
 organization conventions, 137.24
 outside employment, 52.25, 137.24
 overtime, 137.70, 137.71
 petition to Congress, 135.43
 political conduct, 135.28-135.30
 probationary period, 137.16
 prohibited activities, 25.11
 promotions:
 automatic:
 city carriers, 137.45
 classified cleaners, 137.49
 clerks division headquarters, 137.29
 clerks in first- and second-class post offices, 137.45
 clerks in third-class post offices, 137.48
 custodial service, 137.51
 equipment and supplies, 137.61
 inspection service, 137.29
 Mail Equipment Shops, 137.60
 mail handlers, 137.47
 messengers and watchmen, 137.47
 motor vehicle service, 137.50
 pneumatic tube service, 137.45, 137.47
 railway postal clerks, 137.63, 137.64
 rural carriers, 137.62
 special delivery service, 137.53
 substitute, 137.66
 Stamped Envelope Agency, 137.45
 village carriers, 137.48
 conditions for, 137.66, 137.68, 137.80
 to higher positions, 137.46, 137.64
 reduction, 135.43-135.47
 reinstatement, 135.33, 135.48
 removal, 135.43-135.47
 resignations, 137.81, 137.82

Employees—Continued

restrictions on holding other offices, 135.26-135.28
 retention of veterans, 135.1
 retirement, 135.53-135.77
 salaries. (*See Salaries.*)
 sea post clerks, 122.2
 seniority, rural carriers, 137.19
 serving on civil service boards, 135.42, 137.18
 smoking, 107.23
 soliciting by, 137.24
 substitute:
 minimum hours, 137.69
 ratio to regulars, 137.15
 suggestions, 3.6, 52.13
 supervisory, fixing number of, 137.43
 suspension, 135.43-135.47
 transfer and interchange, 137.80
 transportation, 92.26, 92.47, 93.5, 96.15
 travel expenses, 135.82, 137.65
 veterans preference, 135.1, 135.33, 135.39, 135.43, 135.48
 Enclosures. (*See Inclosures.*)
 Engineering and Research, Division of, 1.13
 Envelopes:
 air mail, 34.91
 business reply, 34.9
 contracts for, 6.12
 official, procurement, 6.12
 penalty, use, 6.12, 8.7, 37.9, 37.13, 37.17-37.21
 Public Printer to furnish certain, 6.11
 stamped:
 Agency, 8.12
 authorization for, 8.10
 damaged, 8.26
 delivery of, by contractor, 6.9
 distribution, 8.12
 excess from sale, 8.24, 52.67
 improvements, 8.5
 letter-sheet, 8.11
 manufacture and distribution, supervision, 1.12
 not to be used for official correspondence, 8.7
 office request, 8.14
 packages of, limit of weight, 37.14, 37.15
 portraits on, 8.6
 preanceled, 35.5
 price, 8.10
 printing permissible on, 8.14
 redemption, 1.12, 8.25, 8.26
 requisitions, 1.12, 8.18-8.23
 return request, 8.14
 sales, 8.7-8.9
 special request, 8.13-8.15, 8.22
 unlawful pledging or sale, 8.8
 verification of shipments, 8.21
 window, 35.6
 Equipment (*see also Supplies*):
 call and lock boxes, 27.1-27.10
 carried by rural carriers to intermediate offices, 52.56
 carrier for registry business, 61.4
 damaged, report, 44.11
 injury to with intent to steal, 130.42
 inventory, 17.35, 17.37
 mail bags, 99.1-99.18, 99.41, 99.42
 mail keys and safety chains, 99.32-99.40
 mail locks, 99.19-99.31, 99.41, 99.42
 records of, 17.35, 17.37
 request for additional, in leased quarters, 26.2
 rural carriers, 52.65, 52.66
 stealing, 130.40, 130.41, 130.43
 surplus, Railway Mail Service, 107.14
 transportation, 52.56, 92.5, 92.6, 97.50
 Equipment and Supplies, Division of, 1.13
 Errors in:
 c. o. d. charges, 64.34
 delivery of mail, 43.12
 dispatch of mail, 43.2, 108.18

INDEX

- Errors in—Continued**
 distribution of mail, 43.2, 108.18
 requisitions for stamped envelopes, 8.22
- Espionage law, enforcement, 1.9**
- Estimates of appropriations, 15.1–15.8**
- Evidence, records admissible as, 18.38, 18.40**
- Examination of:**
 accounts, 17.31, 18.1, 18.3
 money orders, 71.20, 72.4, 75.8
 parcels, 35.6
 second-class matter, 34.58, 34.59
 unsealed matter, 41.2
 waste paper, 41.14
- Examinations:**
 case, 137.83
 civil service, 135.1, 135.3, 137.1, 137.10
- Excess from sale of stamped envelopes, 8.24, 52.67**
- Executive Assistant to the Postmaster General, 1.9**
- Executive departments:**
 envelopes for, 6.12
 mail of, registered free, 58.12
 supplies and services, contracts for, 6.1, 6.2
- Executors, liability of, 18.49**
- Expenditures (see also Allowances):**
 annual report of, 5.1
 authorization, 26.4, 50.4
 certification of deficiency, 18.7
 contingent expenses, 17.1, 17.7
 in excess of amount appropriated, 16.3, 17.1
 restrictions, 17.1–17.8
 rural service, postmasters not to make, 52.66
 supplies, 6.8
 utility service charges, 16.7
 vouchers, 18.15, 26.4, 53.27
- Expense accounts, oaths on, 135.5**
- Expenses:**
 deducted from receipts, 17.22
 travel, by employees, 135.32, 137.65
- Experiment stations, agricultural, reports and bulletins of, 37.18–37.20**
- Experts or consultants:**
 appointment, 135.1
 travel expenses, 135.32
- Explosives:**
 not mailable, 35.13, 35.14
 treatment by railway postal clerks, 108.22
- Express:**
 official matter, transportation, 92.45
 private, conveyance of mail, 91.1–91.15
 shipments, supervision, 1.13
- Express companies:**
 employees not to act as agent for, 70.3.
 money orders issued by, 18.25
 transportation of mail at rates paid by, 92.17
- Extortion, 130.53**
- Extra editions of publications, 34.24**
- F**
- Facing slips:**
 on packages and pouches, 42.34
 preservation, when errors noted, 43.2
 Railway Mail Service, 108.16
- Facsimile copies, classification, 34.69**
- Failure to:**
 account for postage due, 130.15
 cancel stamps, 42.9
 catch pouch, 42.44
 deposit funds as required, 7.13, 7.16, 130.12, 130.17
 render accounts, 5.6, 18.17, 130.14
- False:**
 claims, 130.21
 evidence to secure second-class entry, 34.36
 returns, 17.38, 130.19, 130.21
 teeth, 36.13
- Federal Building Operations, Division of, 1.13**
- Federal Supply, Bureau of, 6.2**
- Fees:**
 alteration of c. o. d. charges, 64.35
 certificate of mailing, 63.19, 63.20
 c. o. d., 63.10, 64.24, 64.36, 64.37
 copyright matter, 37.21
 dead letters, return, 45.8, 45.9
 demurrage charges, 64.36
 employees not to accept, 17.5, 137.25–137.27
 entry as second-class matter, 34.28
 insured mail, 64.18
 membership, 17.2
 money order, 71.7, 71.8, 71.16, 74.3, 75.5
 notarial, 135.4, 135.5
 notice of nondelivery of c. o. d., 64.37
 pension vouchers, oaths on, 25.13
 permit mailings, 34.66, 35.4
 postal note, 78.1, 78.4
 refund, 35.9, 114.11
 registry, 58.3, 63.10, 114.7
 restricted delivery, 58.6, 64.19, 64.25
 return receipts, 59.3, 64.20, 114.9
 special delivery, 53.3, 53.19, 114.5, 137.52
- Felony, misprision of, 130.7**
- Female employees, marriage, 137.6**
- Fictitious address:**
 delivery of mail to, 43.18
 fraudulent use, 130.52
 registration of mail to, 58.2
- Fictitious matter, 36.8, 36.10, 43.18, 45.2, 45.4, 130.52**
- Files, retained, 6.21, 25.8**
- Film, 35.16**
- Finance, Division of, 1.12, 17.9**
- Fines and forfeitures:**
 compromise, 1.9, 18.51–18.53
 collection, 1.9, 18.47
 disposal, 18.46
 mail contractors, 98.9–98.12, 125.4–125.6, 130.57–130.60
 matter seized for violation of law, 91.15
 revenue from, 7.1
- Firearms, 36.12**
- Fire, burglary, etc., claims for credit, 1.9, 9.1, 9.2**
- Firm:**
 dissolved, delivery of mail, 43.32, 43.35
 post office box, use, 43.24
 registered mail for, 60.10
- First Assistant Postmaster General. (See Organization of the Department.)**
- First-class matter:**
 attached to other class, 35.8
 bad order, 41.15, 108.22
 cards. (See Postal and post cards.)
 c. o. d. (See Insured and c. o. d.)
 currency for redemption, 34.18
 description, 34.1, 34.5–34.7, 34.69
 forwarding, 43.12
 inclosed with mail of lower class, 34.85, 35.7, 35.8
 insufficiently prepaid, 34.12–34.14
 rate of postage, 34.8
 return, 43.42–43.45
 weight limit, 35.2–35.3
 without stamps affixed, 35.4
- Foreign coins, acceptance, 7.9, 8.9, 71.4**
- Foreign countries:**
 correspondence with, 1.11, 125.10
 transportation of domestic mails through, 90.5
- Foreign governments, delivery to representatives, 43.19**
- Foreign mails. (See International mails.)**
- Foreign publications, second-class matter, 34.23, 34.29**
- Forged papers, transmission, 130.29**
- Forgery of:**
 bonds, etc., 130.29
 frank, 37.4
 mail locks and keys, 130.43
 money orders, 130.27

INDEX

- Forgery of—Continued**
 postage stamps, 130.24, 130.25
 postmarking stamp, 130.26
 records, 130.29
 securities of United States, 130.30
- Forwarding of mail:**
 additional postage, 43.12
 bearing postage-due stamps, 43.16
 card notice, 43.12
 change of address, 43.12, 43.13
 change in postal service, 43.12
 c. o. d., 64.3, 64.8, 64.28
 discontinued office, addressed to, 43.12, 43.19
 insured, 64.3, 64.8, 64.22
 misdelivered, 43.12
 misdirected matter, 43.14
 orders for, 43.13
 perishable matter, 43.12
 persons in U. S. service, 43.12
 postage-due stamps on, 43.16
 reforwarding, 43.13
 registered, 60.5, 60.14
 requests for, 43.13
 special delivery, 53.17
 trial, 43.13
- Fourth Assistant Postmaster General. (See Organization of the Department.)**
- Fourth-class matter:**
 additions, 34.85, 35.8
 air mail, 34.88
 authority to reclassify, 34.79
 bad order, 41.15
 certificate of mailing, 35.1
 closed against inspection, 35.6
 collect-on-delivery. (See Insured and c. o. d.)
 containing two classes, 34.85, 35.7, 35.8
 contents missing, 44.10
 dead, treatment, 45.1, 45.4, 45.13, 45.16
 definition, 34.1, 34.73
 delivery. (See Delivery of mail.)
 devoid of contents, 44.10
 examination, 35.6
 forwarding, 43.12-43.16
 insurance of. (See Insured and c. o. d.)
 liable to damage mails or injure persons, 35.12-35.28, 108.22
 limit of weight and size, 34.73, 34.74, 35.2, 35.11
 metered and nonmetered, 35.4
 perishable, 35.19, 43.12, 43.47, 53.15
 places of mailing, 42.6
 rates of postage, 34.75-34.84
 return card on, 35.10
 return, 43.48
 sealed, 35.6
 size and weight, 34.73, 34.74, 35.2, 35.11
 special handling, 34.78
 supplies for handling, 34.93
 undeliverable, 43.47-43.49, 45.1
 weight and size, 34.73, 34.74, 35.2, 35.11
 wrapping or packing, 35.6, 35.12, 35.14-35.19
 zones, 34.73
- Fragile articles:**
 packing, 35.18
 registered, for catcher stations, 59.52
- Frank:**
 forgery or misuse, 37.4
 loan prohibited, 37.7
- Franked matter, 34.90, 37.1-37.8**
- Fraternal societies, publications of, 34.21, 34.29, 34.40, 34.41**
- Fraud orders, 36.9, 60.4, 72.17, 72.18**
- Frauds, using mails to promote, penalty, 130.52**
- Fraudulent enterprises and schemes:**
 delivery of mail to persons conducting, 36.9
 money orders for, 72.17, 72.18, 74.15
- Fraudulent matter:**
 disposition by dead letter branches, 45.16
 international mail, 114.4
- Fraudulent matter—Continued**
 registered, 60.4
 rulings of Solicitor, 36.7
 unmailable, 36.8, 36.9
- Fraudulent payments, 18.34**
- Free in county, 34.41, 34.49**
- Free matter:**
 absentee ballots for armed forces, 34.15
 agricultural bulletins and reports, 37.18-37.20
 Bible for blind, 37.24
 blind, publications for, 37.23-37.25
 census, 37.11, 58.12
 congressional, 37.1-37.4, 37-7
 copyright matter, 37.21
 deficiency in revenues resulting from, 18.7
 diplomatic and consular, 37.8
 franked, 34.90, 37.1-37.8
 immigration and naturalization service, 37.12, 58.12
 official and penalty matter, 5.2, 18.7, 34.90, 35.3, 37.9-37.21, 58.12, 92.45
 public health officers, U. S., 34.14
 registration, 58.12-58.14
 second-class matter, in county, 34.41, 34.49
 Selective Service, 37.13
 widows of former Presidents, 37.5
- Free transportation of postal personnel, 92.26, 92.47**
- Freight, matter shipped by, and mailed, 137.31**
- Freight shipments:**
 official matter, 1.13, 92.45
 second-class matter, 92.46
- Fruits in mails, 35.19**
- Fuel for executive departments, contracts, 6.1, 6.2**
- Funds:**
 advance payments prohibited, 17.3
 banker receiving unauthorized deposit, 130.18
 box rents, 27.7, 27.8
 care of, 7.3-7.7, 7.19, 7.20, 25.12, 130.16
 change of postmaster, 7.28
 conversion to personal use, 130.16
 deposit and remittance:
 accounting for, 7.8, 7.12, 7.21
 advance deposits, 8.13, 34.45
 certificates of deposits, 7.21, 76.21, 85.2
 change of postmaster, 7.28, 18.27, 76.28, 76.29
 character, 7.9, 7.11
 counterfeits, 7.22
 discrepancies, 7.21, 7.22
 failure to make, 7.13, 7.16, 130.12, 130.17
 foreign money, 7.9
 in case of loss, 7.18, 9.2
 preparation, 7.10
 receipts from foreign countries, 125.7
 registration, 58.14
 surplus, 7.16, 7.24
 temporary, 7.19, 7.20
 treatment by depositories, 7.11, 7.16, 7.21-7.26
 when to make, 7.16
 where to send, 7.14-7.16
 with Treasury, 7.1, 7.6
 depositories designated, 7.14-7.16
- Disbursement:**
 authority for, 17.15-17.17, 17.21, 17.22
 forms of, 17.15, 17.23
 how made, 17.14
 salary payments, 17.22, 17.24, 17.25
 embezzling, 130.8, 130.10, 130.12-130.18
 excess from stamped envelopes, 8.24, 52.87
 exchange of by disbursing officer, 7.7
 fines and forfeitures. (See Fines and forfeitures.)

INDEX

Funds—Continued

- foreign money, 7.9, 8.9, 71.4
 - internal-revenue stamp, 8.27
 - kept separate from other, 7.4
 - key deposits, 7.28, 27.11, 27.12
 - loss, 9.1, 9.2, 25.12
 - money order, 76.1-76.29
 - mutilated money, 8.9
 - paper cashed with, 7.9, 7.11, 71.4, 81.3
 - postal, 7.8-7.18, 7.24, 9.2
 - postal savings, 81.3, 81.4, 85.1-85.7, 86.10
 - received by rural carrier, 52.19, 52.45
 - requisition of from Treasury, 17.10
 - transfer:
 - between certain depositories, 7.17
 - money order, 76.4-76.7
 - postal savings, 85.4, 85.5-85.7
 - unlawful use, 130.18
 - U. S. Savings bonds and stamps, 8.29, 8.30
- Furniture:**
 Post Office Department, care of, 1.9
 record, 17.35, 17.37
- Furs, 35.21**

G

- Garage quarters, 1.18, 6.5
- General Accounting Office:
 - accounts:
 - affidavits waived, 18.23
 - audit, 18.2-18.4
 - certificates of settlement, 17.37
 - duplicate, 18.21
 - settlement, 18.2-18.5, 18.29, 18.59
 - appointments and changes certified to, 137.10
 - balances certified, 18.2, 18.3, 18.22, 18.29
 - compromise of liabilities, 18.51, 18.52
 - correspondence, 25.10, 70.6
 - duties, 18.2-18.5
 - false returns by postmasters, 17.38
 - mail contracts, notified of subletting, 97.41
 - orders originating claims, to be certified to, 18.6
 - payments made on certification of, 17.17, 17.21
 - postmasters, change in, notice to be sent to, 137.2
 - records, furnished by, 18.35
 - vouchers for expenditures to be submitted to, 18.15
 - warrants, countersignature, 76.4
- General delivery service, 43.23
- Germicides in mails, 35.15, 35.18
- Gift enterprises, unmailable, 36.6
- Gifts:
 - soliciting, forbidden, 137.24
 - to Department library, 6.19
 - to superiors, 135.31
- Gold mailed in Alaska, 34.82
- Government:
 - buildings owned by, operation, 1.13
 - monopoly of transportation of mails, 91.1
 - paper, cashing, 7.9, 7.11, 71.4, 81.3
 - securities:
 - defined, 130.30
 - in dead mail, 45.11
 - telegrams, 6.24
- Gross receipts defined, 137.31
- Guardians, delivery of mail to, 43.29, 43.30, 60.10
- Gunpowder, treatment by railway postal clerks, 108.22
- Guns in mails, 35.18, 36.12, 108.22

H

- Hand stamp imprints, 34.72
- Harmless live creatures, 35.25, 35.26
- Hatch Act, 135.27
- Hawaii:
 - branch offices, 24.2
 - dead matter, 45.1, 45.3
 - parcel post rate to, 34.80
- Held-for-postage matter. (See Short-paid matter.)
- Hides in mails, 35.18, 35.21
- Highway post office service, 92.26
- Holiday service, 25.7, 52.11, 53.12
- Holidays, defined, 25.7, 137.76
- Holy Scriptures for blind, 37.24
- Hooks forbidden in handling mail bags, 42.37
- Horse meat in mails, 35.20
- Hospitals, registered mail for employees and inmates, 60.12
- Hotel:
 - keys, 34.65
 - post office box, use, 43.24
 - unclaimed matter bearing card of, 43.44
- Hotel matter:
 - registered, delivery, 60.10
 - treatment in dead letter branches, 45.2, 45.4
- Hours of service:
 - city delivery, 50.2, 50.5
 - employees, 137.69-137.73
 - holidays, 25.7, 52.11, 53.12
 - post offices, 25.1, 25.5
 - Sundays, 25.6
- Hunting stamps, migratory-bird, 8.28
- Husband and wife, delivery to, 43.28

I

- Identical pieces, 35.4
- Identification:
 - addressee unknown, 43.20, 43.25
 - depositor, postal savings, 84.3-84.5
 - payee of money order, 71.5, 71.6, 72.5, 74.19, 74.22
 - perforation of stamps, 42.7
 - registered matter, 60.10
- Illegible matter, disposition, 45.2
- Imitating securities, 130.24, 130.30
- Immigration and naturalization matter, 37.12, 58.12
- Impersonation of Federal representative, 130.33, 130.34
- Importations prohibited:
 - copyright matter, 117.1
 - lottery tickets, 117.2, 130.56
 - obscene matter, 117.2, 130.54, 130.55
 - unmailable matter, 117.2
- In transit, matter. (See Mail matter.)
- Inclosures:
 - fourth-class matter, 34.85, 35.7, 35.8
 - higher class with lower class, 35.7, 35.8
 - second-class matter, 34.53-34.57, 35.7
 - third-class matter, 34.72, 35.7, 35.8
- Indecent matter, 36.1, 36.4, 36.7
- Indemnity (see also Losses):
 - insured and c. o. d., 64.18, 64.38-64.41
 - international mails, 119.1-119.4
 - registered mail, 58.3, 63.1-63.8, 63.10, 63.11
- Indorsement:
 - insured and c. o. d., 64.5
 - mail returned, 43.44, 43.49, 114.26
 - mis sent matter, 43.2, 43.3, 108.18
 - money orders, 72.10-72.14, 73.8, 73.9, 75.9
 - postal savings, 84.3-84.5
 - registered matter, 59.1, 114.8, 114.17
 - special delivery, 53.3
 - special handling, 34.78
 - unofficial, forbidden, 42.43, 108.19

INDEX

- Infernal machines not mailable, 35.13
 Inflammable materials not mailable, 35.13, 35.14, 35.16
 Information:
 interpretation of regulations, 25.9
 not to be given to unauthorized persons concerning:
 addresses of persons, 41.4, 41.7
 box holders' names, 27.10
 mail matter, 41.4, 41.9, 107.8
 money orders, 41.9, 70.4
 postal savings, 41.9, 86.12
 Informer, extortion under threat of, 130.53
 Injury to employees, 107.11, 135.51, 135.52
 Injury to private persons, 3.5
 Ink, canceling, 6.14, 42.9
 Inquiries:
 acknowledgment, 41.5
 international mail, 118.1-118.12
 loss, rifling, or damage, 44.1, 44.3, 44.5, 44.6
 money orders, 73.6, 74.14
 registered mail, 59.67
 Insane persons, mail addressed to, 43.30, 60.10
 Insects and insecticides in mails, 35.15, 35.18, 35.22, 35.23, 35.26
 Inspection:
 Board of, 6.8
 mail contractor's service, 98.3-98.6, 98.8
 matter closed against, 34.5
 rural routes, 52.4
 unserviceable property and waste materials, 6.17
 Inspectors. (*See* Post office inspectors.)
 Instructions:
 preservation, 25.8, 50.3
 request for, 25.9
 to Navy mail clerks, 59.63
 Insufficiently paid matter. (*See* Short-paid matter.)
 Insurance, international. (*See* Official Postal Guide, Part II.)
 Insured and c. o. d. mail:
 accepted by rural carrier, 64.14
 air mail, 34.88
 alteration of charges, 64.35
 bona fide orders, 63.12, 64.26
 certificate of mailing, 35.1, 63.18-63.22
 classes covered, 64.1, 64.15, 64.16, 64.23
 c. o. d. articles at non-money-order office, 64.33
 c. o. d. tags, 64.27, 64.30, 64.32
 damage or loss, 44.1-44.12, 63.15, 63.16
 day-old fowl, 35.26
 delivery, 53.16, 64.7, 64.21, 64.29-64.31
 demurrage, 64.36
 dispatch, 64.6
 errors, responsibility for, 64.34
 exceptional treatment, 64.12
 fees:
 c. o. d., 63.10, 64.24, 64.36, 64.37
 insured, 64.18
 restricted delivery, 64.19, 64.25
 forwarding and return, 64.3, 64.8, 64.22, 64.23
 indemnity, 63.9-63.17, 64.18, 64.38-64.41
 indorsements, 64.5
 inquiry as to content and packing, 64.2
 international. (*See* Official Postal Guide, Part II.)
 loss or damage, 44.1-44.12, 63.15, 63.16
 mailing receipt, 64.4
 mailing record, 64.4
 money orders for c. o. d. charges, 64.32, 71.11, 72.4, 72.18, 74.17, 74.33
 Navy mail, 59.63, 123.1
 notice of nondelivery, c. o. d., 64.37
 numbering, 64.5
 postage, return and forwarding, 64.3
 postmark, 42.10
 Insured and c. o. d. mail—Continued
 receipts:
 delivery, 64.21, 64.29, 64.30
 return, 64.20
 sender, 64.4
 registered c. o. d., 63.9-63.17
 reports of irregularities, 64.11
 restricted delivery, 64.19, 64.25
 return and forwarding postage, 64.3
 return receipts, 64.20
 special delivery and special handling, 34.78, 53.16
 statistics, 62.13, 64.13
 unclaimed and undeliverable perishable matter, 43.47
 undeliverable, 64.9
 unordered articles, 64.17
 Interception of mail, 130.47, 130.49
 Interchange of employees, 137.80
 Interest on balances due, 18.41
 Interference with Federal officer, 130.31
 Internal-revenue stamps, 8.27, 116.16
 International mails:
 acceptance and examination, 114.1
 addressed via particular route, 108.25, 114.12
 air mail service, 96.20, 96.21, 114.6, 121.1-121.3
 bags returned promptly, 99.16, 114.19
 change of address, 115.1
 classification, 114.1
 c. o. d. (*See* Official Postal Guide, Part II.)
 compensation for transportation, 120.7, 120.8
 complaints, 118.1-118.12
 contractors, fines, 98.10, 125.5, 125.6
 conventions and treaties, 113.1, 113.2
 copyright matter, 117.1
 correspondence with foreign officials, 1.11, 125.10
 customs:
 air mail, treatment of certain articles, 116.11
 care in examining and repacking, 116.15
 country of origin to be shown, 116.23
 damaged articles, report, 116.15
 declarations and invoices, 116.9
 delivery of dutiable mail, 116.54, 116.55, 116.57
 diplomatic pouches, 116.5, 116.6
 dispatch, 116.52, 116.55
 distribution at New York, Chicago, San Francisco, and Seattle, 116.2, 116.10
 distribution schemes, 116.26
 duties:
 accounting for, 116.58-116.62
 collection, 116.17, 116.54
 fraudulent statement to avoid, 116.22
 payment protested, 116.18
 examination, 116.1, 116.24, 116.53
 examination and repacking of parcels, 116.15
 foreign government representatives, articles for, 116.5, 116.6
 forwarding after treatment, 116.14
 forwarding, 116.4, 116.55
 illegal importations, 116.22
 internal-revenue stamps on, 116.16
 invoices and declarations, 116.9
 lottery matter, 116.22, 117.2
 Navy mail clerks, treatment, 116.20
 oaths required on documents, 116.19
 packing parcels, 116.15
 prohibited articles, 116.22, 116.25
 record of dutiable mail, 116.53, 116.55, 116.60, 116.63
 repacking, 116.15
 scrutiny of foreign mails, 116.3
 sealed articles, endorsement, 116.8

INDEX

International mails—Continued

customs—continued
 segregation for examination, 116.2
 seizure, articles liable to, 116.22
 station examiners, 116.63-116.65
 undelivered articles, 116.21, 116.57
 U. S. Government officials, arti-
 cles for, 116.7
 value:
 not over \$100, 116.12
 more than \$100, 116.13
 customs officers authorized to search,
 determine, or seize, 91.12-91.15
 dead, 114.26
 delivery office treatment, 114.22
 dispatch, 114.12-114.14
 exchange office, delivery, 114.15
 fees:
 registry, 114.7
 special delivery, 114.5
 fraudulent matter, 114.4
 incoming, 114.15-114.20
 indemnity, registered mail, 119.1-119.4
 inquiries, claims and complaints, 118.1-
 118.12
 insurance. (See Official Postal Guide,
 Part II.)
 in transit:
 closed mail, 114.20
 offenses against, 130.60
 letters carried out of mails, 91.10, 125.6
 loss, rifting, or damage, reports, 118.1-
 118.12
 lottery matter, 114.4
 metric balances, 6.15
 ocean mail service, 120.1-120.8
 outgoing, 114.12-114.13
 postage:
 due, 114.22
 rates, 114.1, 125.9
 refunds, 114.11
 retaliatory, 125.9
 postal agencies, 124.1, 124.2
 postal and post cards, 8.17, 114.1
 postal conventions, 113.1, 113.2
 prohibited importations:
 copyright matter, 117.1
 other matter, 117.2
 refunds of postage, 114.11
 registered, 114.7-114.10, 114.13-114.15,
 114.17, 114.23, 114.24, 119.1-119.4
 reply coupons, 8.18, 8.19, 8.25, 8.26,
 114.25
 return receipts, 114.23
 revenue from transportation of, 125.7
 sacks, foreign, 99.16, 114.19
 sea post service, 122.1, 122.2
 sealed parcels, 116.8, 116.12, 116.13
 short-paid, treatment, 114.2, 114.16
 "specially addressed," 108.25, 114.12
 special delivery matter, 114.5
 special delivery stamps on, 53.8, 114.18
 transit, 114.20, 114.21
 transportation, 120.1-120.8, 121.1-
 121.3, 122.1, 122.2, 124.1, 124.2,
 125.1-125.8
 transportation through United States,
 125.8
 treaties and conventions, 113.1, 113.2
 treatment by railway postal clerks,
 108.25-108.28
 undeliverable, 114.22, 114.26
 United Nations, 113.1
 unmailable matter, 114.3, 114.4
 unpaid, treatment, 114.2
 vessels:
 carrying letters out of mail, 125.6
 delivery of letters before entry,
 125.4
 duty to carry mail, 125.3
 foreign mail, carried by, 125.2
 not to carry unauthorized mail,
 125.1
 waybills, 108.28, 114.15, 114.21
 withdrawal, 115.1

International Postal Service, Second Assis-
 tant Postmaster General, 1.11
 International reply coupons, 8.18-8.22, 8.25,
 8.26, 114.25
 Interstate Commerce Commission:
 empowered to fix rates, 92.19, 92.20,
 92.22
 parcel post rates, 34.79
 Intoxicants:
 prohibited in mail, 35.13, 97.49
 use by employees, 137.24
 Inventory:
 after casualty, 9.2
 equipment and supplies, 17.35, 17.37
 Investigations:
 losses in the mails, 44.12
 oaths to witnesses in, 135.5
 Iron and brass lock pouch service, 59.6-
 59.16

J

Jackets, registry, 59.22-59.30, 114.13
 Journals of Department, Chief Clerk to keep,
 1.9
 Judgments:
 compromise, 18.51-18.53
 postal suits, 18.42
 Jury duty, 135.40-135.42

K

Key chains, 59.44, 99.36, 99.38
 Key deposits, 7.28, 27.11, 27.12
 Keys. (See Mail keys.)
 Killing Federal officer, 130.31

L

Labeling packages, pouches, and sacks, 42.34
 Labels:
 penalty, 37.9-37.17
 pouch, 43.1
 Larceny:
 mail locks or keys, 130.43
 mail matter, 130.49
 post office property, 130.40
 Laws, report of violations, 130.3
 Lead-seal sacks, 59.32
 Leases:
 airports, quarters at, 96.22
 garages, 6.5
 post offices and stations, 1.13, 26.2
 terminal railway post offices, 105.5
 Leave:
 accrual, 137.77
 civil service examining boards, 135.42
 court and jury duty, 135.40-135.42
 granting, 137.78, 137.79
 injured employees, 135.52, 137.79
 lump sum, 135.49
 military, 135.33-135.39
 payment for accrued, 135.49, 135.50
 postmasters, 24.9, 24.10, 137.78
 rural carriers on Saturday, 137.77
 substitutes, 137.77
 without pay, 137.79
 without permission, 137.79
 Legal proceedings, 18.33-18.53
 Legal process, registered mail, 62.5
 Letter and Miscellaneous Mail, Division of,
 1.12
 Letter boxes:
 apartment house, 50.23
 care of, 50.21
 chutes attached, 50.18
 collection schedules, 50.20
 damaged and useless, 50.21
 deposit of matter in to avoid postage,
 130.44
 depots, 42.2, 92.50, 108.6
 electric car service, 93.12
 injury, 130.44
 keys, 50.22
 list of, 50.21

INDEX

Letter boxes—Continued
 location, 50.17–50.19
 locks, 99.28–99.31
 mailing chutes, 50.18
 police protection, 50.24
 private, 50.23
 rural service, 52.78–52.93
 Letter drops at third- and fourth-class offices, 27.1
 Letter mail forwarded in locked pouches, 108.29
 Letterpress copies, classification, 34.69
 Letters (*see also* First-class matter):
 armed forces, 34.14
 attached to other classes, 35.8
 carried:
 by private express forbidden, 91.5, 91.6
 by private persons, when, 91.1, 91.2
 in foreign vessels to be deposited in post offices, 125.2
 out of mails, 91.1–91.7, 91.10, 125.6
 separately, when, 90.6
 dead. (*See* Dead mail.)
 made up in separate packages, 42.29
 nondelivered, advertising of, 43.41
 nondeliverable, stamping, 116.2–116.5
 of charges, 135.44–135.47
 of inquiry to be acknowledged, 41.5
 opened through mistake, 43.12, 43.37, 43.44
 opening by postal employees, 36.5, 36.8, 45.10, 130.49
 returned, indorsed as to reason, 43.44
 ship, 34.16, 42.5, 97.54–97.58
 short-paid, undelivered, bearing return card, 43.44
 threatening, 36.3, 36.4, 130.53
 transportation, Government monopoly, 91.1–91.15
 unclaimed, delivery to senders after return, 43.39
 under cover to postmasters, 43.15
 Letter-sheet envelopes, 8.11
 Liability of:
 Department for registered mail, 60.13
 executors, etc., 18.49, 135.10
 sureties on official bonds, 18.45, 135.7–135.11
 Libelous and indecent matter, 36.1, 36.4
 Library:
 books, 34.83
 Department, gifts for, 6.19
 Liens on pay of contractors, 97.43
 Limits of:
 indemnity:
 domestic, 63.1, 64.18, 64.38–64.41
 foreign, 119.1–119.4
 size and weight, 34.73, 34.74, 35.2, 35.3, 35.11, 37.4, 42.32, 42.45
 Liquids in mails, 35.13–35.15, 35.18, 45.13, 108.22
 Liquors:
 prohibited in mail, 35.13, 97.49
 use of by employees, 137.24
 Lists, mailing, correction, 41.8
 Live animals in mails, 35.25, 35.26
 Lobbies of post offices open, 25.5, 25.6
 Location of post offices, changes, 25.2
 Lock boxes at post offices. (*See* Boxes in post offices.)
 Locked pouch, transportation, by rural carrier, 52.56
 Locks. (*See* Mail locks.)
 Loose matter in mails, 45.5, 59.87, 59.89, 108.22
 Losses of (*see also* Indemnity):
 Government property, 3.4
 mail keys, 99.36
 mail matter:
 collections from employees for, 44.12
 direct settlement prohibited, 44.1
 foreign, 118.1–118.12

Losses of—Continued
 mail matter—continued
 investigation, 44.12, 63.16, 108.37
 parcels devoid of contents, 44.10
 registry dispatches, 59.64–59.66
 reports, 44.1–44.11, 118.1–118.12
 restoration of articles stolen from, 17.18–17.20
 safeguards against, 41.13, 41.14
 money order funds, 9.1, 9.2, 25.12
 postage stamps and stamped paper, 8.26, 9.1, 9.2, 25.12
 postal funds, 9.1, 9.2, 25.12
 postal note stock, 78.12
 postal savings certificates and records, 86.4, 86.9
 U. S. Savings bonds, 8.29
 U. S. Savings stamps, 8.30
 Lotteries:
 employees not to be agents, 25.11, 36.6, 130.62
 hearings and consideration of cases, 1.9
 matter relating to:
 delivery to persons conducting, 36.9
 disposition, 42.18, 42.50, 45.2, 114.4, 116.22, 117.2
 prohibited in mails, 36.1, 36.6
 money orders, payment forbidden to persons conducting, 72.17, 72.18
 tickets, importation, 117.2, 130.56
 Loungers in post offices, 25.3
 Lump sum terminal leave, 135.49

M

 Machines:
 office, disposal or exchange, 17.8
 testing prohibited in post offices, 26.7
 Magazines, undeliverable, sent to hospitals, 45.15
 Mail bags:
 cord fasteners and label cases, 99.17
 damaged in transit, 107.13
 defective, 99.14
 defective locks on, 59.73, 99.10, 99.24
 depositories, 99.13
 foreign, 99.16, 114.19
 hooks prohibited in handling, 42.37
 improper use, 99.18
 injury with intent to steal, 130.42
 loan, 99.5–99.8
 mutilated in depredations, 99.14
 mutilation of, when permissible, 99.10, 99.24
 public documents in, 99.9
 Railway Mail Service, 107.13, 107.14
 repair, 99.11, 99.42
 report of number in service, 99.41
 requisitions, 99.12
 styles and sizes, 99.1
 supply on star routes, 99.11
 surplus, 99.15, 107.14
 use, 99.2–99.4, 99.18
 weight limit of contents, 42.32
 without locks, 99.23
 Mail Equipment Shops, Division of, 1.13
 Mail handlers (*see also* Employees):
 duties, 137.21, 137.22
 salaries, 137.47, 137.63
 Mail keys:
 accounting for, 99.35
 care of, 59.16, 59.44, 99.36, 99.37, 107.12
 defective, 99.38, 99.40, 107.12
 discontinued offices, 7.27, 99.35
 exchange forbidden, 99.39
 extra, 99.37
 letter boxes, 50.22
 losses to be reported, 99.36
 Railway Mail Service, 107.12
 records, 99.35
 repair, 99.38
 requisitions, 99.34
 rural service, 52.63, 52.87, 52.88, 52.92, 52.93
 safety chains, 99.34, 99.36, 99.38

INDEX

Mail keys—Continued
 stealing or forging, 130.40, 130.41, 130.43
 transfer forbidden, 99.39
 use, 99.32, 99.33

Mail lettings, 97.13, 97.14

Mail locks:
 brass, registry, 59.16, 99.22, 99.27
 defective, 59.73, 99.10, 99.24, 99.25
 depositories for, 99.13
 forging, 130.43
 improper use, 99.18, 99.30
 keys, 99.32-99.40
 letter box, 99.28-99.31
 oiling forbidden, 99.29
 pouch without lock, 99.23
 railway post offices, 107.2
 repair of forbidden, 99.29, 99.42
 report of number in service, 99.41
 requisitions, 99.21
 rotary, care of, 59.44
 rural carriers not to have, 52.63
 stealing, 99.31, 130.40, 130.41, 130.43
 styles, 99.19
 surplus, 99.26, 99.27
 use, 99.20

Mail matter:
 acceptance by carriers, 52.38-52.42, 91.9, 108.2
 access to, 41.13
 additions to:
 fourth-class, 34.85, 35.8
 postal and post cards, 34.6
 second-class, 34.53-34.57
 third-class, 34.72
 addressed illegibly, 45.2
 addressed indefinitely, 58.2, 108.24
 addressing, 34.62, 35.10, 35.28
 advertising of nondelivered letters, 43.41
 agricultural reports, 37.3, 37.18-37.20
 air. (See Air mail and Air mail service.)
 animals or birds, 35.21, 35.25, 35.26
 articles liable to damage mail or injure employees, 35.12-35.28, 108.22
 at railway stations, 42.2
 backstamping, 43.4, 53.9
 baby chicks, 34.78, 35.24, 35.26, 43.47, 64.41
 bad order, 41.15, 59.28, 59.38, 59.70, 59.84-59.89, 108.22
 bees, 35.22, 35.26
 blind:
 Holy Scriptures for, 37.24
 letters for, 34.70
 limit of weight, 35.2
 publications for, 37.23, 37.25
 reading matter for, 37.22
 reproducers for, 37.26
 blood specimen, 35.17
 bulk mailings, 34.66, 35.4
 business reply cards and envelopes, 34.9
 candy, 35.18
 carbon copies, classification, 34.69
 carried outside mails, 52.25, 91.3-91.8, 91.10, 91.11, 125.6
 census, 37.11
 certificate of mailing, 35.1, 63.18-63.22
 classification of:
 first-class, 34.1, 34.5-34.7, 34.69
 foreign, 114.1
 fourth-class, 34.1, 34.73, 34.79
 second-class, 34.1, 34.19-34.23
 third-class, 34.1, 34.65, 34.67-34.69
 closed against inspection, 34.5, 35.6
 collection of:
 city carriers, 50.13-50.15, 50.17-50.22, 50.24
 receiving boxes, 42.2, 50.13
 rural carriers, 52.38-52.42
 communications attached, 34.53, 34.57, 34.72, 34.85, 35.8
 congressional, 34.90, 37.1-37.4, 37.6, 37.7, 92.45

Mail matter—Continued
 consular mail, 37.8
 controlled circulation publications, 34.64
 copyright matter, 34.23, 36.1, 37.21, 117.1
 currency for redemption, 34.18, 58.13
 damage to, 41.15, 44.1-44.12, 59.84-59.89, 63.16, 108.37, 118.1-118.12
 day-old fowl, 34.78, 35.24, 35.26, 43.47, 64.41
 dead. (See Dead mail.)
 dead animals or birds in mails, 35.21
 deceased persons, 43.31, 60.10, 60.11, 114.26
 delay, 43.19, 90.6, 130.47
 delivery. (See Delivery of mail.)
 dentures, 36.13
 deposit in boxes to avoid postage, 130.44
 deposit in post offices overnight, 42.49, 50.16, 52.45
 desertion of, 130.59
 destruction, 130.44, 130.47, 130.49
 detention:
 at request of addressee, 43.21, 43.42, 43.43
 by postal employee, 130.47
 diplomatic mail, 37.8, 116.5
 directions for transmission part of address, 35.10
 disloyal, 36.5, 42.18
 dispatch. (See Dispatch of mails.)
 disputed ownership, 43.20, 43.32-43.35
 distribution of mail. (See Distribution of mail.)
 diversion, 42.3, 52.36
 divorce, 36.1, 36.11
 drugs, 35.15, 117.2
 eggs, 35.19
 embezzlement of, 130.47, 130.49
 employees not to place in clothing, 41.3, 50.10
 errors in distribution and make-up, 43.2, 108.18
 examination, 34.58, 35.6, 41.2
 exchange:
 at catcher stations, 42.44, 42.45
 by rural carriers, 52.42, 52.58, 52.59
 facsimile copies, classification, 34.69
 fictitious matter, 36.8, 36.10, 43.18, 45.2, 45.4, 130.52
 film, 35.16
 firearms, 35.18, 36.12, 108.22
 first-class. (See First-class matter.)
 foreign. (See International mails.)
 forwarding. (See Forwarding of mail.)
 fourth-class. (See Fourth-class matter.)
 franked, 37.1-37.8
 fraudulent, 36.7-36.9, 45.16, 60.4, 114.4
 free in mails. (See Free matter.)
 furs, 35.18, 35.21
 germicides, 35.15, 35.18
 harmless live creatures, 35.25, 35.26
 held at request of addressee, 43.21, 43.43
 hides, 35.18, 35.21
 higher class inclosed with lower class, 35.7, 35.8
 Holy Scriptures for blind, 37.24
 horse meat, 35.20
 hotel and steamship keys, 34.65
 identical pieces, 35.4
 indecent, 36.1, 36.4
 indorsements on. (See Indorsement.)
 infection carried by, 35.13, 35.17, 41.16, 52.48
 inflammable, 35.14, 35.16
 information concerning, 41.4, 41.9, 107.8
 insects and insecticides, 35.15, 35.18, 35.22, 35.23, 35.26
 interception, 130.47, 130.49
 international. (See International mails.)
 in transit:
 cancellation of stamps, 42.48

INDEX

Mail matter—Continued
in transit—continued
 delivery, 43.19, 52.64, 60.10, 61.30, 108.32
 detention, 42.50, 108.22
 excess weight or size, 108.22
 misdirected, 42.50
 missent, 42.50, 43.3
 overnight stops, 42.49
 pouches:
 made up by sea post offices, 42.47
 not made up, 42.47
 opening to advance the mails, 42.47
 passed unopened, 42.46
 registered. (See Registered mail.)
 short-paid, 42.50, 108.22
 treatment at post offices, 42.46–42.50
 uncancelled stamps on, 42.48
 unmailable, 42.50
 irregularities in distribution and make-up, 43.2
 left in pouch, 43.1, 43.3
 letterpress copies, classification, 34.69
 letters. (See Letters.)
 liable to injure or destroy, 35.12–35.28, 108.22
 libelous, 36.1, 36.4
 liquids, 35.13–35.15, 35.18, 45.13, 108.22
 loose in pouch, 42.39, 59.87, 59.89
 loose in mail, 45.5, 108.22
 losses and damage. (See Losses of.)
 lottery. (See Lotteries.)
 mailability, determination, 35.12, 36.7
 matches, 35.14
 meat and meat products, 35.20
 medicines, 35.15
 mercury, 35.14
 metered, 35.4
 misdirected. (See Misdirected matter.)
 missent. (See Missent matter.)
 mutilated, 36.1, 41.15, 42.19, 108.22
 night arrival, 92.34
 nixie, 43.48, 108.24
 nondelivered letters advertising of, 43.41
 nondelivery, reason, 43.44, 43.49, 114.26
 nonmetered, 35.4
 obscene, 36.1, 36.2, 42.18, 117.2, 130.54, 130.55
 obstructing, 130.58
 official matter, 37.9–37.17
 oils, 35.18
 opened by mistake, 43.12, 43.37, 43.44
 overcharges, 35.9
 packing and wrapping, 34.62, 35.6, 35.14–35.19
 pastes, 35.18
 Pan American diplomatic representatives, free, 37.8
 penalty, 37.9–37.17
 perishable, 35.19, 42.36, 43.12, 43.47, 43.48, 53.15
 permit, 35.4
 pistols, 35.18, 36.12
 plant quarantine, 35.27, 35.28
 poisons, 35.13, 35.15
 postage. (See Postage.)
 postal and post cards. (See Postal and post cards.)
 postmarking, 42.10–42.13, 43.4, 59.1, 59.23, 59.80, 108.13, 108.14
 powders, 35.18
 precanceled stamps on, 34.66, 35.5
 prisoners, 43.20, 60.12
 privacy, 41.1, 41.13
 protection, 41.13, 41.14, 52.57, 92.7, 92.34, 92.35, 92.37, 107.9, 107.10
 reading matter for blind, 37.22
 recall, 42.22, 42.23, 59.68, 108.31, 115.1
 receipt by carrier, 91.9
 refund of overcharges, 35.9
 refused, disposition, 45.2, 60.17
 registered. (See Registered mail.)

Mail matter—Continued
 removal of stamps from, 130.23
 reproducers for blind, 37.26
 reptiles, 35.23
 return by carrier, 50.6, 50.15, 50.16, 52.44
 return to senders, 43.21, 43.42–43.45
 rifling, 130.44, 130.47–130.49
 sharp instruments, 35.18
 second-class. (See Second-class matter.)
 short-paid. (See Short-paid matter.)
 size and weight limit, 34.73, 34.74, 35.2, 35.3, 35.11, 37.4, 42.32, 42.45
 Social Security mail, 35.4
 special delivery. (See Special delivery.)
 special handling, 34.78
 stamps on, canceled or improper, 42.7, 42.8, 130.23
 stealing, and receipt of stolen, 130.44, 130.49
 surrender of upon service of legal process, 41.12, 62.5
 terminal inspection of plants, 35.28
 testimony concerning, 41.9
 theft, 44.1–44.5, 130.44, 130.47–130.49
 third-class. (See Third-class matter.)
 threatening, 36.3, 36.4, 130.53
 transportation. (See Transportation of mail.)
 typewritten matter, 34.69
 unclaimed. (See Unclaimed and undeliverable matter.)
 undeliverable. (See Unclaimed and undeliverable matter.)
 unmailable. (See Unmailable matter.)
 unsealed, 41.2, 41.15, 59.86, 59.88
 weight and size limit, 34.73, 34.74, 35.2, 35.3, 35.11, 37.4, 42.32, 42.45
 withdrawal, 42.22, 42.23, 59.68, 108.31, 115.1
 without stamps affixed, 35.4
 wrapping and packing, 34.62, 35.6, 35.14–35.19
Mail messenger service:
 advertisements for proposals, 94.2
 airport service, 92.51
 authorization and management, 1.11, 94.1
 bids for, 94.2–94.5
 catcher pouches, care, 59.56
 compensation, payment, 94.12
 contracts for, employees interested in, 4.5, 94.6, 137.28
 duties of postmasters in, 94.8
 extension, 94.7
 failures to be reported, 94.8
 fines and deductions, 98.9–98.12, 130.57–130.59
 gratuitous exchange of mail, 97.64
 messenger:
 age, 94.9
 assignment or subletting forbidden, 94.9
 assistant, employment, 94.9
 death, 94.8
 designation, 94.5
 duties, 92.34, 92.35, 92.43, 94.10
 oaths, 94.9
 registered mail, delivery to, 59.47
 residence on route, 94.9
 resignation, 94.8, 94.9
 return of mail to post office overnight, 92.43
 special or private, employed when, 91.2
 substitute, paid by regular messenger, 94.9, 94.11
 pouches received and dispatched, 94.14
 reports of performance, 94.13
 temporary, 94.11, 97.69
 transfer clerks to report on, 108.34
 Mail receptacles. (See Letter boxes.)
 Mail sacks. (See Mail bags.)
 Mail trains, accidents to, 107.11

INDEX

- Mailing:**
 chutes, 50.18
 lists, 41.7, 41.8
 matter without stamps affixed, 35.4
 receipts, 35.1, 63.18-63.22
- Make-up and dispatch of mails.** (*See Dispatch of mails.*)
- Malaria specimens in mails, 35.17**
- Manuscript copy accompanying proof sheets, 34.65**
- Maps, 1.13, 6.5, 17.13**
- Marine Corps Reserve, 185.36**
- Matches, 35.14**
- Matter for blind.** (*See Blind.*)
- Meat and meat products, 35.20**
- Medicines, 35.15**
- Members of Congress:**
 franking privilege, 37.1-37.4, 37.6, 37.7
 not to be interested in public contracts, 4.2, 130.35
 receiving pay in matters affecting United States, 130.35, 130.36
- Membership in organizations, 135.29, 135.43**
- Merchandise:**
 proprietary articles, packing, 35.6
 samples, undeliverable, 43.47
- Mercury in mails, 35.14**
- Metered mail, 35.4**
- Metered readings, payments determined by, 16.7**
- Methods and Procedures, Division of, 1.15**
- Metric postal balances at exchange offices, 6.15**
- Migratory-bird hunting stamps, 8.28**
- Military service:**
 preference to veterans, 135.1, 135.43
 reinstatement after, 135.33, 135.48
 reserve corps, 135.36-135.38
- Minors:**
 appointment as postmasters, 137.4
 general delivery, use of by, 43.23
 mail addressed to, 43.29, 60.10
 rent of post office boxes to, 27.7
- Misappropriation of funds or property, 130.8, 130.10, 130.12-130.18, 130.40, 130.41, 130.43**
- Miscellaneous items, allowances for, 26.3-26.7**
- Miscellaneous receipts, revenue from, 7.2**
- Misdirected matter:**
 addresses supplied on, 42.17, 43.14
 correction of address, 42.17, 43.14
 disposition, 42.19, 42.50
 postal and post cards, 43.45
 pouches, sacks, and packages, 43.2, 43.3, 108.18
 registered, 59.82, 59.83
 unmailable, 36.1
- Misprision of felony, 130.7**
- Missent matter:**
 disposition, 43.3
 indorsement, 42.50, 43.2, 43.3, 108.18
 pouches, sacks, and packages, 43.2, 43.3, 108.18
 registered, 59.21, 59.81
 report of, 43.2
- Money (*see also Funds*):**
 counterfeit, 7.5
 employees borrowing, 137.24
 foreign or mutilated, 7.9, 8.9, 34.18
 found loose in mails, 45.5, 59.87, 59.89, 108.22
 in dead mail, 45.12
 in rural delivery boxes for payment of postage, 52.41
 received at Department, 17.20
 stolen from mails, 17.18, 17.19
 transfer of, 7.17
- Money orders:**
 accounts, 17.31, 18.3, 18.8, 18.25-18.27, 76.25-76.29
 agency for issue, 70.3
 amount, 71.7, 71.9, 74.1, 75.5
 blank forms and supplies, 6.13, 6.23
 change of postmaster, 18.27, 76.28, 76.29
- Money orders—Continued**
 checks not acceptable, 71.4
 Canal Zone, 71.1
 c. o. d., 64.32, 71.11, 72.4, 72.18, 74.17, 74.33
 commission for issuance, 76.27
 correspondence concerning, 70.6, 74.14, 75.10
 counterfeiting, 130.27
 credits with Treasurer, 24.9, 76.8-76.10
 Division of, 1.12
 domestic:
 advices, 71.17, 72.20
 amount, 71.7
 application for, 64.32, 71.10, 71.11
 clearing out-of-town paid orders, 72.6
 coupons:
 filing, 72.21
 lost, 72.4
 duplicate:
 application and issue, 73.4-73.10
 indemnity bond, 73.5, 73.15
 payment and repayment, 73.11-73.13
 errors in issue, 71.8, 71.15, 71.16
 fees, 71.7, 71.8, 71.16
 issue, 71.1-71.23, 130.28
 limit of amount, 71.7
 payment:
 coupon lost, 72.4
 date, 72.9
 discrepancy in particulars, 71.17, 72.4
 express or other, 18.25
 examination of order, 72.4
 fraudulent schemes, 72.17, 72.18, 74.15
 identification, 71.5, 71.6, 72.5
 improperly stamped, 72.4
 indorsement:
 bank, 72.11, 72.14
 more than one, 72.12, 73.6-73.10
 substitute, 72.13
 transfer by, 72.10
 inquiries concerning, 73.6
 insufficient funds for, 72.2
 invalid order, 73.14, 73.15
 invalidated by indorsement, 72.12, 73.8
 issue of new order, 72.19
 place of, 72.3
 precautions, 72.4, 72.5, 73.13
 power of attorney, 72.11
 separate advice, Form 6006, use, 71.17, 72.4
 signature of payee, 71.6, 72.5
 through rural carrier, 77.9
 to banks, 72.6, 72.11, 72.14
 to Government agency, 72.6
 to other than person named, 72.10, 72.11, 72.15
 to remitter, 72.15
 withheld, 72.16, 72.17
 wrong, 72.7, 72.8
 purchase through rural carrier, 77.2-77.8
 register of issued orders, 71.14, 76.25
 repayment, 73.1-73.3, 73.12
 stamping paid, 72.9
 transfer of, 72.10, 72.15
 when payable, 72.3, 73.14
 where payable, 72.3
 fees, 71.7, 71.8, 71.16, 74.3, 75.5
 filing coupons, 72.21, 75.8
 foreign postal notes not to be paid, 75.14
 forgery, 130.27
 forms:
 accountability for, 71.20-71.23
 authorized, 71.19

INDEX

O

Oaths:

- accounts:
 - expense, 135.5
 - postmaster's, 18.10-18.12, 18.16, 18.23
- bidder on mail contract, 97.15
- customs documents, 116.19
- fees for administration, 25.13, 135.34, 135.5
- mail contractors, 98.7
- of office, 25.17, 94.9, 135.4, 135.5
- pension vouchers, 25.13
- surety on bonds, 97.16, 135.11
- when waived, 18.23
- who may administer, 25.13, 135.4, 135.5
- witnesses in investigations, 135.5

Obligations or other security defined, 130.30

Obscene matter, 36.1, 36.2, 42.18, 117.2, 130.54, 130.55

Obstructing the mails, 130.58

Ocean mail service, 120.1-120.8

Offenses against United States, 130.1-130.65

Office hours in post offices (*see also* Hours of service), 25.1, 25.5-25.7

Office of Budget and Administrative Planning, 1.9

Office of the Postmaster General. (*See* Organization of the Department.)

Office request envelopes, 8.14

Officers:

- acting, extra compensation prohibited, 17.4
- departmental:
 - acting, 1.5
 - appointment, 1.3, 1.5
 - as post office inspectors, 1.4
 - free transportation, 92.26, 92.47, 93.5
 - interested in claims, 130.37
 - Reserve Corps, 135.36-135.38
 - searches by, for illegally transported matter, 91.12, 91.13
- United States:
 - conspiracy to prevent from performing duty, 130.64
 - falsely pretending to be, 130.33, 130.34
 - interference with, 130.31
 - killing of, 130.31

Offices, holding two, 135.26-135.28

Official envelopes. (*See* Envelopes.)

Official matter:

- certification of mailings, 37.16
- Immigration and Naturalization Service, 37.12, 58.12
- penalty envelopes, use, 37.9, 37.13, 37.17-37.21
- registered, 58.12, 60.1
- restrictions on use, 37.10, 37.15
- Selective Service, 37.13
- transportation, 92.45
- unclaimed, disposition, 43.44
- underpaid, at Washington, 43.7
- weight and size limit, 35.2, 35.3, 37.4, 37.14

Official seal, 1.7, 1.9

Oils in mails, 35.18

Opening of letters:

- by mistake, 43.12, 43.37, 43.44
- by postal employees, 36.5, 36.8, 45.10, 130.49

Opening of mails:

- at intermediate offices, 42.46, 42.47
- at receiving offices, 43.1-43.3

Open-market purchases, 6.1-6.3, 6.8

Opinions given by Solicitor, 1.9, 36.7, 43.35

Orders:

- dating, 4.1
- preservation, 25.8, 50.3

Organization of Department:

Chief Inspector:

- Assistant Chief Inspector, 1.14 (b)
- Division of Administrative Services, 1.14 (d)
- Division of Criminal Investigations, 1.14 (f)
- Division of Service Investigations, 1.14 (e)
- duties, 1.14 (a)
- General Superintendent, 1.14 (c)

Comptroller, Bureau of Accounts:

- Division of Accounts, 1.15 (b)
- Division of Cost Ascertainment, 1.15 (c), 16.8
- Division of Methods and Procedures, 1.15 (d)
- duties, 1.15 (a), 18.1-18.3, 18.8

First Assistant Postmaster General:

- Deputies, 1.10 (b)
- Division of Budget and Administrative Services, 1.10 (c)
- Division of City Delivery Service, 1.10 (e)
- Division of Post Office Clerical Service, 1.10 (d)
- Division of Post Office Personnel, 1.10 (f)
- Division of Postmasters, 1.10 (g)
- Division of Rural Delivery Service, 1.10 (h)
- duties, 1.10 (a)

Fourth Assistant Postmaster General:

- Division of Engineering and Research, 1.13 (c)
- Division of Equipment and Supplies, 1.13 (g)
- Division of Federal Building Operations, 1.13 (b)
- Division of Mail Equipment Shops, 1.13 (i)
- Division of Motor Vehicle Service, 1.13 (d)
- Division of Post Office Quarters, 1.13 (f)
- Division of Topography, 1.13 (e)
- Division of Traffic, 1.13 (j)
- duties, 1.13 (a)

Under Fourth Assistant Postmaster General 1.13 (b)

Office of the Postmaster General:

- Chief Clerk and Director of Personnel, 1.9 (c) (g), 6.8, 6.17
- Executive Assistant, 1.9 (c) (d)
- matters assigned to, 1.9 (a)
- Office of Budget and Administrative Planning, 1.9 (f)
- officers attached to, 1.9 (b)
- Purchasing Agent, 1.9 (b) (i)
- Solicitor for the Department, 1.9 (b) (h)
- Special Assistant, 1.9 (e)

Second Assistant Postmaster General:

- Deputy Second Assistant Postmaster General in charge of Administrative Services, 1.11 (f)
- Deputy Second Assistant Postmaster General in charge of Air Postal Transport, 1.11 (d)
- Deputy Second Assistant Postmaster General in charge of International Postal Service, 1.11 (e)
- Deputy Second Assistant Postmaster General in charge of Surface Postal Transport, 1.11 (c)
- duties, 1.11 (a)
- Under Second Assistant Postmaster General, 1.11 (b)

INDEX

Organization of Department—Continued
 Third Assistant Postmaster General:
 Deputies, 1.12 (b)
 Division of Finance, 1.12 (d)
 Division of Letter and Miscellaneous Mail, 1.12 (h)
 Division of Money Orders, 1.12 (g)
 Division of Newspaper and Periodical Mail, 1.12 (i)
 Division of Parcel Post, 1.12 (k)
 Division of Postal Savings, 1.12 (e)
 Division of Registered Mails, 1.12 (j)
 Division of Stamps, 1.12 (f)
 duties, 1.12 (a)
 Special Administrative Aide, 1.12 (c)

Organizations, membership in, 135.29, 135.43
 Outside employment of post office employees, 137.24
 Outside mails, 52.25, 91.3–91.8, 91.10, 91.11
 Outside stamp sales, 8.8, 137.31
 Outstanding checks, change of postmaster, 7.19
 Overcharge in postage, 35.9, 114.11
 Overtime, 137.70, 137.71
 Ownership of publications, annual statements of, 34.38
 Ownership of mail matter, disputed, 43.20, 43.32–43.35

P

Packing and wrapping, 34.62, 35.6, 35.14–35.19
 Pan American diplomatic representatives, free mail for, 37.8
 Paper that may be cashed, 7.9, 7.11, 71.4, 81.3
 Paper, waste, disposition, 6.21, 6.22
 Parcel post. (See Fourth-class matter.)
 Parcel Post, Division of, 1.12
 Parcels:
 closed against inspection, 34.5, 35.6
 devoid of contents, 44.10
 examination, 35.6
 Passengers, rural carriers forbidden to carry, 137.24
 Pastes in mails, 35.18
 Patrons:
 boxes, rural service. (See Rural delivery service.)
 courteous treatment of, 137.24
 list of names:
 correction, 41.8
 furnishing, 41.7
 in rural service, kept by carriers, 52.15
 Payments:
 annual leave, 135.49, 135.50
 application of, after new bond, 18.30
 certificate of:
 by General Accounting Office, 17.17, 17.21
 by others, 17.11
 check used for making, 17.12, 17.23–17.25, 73.14, 73.15
 determined by metered readings, 16.7
 for procuring position, 135.2
 fraudulent, 18.34
 how made, 17.14, 17.23
 in advance, prohibited, 17.3
 less paid than stated in receipt, 130.13
 not to exceed value of articles, 17.3
 out of receipts, 17.22
 salaries, 17.22–17.25, 18.24, 18.55, 137.35, 137.67
 to contractors, 97.37
 when made, 17.30
 Pay rolls of Department, 17.11

Penalties (see also Fines and forfeitures):
 balances, failure to pay, 7.13
 bids, combination to prevent, 97.31
 carriage of letters out of mail, 91.1, 91.4–91.7, 91.10, 125.6
 carrier's uniform, unlawful wearing, 137.84
 collection and disposal, 18.3, 18.46
 compromises, remissions, etc., 1.9, 18.51–18.53
 customs duties. (See International mails.)
 electric railway company, refusal to perform service, 93.1
 false swearing, sureties on bonds, 97.16
 fraudulent pension vouchers, 25.13
 perjury, mail contract, 97.16
 political contributions, 135.30
 postage due, failure to account for, 130.15
 railroad company delinquencies, 92.10–92.12, 98.9–98.12
 recovery of, 18.46
 registered matter, fraudulent claims for indemnity, 63.2
 registry fee, unlawful avoidance of payment, 58.12
 revenue from, 7.2
 shipmaster, failure to deliver or deposit letters, 97.54, 125.2, 125.4
 stamps or stamped paper, unlawful sale, 8.8
 unlawful carriage of mail, 91.1, 91.4–91.7, 91.10, 125.6
 Penalty matter:
 air mail, 34.90
 deficiency caused by, 18.7
 definition and use, 37.9–37.20
 report, 5.2, 37.16
 weight limit, 35.3, 37.14
 Pension mail, delivery, 43.27, 60.10
 Pension roll for civil employees, 135.77
 Pension vouchers, 25.13
 Per diem allowances, 135.32, 137.65
 Perforation of stamps, 42.7
 Perishable matter, 35.19, 42.36, 43.12, 43.47, 43.48, 53.15
 Permit mailings, 35.4
 Perquisites, forbidden, 17.5
 "Personal" mail, 43.19, 43.20, 43.25, 43.26
 Personal property of United States, robbery, 130.39
 Personnel (see also Employees), 135.1–135.77, 137.1–137.91
 Persons, injury to private, 3.5
 Petition to Congress, right of, 135.43
 Pistols in mails, 35.18, 36.12
 Plank roads, post roads, 97.1
 Plant quarantine and inspection, 35.27, 35.28
 Pneumatic tube service, 95.1, 95.2, 137.45, 137.47
 Poisons in mails, 35.13, 35.15
 Police protection for letter boxes, 50.24
 Political conduct, 135.28–135.30
 Portraits on stamps, 8.6
 Positions:
 additional, held by employees, 135.27
 assistance in securing, 135.2, 135.3, 135.6
 holding two, 135.26–135.28
 Possessions of United States, 34.2
 Post cards. (See Postal and post cards.)
 Post office boxes. (See Boxes in post offices.)
 Post office buildings, operation, 1.13
 Post Office Clerical Service, Division of, 1.10
 Post Office Department:
 establishment, authority, 1.2
 organization, 1.1–1.15
 superintendence and government under office of Postmaster General, 1.9

INDEX

- Post office inspectors:**
 advances to, 17.17
 appointment, authority, 137.9
 authority to:
 administer oaths, 135.5
 enter post offices, 2.4
 open pouches, 2.4
 authorized to search, detain, or seize,
 91.12-91.15
 bonds of, 135.7
 clerks at division headquarters, 137.9,
 137.29
 commissions:
 disposition of, 2.5, 135.25
 exhibition of, 2.5, 41.13, 92.26,
 92.47, 97.50
 court:
 records or information for, 2.7
 testimony, 2.8, 41.9
 departmental officers may be, 1.4
 duties, 2.1-2.8
 employees of Postal Service subordinate
 to, 2.3
 entering post offices, 2.4, 41.13
 hearings, 2.4
 mail for, delivery, 43.19
 old files, examination before disposition,
 6.21
 opening of pouches and sacks, 2.4
 placed in charge of post offices, when,
 135.11
 presence on train not to be reported,
 107.7
 railway postal clerks to assist, 107.7
 reports, confidential, 2.6
 salaries, 137.29
 testimony in court, 2.7, 2.8, 41.9
 transportation of, 92.26, 92.47, 93.5
 travel expenses, 135.32
- Post Office Inspectors in Charge, duties of,**
 2.1
- Post office maps, 1.13, 6.5, 17.13**
- Post Office Personnel, Division of, 1.10**
- Post Office Quarters, Division of, 1.13**
- Post offices:**
 abandonment, 137.81
 advances and relocations, 137.30-137.32
 advertisements posted in, 25.4
 allowances. (*See Allowances.*)
 boxes, call and lock. (*See Boxes in post
 offices.*)
 branch. (*See Branches and stations.*)
 breaking into, 130.38
 bulletin boards in, 25.4
 care, 25.3
 central accounting:
 claims for credit, 9.2
 credit for postage-due stamps, 17.39
 deposit of postal funds. (*See De-
 positories.*)
 designation and duties, 18.9
 distribution of stamps, 8.23
 quarterly returns to Bureau of Ac-
 counts, 17.30, 18.10, 18.13, 18.16
 stamp account, 8.23
 stamp supplies, counting, 8.21
 stamped paper redemption, ship-
 ments from, 8.26
 change of name, 1.10, 24.4
 change of site, 25.2
 closing, authority, 25.5
 conducting:
 during absence of postmaster, 24.9,
 24.10, 137.78
 other business in, 25.11
 without authority, 24.1
 damage to, 25.12
 delivery district not affected by State
 boundaries, 137.5
 deposit of mail in overnight, 42.49
 devices, installation for test, 26.7
 discontinuance, 1.10, 24.5
 discontinued:
 mail addressed to, 43.12, 43.19
 mail keys, 7.27, 99.35
- Post offices—Continued**
 discontinued—continued
 nixle matter for, 108.24
 public funds and property, disposal,
 7.27
 registry records and reports, 62.12
 election notices not to be placed in, 25.4
 employees. (*See Employees.*)
 establishment, authority, 1.1, 1.10, 24.1
 files retained, 6.21, 25.8
 furniture, record, 17.35, 17.37
 holiday service, 25.7, 52.11, 53.12
 hours of service, 25.1, 25.5
 leases, 1.13, 26.2
 letter drops, 27.1
 lobbies open, 25.5, 25.6
 location, 25.2
 loungers in, 25.3
 management, supervision, 1.10
 name changed, 1.10, 24.4
 new, mail for from Department, 108.24
 night service, 25.5
 office hours, 25.1, 25.5
 opening of mails, 43.1-43.5
 postal savings depositories, 81.5, 85.1
 provisions relating to, 25.1-25.21
 relocations and advancements, 137.30-
 137.32
 rent, light, and fuel, 1.10, 1.13, 26.1
 robbery, 25.12
 rural carriers, space for, 52.16
 smoking in, 25.3
 stations. (*See Branches and stations.*)
 summer resort, 24.6, 108.24
 Sunday service, 25.6
 supplies, requisitions, 26.7
 time recorders, 25.16
 transfer. (*See Change of postmaster.*)
 unauthorized persons excluded from mail
 rooms, 41.13
 Weather Bureau reports posted in, 25.4
 window service, 25.5
 winter resort, 24.6, 108.24
- Post roads:**
 definition, 90.1
 establishment, 1.1, 90.1
 mail transportation on, 90.2-90.9
- Postage:**
 additional for forwarding, 43.12
 amount in doubt, rural service, 52.39
 copyright matter, 37.21
 deficient. (*See Short-paid matter.*)
 double, 34.4, 34.16, 43.10
 due matter:
 collection, 43.6-43.11, 43.39, 50.12,
 52.35, 130.15
 foreign mails, at delivery office,
 114.22
 forwarding, 43.11, 43.16
 not to be stopped in transit, 42.50,
 108.22
 return, 43.50
 rural delivery service, 52.35
 special delivery, 53.6
 unclaimed and undeliverable, 17.39,
 45.4
 due stamps:
 authority for, 8.4
 credit for, on undeliverable matter,
 1.12, 17.39
 redemption, 1.12, 8.25, 8.26
 requisitions. (*See Stamps and
 other stamped paper.*)
 use, 43.11
 excess, refund, 35.9, 114.11
 meters, 35.4, 42.12
 overcharges, 35.9, 114.11
 prepayment, 34.3, 34.4, 34.92, 35.4, 43.8
 rated on matter when received for mail-
 ing, 42.4
 rates. (*See Rates of postage.*)
 rating up and search for matter im-
 properly rated, 43.6
 refund, 35.9, 114.11
 return, pledge to pay, 43.12, 60.7, 64.3

INDEX

Postage—Continued
 second-class matter. (*See* Second-class matter.)
 senders' pledge, 43.12
 stamps. (*See* Stamps and other stamped paper.)
 unlawful rate collected, 130.22
 Postal accounts. (*See* Accounts.)
 Postal agencies, 124.1, 124.2
 Postal and post cards:
 additions on, 34.6
 agencies, 8.12
 air mail, 34.87
 business reply, 34.9
 contract term, 6.5
 damaged, 8.25, 8.26, 9.1, 9.2
 delivery by contractors, 6.9
 double, 8.16, 8.17, 34.7, 114.1
 foreign mails, 8.17, 114.1
 losses, 9.1, 9.2, 25.12
 misdirected, unavailable, and unclaimed, 43.45, 43.46
 nonconforming, 34.7
 official correspondence, not to be used for, 8.7
 packages of, limit of weight, 35.3
 portraits on, 8.6
 precanceled, 35.5
 rate of postage, 34.7, 34.11
 redemption, 1.12, 8.25, 8.26
 requisitions, 8.18, 8.19, 8.23
 sale, 8.7—8.9
 unclaimed, 43.45, 43.46
 undeliverable, 43.45, 43.46
 under cover, 34.7
 unlawful pledging or sale, 8.8
 Postal conventions, 1.11, 113.1, 113.2
 Postal employees. (*See* Employees.)
 Postal funds. (*See* Funds.)
 Postal notes:
 amount, 78.1
 duplicate, 78.11
 fees, 78.1, 78.4
 fixed credits, 78.14
 foreign not payable, 75.14
 forms, distribution, 78.5
 issue, 78.6
 issuing offices, 78.2
 loss of stock or funds, 78.12
 negotiability, 78.10
 paid, treatment, 78.13
 payment, 78.8, 78.9
 requisitions, 78.15
 spoiled, 78.7
 stamps, 78.3
 valid period, 78.1
 Postal revenues. (*See* Revenue.)
 Postal savings:
 accounts:
 administrative examination, 1.12
 application to open, 82.7—82.9
 audit, 18.4
 change of postmaster, 86.8
 closed, 84.16
 current, 86.5—86.10
 inactive, 84.17
 numbering, 82.10
 opening, who may, 82.1, 82.4
 privacy, 41.9, 86.12
 recording and proving day's issue, 82.19
 unclaimed, 84.17
 administration of system, 81.1, 81.2
 Board of Trustees, 81.1
 bonds, 84.18
 branches and stations, 86.10
 certificates:
 accountability, 86.3
 damaged, 86.4
 denominations, 82.13
 duplicate, 82.22
 errors in issue, 82.20
 examination, 86.3
 issuance, 82.14—82.17
 lost stolen, or destroyed, 82.22, 86.4

Postal savings—Continued
 certificates—continued
 paid, treatment, 84.12, 84.14, 84.15
 protection, 86.3
 reissue, 82.22
 requisitions, 86.2
 safekeeping of issued, 82.23
 stolen or destroyed, 82.22
 correspondence, 81.9
 criminal statutes applicable, 130.63
 depositaries, 81.5, 85.1
 depositors:
 change in name, 82.21
 death or disability, 84.6
 identification, 84.3
 deposits:
 amount, 82.2
 bankrupt funds, 82.3, 84.7
 funds acceptable, 82.5, 82.6
 interest, 83.1—83.4
 legal proceedings affecting, 86.11
 made through representative or by mail, 82.11, 82.12
 maximum and minimum amounts, 82.2, 82.18
 ownership disputed, 86.11
 withdrawals:
 by mail, 84.5
 by representative, 84.4
 funds used, 84.9, 85.4—85.7
 identification, 84.3—84.5
 indorsement of certificates, 84.3
 interest, computation, 83.3
 recording, 84.13
 upon demand, 84.1, 84.2
 withheld, 84.10
 Division of, 1.12
 drafts, 85.6
 errors, correction, 82.20
 establishment, 81.1, 81.2
 funds:
 accountability, 81.3
 court action as to ownership, 86.11
 daily summary, 86.5
 deposit, 85.1, 85.3
 protection, 81.4
 remittances, 85.2
 separate from other funds, 81.3
 stations and branches, 86.10
 to meet withdrawals, 85.4—85.7, 86.10
 use, 81.3
 hours of service, 25.5
 information concerning, 41.9, 86.12
 interest, 83.1—83.4
 losses, 82.22, 86.4, 86.9
 placards in post offices, 81.5
 postmasters to transact business, 81.6, 81.7
 records and reports, 86.5—86.7
 reports to Department, 86.6, 86.7
 stamps, 82.6
 stations and branches, business at, 86.10
 supplies, 86.1
 unbonded clerks not to be assigned to, 81.8
 Postal service defined, 130.65
 Postmarking:
 backstamping matter, 43.4
 matter deposited in R. P. O. cars, 108.14
 method, 42.10
 pension vouchers, 25.13
 registered matter, 59.1, 59.23, 59.80, 114.8
 stamps:
 counterfeiting, 130.26
 use, 42.11—42.13, 108.13
 unclaimed matter, 45.4
 Postmaster General (*see also* Organization of the Department):
 acting, 1.5
 annual report, 5.5
 appointment of, authority, 1.2

INDEX

- Postmaster General—Continued**
 authorized to:
 negotiate conventions, 113.1
 reclassify fourth-class matter, 34.79
 transfer money order funds, 76.4
 duties, 1.6-1.8
 office of, 1.9
 official seal, 1.7, 1.9
 orders, certification of to General Accounting Office, 18.6
 regulations, 1.8, 92.52
 staff, 1.9
 term of office, 1.2
- Postmasters:**
 abandonment of office, 137.81
 absence, 24.9, 24.10, 137.78
 accountability for revenue, 17.32
 accounts. (See Accounts.)
 acting, 24.7, 24.8, 137.7, 137.84
 advertising purposes, position not to be used for, 25.11
 age limits, 137.2, 137.3
 agents for:
 issue of money orders, 70.3
 lotteries, 25.11, 130.62
 Alaska, to act as notaries public, 135.5
 appointment, 1.10, 137.2-137.6, 137.28
 assistant, 24.9, 24.10, 137.8, 137.28, 137.36, 137.37, 137.43
 balances due, 7.13, 18.22
 bond, illegally approving by, 130.61
 bonds, 18.30, 135.7, 135.11
 change of, 7.27, 7.28, 18.19, 18.20, 18.27, 76.28, 76.29, 86.8, 137.2
 commissions, 135.23, 135.24
 compensation, 17.38, 18.14, 70.2, 76.27, 137.30-137.35
 conduct toward patrons, 137.24
 contagious disease in family, 41.16
 correspondence with Department. (See Correspondence with.)
 death, 137.7, 137.81
 delinquent, General Accounting Office to report, 18.3
 delivery service, supervision, 50.2, 50.3
 depositions, 41.11
 disbursing, designation as, 17.22
 Division of, 1.10
 duties, 25.14
 embezzlement. (See Embezzlement and Funds.)
 false returns, 17.38, 180.19
 in doubt, instruction to be sought, when, 25.9, 36.7
 insufficiently prepaid matter addressed to, 43.9
 interested in contracts, 4.5, 90.8, 94.6, 137.28
 leave of absence, 24.9, 137.78
 mail messenger service, supervision, 94.8
 name changed, 137.6
 oaths. (See Oaths.)
 other business, 25.11, 25.14
 personal attention to offices, 25.14
 probationary period, 137.16
 qualifications, 137.2-137.5
 residence, 137.5
 resignation and removal, 7.13, 18.17, 24.8, 137.7, 137.81
 responsibility for funds and property, 25.12
 rural carrier subordinate to, 52.5
 signature:
 of acting, 24.8, 24.9
 of assistant, 24.10
 on money orders, 71.18
 on Treasury checks, 24.11
 use of for advertising, 25.11
 sureties, release, 135.7
 surety companies, may negotiate premium rates with, 135.14
 testimonials, 25.11
 transfer, 137.80
- Pouch records, 97.52, 108.3**
- Pouches (see also Mail bags):**
 catcher:
 registered mail, 59.52, 59.55, 59.56
 use, 42.44, 92.38, 97.50, 108.30
 weight of mail, 42.45
 closed service, 92.2, 92.49
 emergency or irregular, 42.47, 108.3
 labels, 42.47, 43.1
 lists of, due to be received, 43.5
 mail matter loose in, 42.39, 59.87, 59.89
 missent and misdirected, 43.2, 43.3, 108.18
 notice of changes in list of closed, 92.49
 not made up, 42.47
 opening:
 at receiving offices, 43.1
 by post office inspectors, 2.4
 in transit to advance mails, 42.47
 passed by another office, 59.72
 Railway Mail Service, treatment, 59.39, 108.3, 108.7-108.9
 record of dispatch and receipt, 42.38, 42.47, 43.5, 92.31, 94.14, 108.3
 rural service, delivery, 52.56-52.63
 Power of attorney in money order business, 72.11
 Precanceled stamps, use, 34.66, 35.5, 42.9
 Prepayment of postage, 34.3, 34.4, 34.92, 35.4, 43.3
 President, reports to, 5.5
 Principals in criminal actions defined, 130.11
 Printed matter:
 definition, 34.68
 in foreign mails, 114.1
 of no value, disposition, 6.21, 6.22, 43.46, 45.15
 postage, 34.65
 unclaimed, disposition, 6.21, 6.22, 43.46, 45.15
 Printing and binding, 1.9, 6.23, 17.1
 Printing on stamped envelopes, 8.14
 Priority of:
 sureties on bonds, 18.50, 135.10
 United States over other creditors, 18.48
 Prisoners' mail, 43.20, 60.12
 Privacy of mail matter, 41.1, 41.13
 Private express, 91.1-91.15
 Private mailing cards, 34.7, 34.11, 114.1
 Private mail receptacles, city delivery service, 50.23
 Probationary period, 137.16
 Proceedings in equity for money due Department, 18.44
 Promotion. (See Employees.)
 Property:
 Government, loss or damage, 3.4
 private, damage, 3.5
 public care, 7.4, 25.12
 receiving stolen, 130.9, 130.44
 restoration of stolen, 17.18, 17.19
 robbery and stealing of U. S., 130.39-130.41, 130.43
 Proposals. (See Bids and proposals.)
 Proprietary articles of merchandise, packing, 35.6
 Protection of mail matter, 41.13, 41.14, 52.57, 107.9, 107.10
 Public documents:
 compliments not permissible on, 37.10
 delivery in mail bags, 99.9
 limit of weight, 35.3
 Public funds. (See Funds.)
 Public health officers, free mail, 34.14
 Public Printer:
 mailing Government publications, 17.1
 matter registered free, 58.12
 postal conventions, copy to, 113.2
 supplies, procured by, 6.11
 Publications. (See Second-class matter.)
 Purchasing Agent. (See Organization of the Department.)

INDEX

Q

Quarantine:
 plant, 35.27, 35.28
 rural service, 52.48
Quarters. (*See* Leases.)

R

Railroad companies. (*See* Railroad service and Transportation of mail.)
Railroad service (*see also* Transportation of mail):
 advance delivery, 92.33
 agent of railroad, 92.40, 92.41
 annual report to Congress, 92.48
 authorization, 1.11, 92.18, 92.27, 92.28
 briefs, 98.9-98.12
cars:
 care, 107.3
 cleaning, switching, heating, lighting, 92.7
 construction and equipment, 92.8, 109.1-109.6
 examination upon entering and leaving, 107.2
 failure to provide and maintain, 92.10
 inspection, 109.2
 kinds and sizes, 92.2
 loading of mails, 92.36, 108.1
 locking, 107.5
 maintenance, 92.7, 92.8, 92.10, 109.1-109.6
 nonstandard, 92.3
 operation, 92.10, 109.3
 placing in railroad stations, 92.7
 railroad company rules and regulations, 107.25
 railroad to furnish, 92.7
 sanitation, 109.4
 unlawfully entering, 130.46
catchers (*see also* Catcher pouches and cranes), 92.38
changes, 92.4
compensation:
 adjustment, 92.1
 deductions, 92.10-92.12, 98.9-98.12
 determination, 92.19-92.25, 92.48
 nonstandard cars, 92.3
 side, terminal, and transfer service, 92.7, 92.39, 93.2
connections, 92.37
contracts, 90.8, 92.22-92.25, 92.44, 93.2
cost data for Postmaster General, 92.48
cranes (*see also* Catcher pouches and cranes), 92.38
deficient, 92.12
depot letter boxes, 42.2, 92.50, 108.6
discontinuance, 92.4
employees of railroad, 92.40-92.43
equipment and supplies carried, 92.5, 92.6
finer and deductions, 92.10-92.12, 98.9-98.12
freight service, 92.16, 92.46
increase, 92.4
letter boxes in depots, 42.2, 92.50, 108.6
loading, 92.7, 92.36, 92.37
mail cranes (*see also* Catcher pouches and cranes), 92.38
motor vehicles, substitution, 92.26
night:
 arrival, 92.34
 dispatch, 92.35
 nonstandard cars, 92.3
 nonstop stations, 92.38
 official matter, 92.45
 over property of another company, 92.14
 performance reports, 92.13
 pouch records, 92.31
 pouches, changes in list of, 92.49
 protection of mails, 92.7, 92.34, 92.35, 92.37

Railroad service—Continued
 protection of railroad property, 107.3
 rates, 92.1-92.25
 receipt and delivery of mail, 92.33, 92.40-92.43
 reduction, 92.4
 refusal to perform, 92.11
 regulations and rules of railroads, 107.25
 regulations published separately, 92.52
 return movements, use, 92.5, 92.6
 services required, 92.7
 side service, 92.39, 93.2
 space units, 92.2
 station facilities, 92.7, 92.30, 92.50
 supplies carried, 92.5, 92.6
 temporary, 92.44
 terminal service, 92.7, 92.39
 timetables, 92.32
 train baggageman, 92.31, 92.36
trains:
 delayed, 92.43
 held for loading, 92.37
 selection, 92.9
 stop or reduce speed when necessary, 92.38
 transfers between, 92.42
 transfer of mails, 92.29, 92.36, 92.37, 92.39, 92.42, 93.2
 transfer offices in railroad stations, 92.30
 transportation of employees, 92.26, 92.47
 unloading mails, 92.7, 92.36
 wrecks and washouts, 92.29
Railway Mail Service (*see also* Railroad service, Railway postal clerks, and Transportation of mail):
 accident reports, 107.11
 admission to railway post offices, etc., 107.6
 appointments, 137.14
 assignments, 137.22
 cars. (*See* Railroad service.)
 classes of service, 92.2
 clerks in charge, duties, 107.4
 clerks. (*See* Employees and Railway postal clerks.)
 correspondence (*see also* Correspondence with), 107.20, 107.21
 count of mails worked, 108.20
 damaged mail, 108.37
 delivery of mail from cars, 108.29-108.32
 designation of railway post offices, 107.1
 distribution, 108.7-108.18
 divisions of, 105.2
 dutiable matter from Canada, 108.27
 employees' debts, 106.5
 errors in distribution, 108.18
 examination of cars, 107.2
 extension of service, 106.2
 facing slips and labels, 108.16
 foreign mail, 108.25-108.29
 freight in cars, 107.22
 highway post offices, 92.26
 inspectors and supervisors in R. P. O.'s, 107.7
 irregularities in handling mail, 108.17
 letter boxes in depots, 108.6
 loading of cars, 108.1
 locking of car doors, 107.5
 losses of mail, 108.37
 mail bags, 107.13, 107.14
 mail keys, 107.12
 mail locks, 107.2
 mail matter, treatment, 108.1-108.40
 nixies, 108.24
 nonstop stations, 42.44, 42.45, 59.52, 59.56, 92.38, 108.30
 organization, 105.1-105.5
pouches:
 emergency, 108.3
 examination, 108.9
 labeling and numbering, 108.3
 make-up, 108.7

INDEX

Railway Mail Service—Continued
 pouches—continued
 recording and checking, 108.3
 registered pouches and sacks, 59.33-59.45
 working, 108.8
 postmarking mail, 108.13, 108.14
 protection of mails, 107.9, 107.10
 railway post offices, designation, 92.2, 107.1
 registered matter, 108.38-108.40
 regulations, interpretation, 107.19
 runs to be protected, 106.3
 salaries, 17.25, 137.63-137.65
 schedules, change in, 107.17
 second-class matter, 108.4, 108.5, 108.12, 108.15
 short-paid matter, 108.22
 smoking regulations, 107.23
 superintendents' duties, 105.3, 105.4
 surplus equipment, 107.14
 telegrams, 107.21
 terminal railway post offices, 105.5
 transfer service, 108.33-108.36, 108.40
 trip reports, 108.14, 108.21
 unmailable matter (*see also* Unmailable matter), 108.22
 waste paper and twine, 107.15
 withdrawal of mail (*see also* Withdrawal or recall of mail), 108.31

Railway post office cars. (*See* Railroad service.)

Railway post offices. (*See* Railroad service, Railway Mail Service, and Transportation of mail.)

Railway postal clerks (*see also* Employees and Railway Mail Service):
 acceptance of mail, 42.6, 91.9, 108.2, 108.4, 108.5
 accidents in mail trains, 107.11
 admitted to cars, when off duty, 107.6
 arrest, 106.4
 badges, 137.91
 clerk in charge, duties, 107.4
 commissions, 107.16
 conduct, 137.24
 correspondence, official, 107.20
 credit for deadheading, 137.73
 credit for delayed trains, 137.73
 debts, 106.5
 duty requirements, etc., 137.24, 137.69, 137.70, 137.71
 equipment and supplies, 107.16
 examinations, case, 137.83
 freight, carrying, 107.22
 guarding the mails, 107.9
 information concerning mail (*see also* Information), 107.8
 lay-off periods, absence from residence, etc., 106.3, 137.24
 mail matter, treatment, 108.1-108.40
 mail not to be carried outside bags, 108.15
 order books to be examined, 107.18
 post office inspectors and officials in trains, 107.7
 property, return, 106.6
 property carried on duty, 107.16
 protection of mails (*see also* Mail matter), 107.9, 107.10
 protection of vacant runs, 106.3
 regulations, interpretation, 107.19
 residence, 106.1, 106.3
 return of property upon separation, 106.6
 rules of railroad to be obeyed, 107.25
 runs and tours, exchange, etc., 106.2, 106.3
 runs to be protected, 106.3
 salaries, 17.25, 137.63-137.65
 sale of stamps by, 107.24
 smoking in cars, 107.23
 substitutes, 137.14, 137.15
 telegrams, 107.21
 transportation, free, 92.47

Railway postal clerks—Continued
 travel allowance, 137.65
 travel commissions, 107.16
 uniforms, 137.91

Railway station collection boxes, 42.2, 92.50, 108.6

Rates of postage:
 air mail, 34.86-34.90
 books, 34.65, 34.83, 34.84
 bulk mailings, 34.66
 business reply cards and envelopes, 34.9
 catalogs, 34.77
 Congressional Record mailed at Washington, 34.71
 domestic, where applicable, 34.2
 double charge, 34.4, 34.16, 43.10
 drop letters, 34.8
 first-class matter, 34.8
 foreign mail, 114.1, 125.9
 fourth-class matter (parcel post), 34.75-34.84
 library books, 34.83
 matter for blind, 34.70, 37.22-37.26
 mutilated coin and paper currency, 34.18
 postal and post cards, 34.7, 34.11
 second-class matter, 34.40-34.44, 34.52, 34.63, 34.64
 ship letters, 34.16
 short-paid matter. (*See* Short-paid matter.)
 third-class matter, 34.65-34.72
 Recall or withdrawal of mail, 42.22, 42.23, 52.44, 59.68, 108.31, 115.1

Receipts (*see also* Revenue):
 certificates of mailings, 35.1, 63.18-63.22
 for larger sums than are paid, 130.13
 miscellaneous, 7.2
 payments out of office, 17.22
 return, 59.3, 64.20, 114.9, 114.23
 special delivery matter delivered, 52.52, 52.53, 53.14

Records (*see also* Accounts):
 admissible as evidence, 18.38
 dead mail, 45.12, 45.13
 destroying or mishandling, 130.20
 disposition, 6.21
 forging, 130.29
 furniture, 17.35, 17.37
 mail keys, 99.35
 not furnished to unauthorized persons, 41.10
 pouch, 97.52, 108.3
 preservation, 25.8

Redemption of stamps and stamped paper, 1.12, 8.25, 8.26

Reduction of employees, 135.43-135.47

Reforwarding of matter, 43.13

Refund of postage and fees, 35.9, 114.11

Refused matter, disposition, 45.2, 60.17

Registered mail:
 address:
 correction before dispatch, 59.2
 indefinite or fictitious, 58.2
 admissible matter, 58.5
 air mail, 34.85, 58.5
 backstamping, 43.4
 bad order articles, 59.28, 59.38, 59.70, 59.84-59.89
 bill not accompanied with article, 60.2
 billing and recording, 59.4-59.6, 114.13
 box holder, delivery to, 61.22
 branches and stations, 58.8, 58.9, 59.58-59.60, 60.3, 60.18
 brass and iron lock pouches, 59.6-59.16
 bulky articles for catcher stations, 59.52
 care, 62.3, 62.4, 107.10
 carriers:
 acceptance, 61.1-61.13
 change in address by, 61.3
 delivery, 61.21-61.31
 receipt for at post office, 61.23
 returns, checking, 61.25
 treatment of matter accepted, 61.14-61.20

INDEX

Registered mail—Continued
 catcher pouches, 59.52, 59.55, 59.56
 certificate of mailing, 35.1, 63.18–63.22
 checking, 61.14, 61.25, 62.7
 city packages not to include, 59.7
 collect-on delivery, 63.9–63.17
 correspondence, 62.1, 125.10
 coupons, signing and return, 60.1, 62.6
 currency for redemption, 34.18, 58.13
 damaged, 59.28, 59.38, 59.70, 59.84–59.89
 dead, 60.19
 delivery:
 asylum employees or inmates, 60.12
 at junctions and terminals, 59.77–59.78
 by carriers, 61.21–61.31
 deceased addressee, 60.10, 60.11, 114.26
 from rural stations, 61.31
 hospital employees or inmates, 60.12
 liability ceases on, 60.13
 on service of legal papers, 62.5
 prisoners, 60.12
 restrictions, 58.6, 60.10
 specially held, 60.17, 114.24
 special delivery matter, 52.54, 53.16, 61.26
 special system, 60.6
 to carriers, 59.47
 valuable matter, unusual risk involved, 61.21
 dispatch:
 billing, 59.4–59.6, 114.13
 catcher stations, 59.52, 59.55, 59.56, 92.38, 108.00
 closed pouch service, 59.51
 discrepancies, 60.2
 equipment used, 59.17, 59.18, 59.20
 foreign matter, 114.12–114.14
 hand-to-hand receipts, 59.19, 59.47, 59.48, 59.74
 iron and brass lock pouches, 59.6–59.16
 jackets, 59.22–59.30
 lead-seal sacks, 59.32
 offices having service, 59.48
 railway post offices, 59.48, 59.50, 59.57
 rotary lock pouches and sacks, 59.33–59.45
 star routes, 59.54
 State pouches, sacks, and jackets, 59.31
 stations and branches, 58.8, 59.58–59.60
 to mail messenger, 59.47
 witness to, 59.46
 equipment used in dispatch, 59.17, 59.18, 59.20
 establishment of system, 58.1
 examination on receipt, 59.70
 exceptional treatment, 62.2
 exchange between offices and stations, 58.8, 59.58–59.60
 fees, 58.3, 58.6, 63.10, 114.7
 firm mailing books, 58.10
 foreign, 114.7–114.10, 114.12, 114.17, 114.23, 114.24, 119.1–119.4
 forms, 62.10, 62.11
 forwarding, 60.5, 60.14
 found in ordinary mail, 58.7, 60.15, 114.10
 fragile matter for catcher stations, 59.52
 fraud orders, 60.4
 free registration, 58.12–58.14
 identification on delivery, 60.10
 in transit, 59.69–59.80
 indemnities, 58.3, 63.1–63.8, 63.10, 63.11
 indorsement, 59.1, 114.8, 114.17
 information concerning, 41.4
 inquiries regarding, 59.67, 118.1, 118.12
 iron and brass lock pouches, 59.6–59.16
 jackets, 59.22–59.30, 59.61, 114.13
 kept separate from ordinary mail, 62.3

Registered mail—Continued
 lead-seal sacks, 59.32
 legal process, 62.5
 liability ceases upon delivery, 60.13
 locks and keys, care, 59.16, 59.44
 losses and discrepancies, 59.40, 59.64–59.66, 118.12
 misdirected, 59.82, 59.83
 missent, 59.21, 59.81
 money loose in pouch or sack, 59.87, 59.89
 money packages, delivery, 61.21
 Navy mail, 59.61–59.63
 notice of arrival, 60.8
 numbering, 58.9, 61.9
 official, 58.12, 60.1
 postal funds, 58.14
 postmarking, 59.1, 59.23, 59.80, 114.8
 pouches:
 care in conveying, 59.77
 matter found loose in, 59.87, 59.89
 passed by another office, 59.72
 with defective locks, 59.73
 witness to opening and closing, 59.46, 60.1
 wrongly labeled, 59.39
 preparation for mailing, 58.2
 protection, 62.3, 62.4, 107.10
 Railway Mail Service, treatment, 108.38–108.40
 recall or withdrawal, 59.68
 receipts:
 checking returned, 59.66
 duplicate, 59.64
 failure to return, 59.64
 hand-to-hand, 59.19, 59.47, 59.48, 59.74
 mailing, 58.10
 missing, 61.6
 not accompanied with article, 60.2
 return, 59.3, 60.9, 114.9, 114.23
 stamping, 62.6
 transfer, 59.76
 records:
 billing, 59.4–59.6, 114.13
 carrier registrations, 61.14
 discrepancy, 60.2
 discontinued offices, 62.12
 forms used, 62.8, 62.9
 matter found in ordinary mail, 60.15, 114.10
 on opening of pouches, 60.1
 preservation, 62.12
 statistical, 62.13
 taken into court, 62.5
 transit, 59.69
 undelivered matter, 60.16, 114.26
 withdrawal or recall, 59.68
 witnessing, 59.76
 remained after delivery, 60.15, 60.16, 114.10
 restricted delivery, 58.6
 return receipts, 59.3, 60.9, 114.9, 114.23
 returns, carrier, 61.25
 rotary lock pouches and sacks, 59.33–59.45
 routing, 59.46–59.57
 rural boxes, matter found in, 61.11
 short-paid, 60.7
 signature unknown, verification, 60.10
 special delivery, 59.7, 61.26
 special envelopes, 58.12
 stamps and stamped paper, packages of, 59.83–59.85
 star route dispatches, 59.54
 stations and branches, 58.8, 58.9, 59.58–59.60, 60.3, 60.18
 statistics, 62.13
 surcharges, 58.3–58.5, 63.10
 terminal offices, treatment at, 59.77, 59.78
 tracers, 59.67
 transit, 59.69–59.80
 two or more pieces as one, 58.2, 114.7
 unaddressed, 59.82

INDEX

- Registered mail—Continued
 undeliverable, treatment, 60.5, 60.17-60.20, 114.14
 unsealed, 59.88
 when mailed becomes, 58.11
 withdrawal or recall, 59.68
 witness to opening and closing, 59.46, 60.1
- Registered Mails, Division of, 1.12
- Regulations:
 authority to promulgate, 1.8, 96.8
 interpretation of when in doubt, 25.9
 preservation, 25.8
- Reinstatements of employees, 135.48
- Remittances. (See Funds: deposit and remittance.)
- Removal of employees, 135.43-135.47
- Rent:
 boxes in post offices, 27.7
 light, and fuel allowances, 1.10, 26.1
- Reply coupons, international, 8.18-8.22, 8.25, 8.26, 114.25
- Reply postal cards, 8.16, 8.17, 34.7, 43.45
- Reports:
 agricultural colleges and experiment stations, 37.18-37.20
 annual, 5.4
 conditions of business, 3.2
 dead mail, 45.3
 delinquencies, 18.3, 98.4, 98.8
 failure to cancel stamps, 42.9
 failure to make, 5.6, 18.17
 false, 17.38
 irregularity, 64.11, 108.17
 law violations, 130.3
 penalty mail, 5.2, 37.16
 post office inspectors, 2.6
 robbery of post offices, 25.12
 statistical, 52.55, 62.13, 63.22, 64.13, 86.7
 to Comptroller General, 18.7
 to Congress, 3.5, 5.1-5.6, 92.48
 to President, 5.5
 to Secretary of the Treasury, 18.7
- Reprints of publications, 34.44
- Reproducers for blind, 37.26
- Reptiles in mails, 35.23
- Reserve Corps, membership, 135.36-135.38
- Resignations:
 employee, 137.81, 137.82
 officer of Department, 1.5
 postmaster, 24.8, 137.7, 137.81
- Restriction on expenditures, 17.1-17.8
- Retention of:
 files, 6.21, 25.8
 mail at request of addressee, 43.21
- Retirement, 135.53-135.77
- Return card:
 fourth-class matter, 35.10
 letters, 43.44
 special request envelopes, 8.14
- Return receipts:
 insured, 64.20
 international, 114.9, 114.23
 registered, 59.3, 60.9
- Revenue:
 accountability, 17.32
 appropriations out of, 16.2
 box rents, 27.8
 deficiency resulting from free matter, 18.7
 defined, 7.1
 deposit in Treasury, 7.1, 7.6, 125.7
 disposition, 7.8
 estimate, annual report, 5.1
 payment into Treasury, 7.23, 7.25
 sources, 7.1
 stamps, internal, 8.27
- Revolvers in mails, 36.12
- Rewards, claims for, 1.14
- Rifling of mail, 44.1-44.12, 118.2-118.12, 130.44, 130.47-130.49
- Road duty, 135.41
- Robbery:
 assaulting, with intent toward, 130.46, 130.51
 of post office, 25.12
 personal property of United States, 130.39
- Rotary lock pouches and sacks, 59.33-59.45
- Rules and regulations, promulgation, 1.8, 1.9
- Rulings of Solicitor, 36.7, 43.35
- Rural delivery service:
 acceptance of mail, 52.38-52.42, 61.1-61.13, 64.14
 boxes, collection, 52.42, 52.86, 52.92, 52.93
 boxes, patrons:
 agents for, 52.85
 approval, 52.80
 depositions, 52.86
 dimensions, 52.78
 erections, 52.81
 examination, 52.33
 information concerning number of, 41.6
 inscriptions on, 52.79
 location, 52.81, 52.84
 locks and keys, 52.87, 52.88
 manufacture or sale by employees, 52.85
 money deposited in, 52.41
 nonconforming, 52.84
 numbering, 52.89-52.91
 registration of matter found in, 61.11
 sale and purchase, 52.80
 signals on, 52.33
 served by two routes, 52.89
 specifications, 52.78
 transfer, 52.78
 unstamped matter found in, 52.41
 use, 52.41, 52.81, 52.82
 withdrawal of service from, 52.83
- cancellation of stamps, 52.43
- carriers (see also Employees):
 conduct, 52.7, 52.12, 137.24
 duties, 52.6, 52.9
 seniority, 137.19
 subordinate to postmaster, 52.5
- certification of service, 52.8
 collection of mail, 52.38-52.42
 contagious diseases, 52.48
 conveyances used, 52.65
 count of mail, 52.55
 delayed mail, wait for, 52.22
- delivery of mail. (See Delivery of mail.)
- detention of carrier, 52.61
 dinner stop, 52.22
 diversion of mail, 52.36
- Division of, 1.10
- equipment:
 expenditures for, 52.66
 general, 52.66
 vehicular, 52.65
- establishment, 1.11, 52.1, 52.2, 52.68
 excess from sale of stamped envelopes, 8.24, 52.67
- funds, accounting for, 52.19, 52.45
- holiday service, 52.11
- inadmissible matter, 52.25
- insufficiently paid matter, 52.41
- insured and c. o. d. mail, acceptance, 64.14
- intermediate offices, supply of, 52.37, 52.56-52.64, 61.23
- intersecting routes, exchange of mail, 52.42
- irregularity reports, 52.3, 52.62
- locked pouch, transportation, 52.56
- locks and keys, 52.63, 52.87, 52.88, 52.93
- loop routes, 52.24

INDEX

Rural delivery service—Continued

- mail matter:
 - addressed to box number, 52.31
 - diversion, 52.36
 - exchange, 52.42, 52.58, 52.59
 - fees for carriage, 52.25
 - in transit, delivery, 52.64
 - protection, 52.57
 - returnable to box number, 52.31
 - sorting, 52.28
 - undelivered, 52.31, 52.45, 52.46
 - weight of in doubt, 52.39
 - matter carried outside mails, 52.25
 - money order business, 52.38, 52.55, 77.1—77.9
 - office delivery by carriers, 52.34
 - partial service, 52.10, 52.18, 52.20
 - passengers forbidden, 137.24
 - patrons, roster of, 52.15, 52.25
 - pension vouchers, 25.13
 - postage-due matter, 52.35
 - registration of matter, 61.1—61.13
 - roads, obstructions, 52.17, 52.26
 - routes:
 - deviations, 52.18
 - extension, 52.1, 52.3
 - inspection, 52.4
 - loop, 52.24
 - stamps canceled on, 52.43
 - triweekly service, 52.18
 - two on same road, 52.47
 - schedules, 52.20—52.22
 - separation of mail, 52.27
 - service restricted, 52.2
 - space for carriers, 52.16
 - special delivery service, 52.49—52.54
 - stamps, sale, 52.67
 - stations, conduct of business, 52.68—52.77
 - statistics, 52.55
 - Sunday service, 52.11
 - supervision, 1.11, 52.3, 52.13, 52.14, 52.69
 - supply of intermediate office, 52.37, 52.56—52.64, 61.28
 - suspension or interruption, 52.21
 - trip reports, 52.23
 - unidentified mail, examination of, 52.46
- Rural stations, 52.68—52.77

S

Sacks. (See Mail bags.)

- Safes, 7.4
- Safety chains for mail keys, 99.34, 99.36, 99.38
- Safety deposit vaults, 7.20

Salaries:

- air mail service, 137.63
- allowable service in adjusting, 137.68
- assistant postmasters, 137.36, 137.37
- city carriers, 137.45
- classified cleaners, 137.49
- clerks in post offices, 137.45, 137.48
- computation and payment, 17.22—17.25, 18.24, 18.55, 137.35, 137.67
- cover all risks of postmasters, 137.33
- custodial service, 137.51
- departmental, payment, 17.11, 17.12
- Equipment and Supplies, Division of, 137.61
- extra compensation prohibited, 17.4, 17.5
- inspection service, 137.29
- Mail Equipment Shops, 137.60
- mail handlers, 137.47, 137.63
- marine carriers, 137.45
- messengers and watchmen, first- and second-class offices, 137.47
- motor vehicle service, 137.50
- night differential, 137.74
- overtime, 137.70, 137.71
- pneumatic tube service, 137.45, 137.47

Salaries—Continued

- payment and computation, 17.22—17.25, 18.24, 18.55, 137.35, 137.67
 - persons performing duties of postmaster, 137.34
 - postmasters, 17.38, 18.14, 70.2, 76.27, 137.30—137.35
 - post office inspection service, 137.29
 - railway mail service, 137.63—137.65
 - rural carriers, 137.62
 - special delivery service, 137.52, 137.53
 - Stamped Envelope Agency, 137.41, 137.45
 - station superintendents, 137.39
 - supervisors at first-class offices, 137.37, 137.39, 137.40
 - village carriers, 137.48
- Sale:
- undeliverable perishable matter, 43.47
 - unserviceable property and waste, 6.17, 6.18, 6.21, 6.22
- Sample copies, 34.52
- Samples, merchandise, undeliverable, 43.47
- Santa Claus letters, 43.18
- Savings bonds and stamps, 8.29, 8.30, 17.29
- Schemes, distribution, 42.26, 42.27, 137.83
- Screen-wagon service, 97.11, 97.12
- Scurrilous matter, 36.4, 42.18, 45.2
- Sea post and ocean mail service, 120.1—120.8, 122.1, 122.2
- Seal of Department, custody of, 1.7, 1.9
- Sealed matter, privacy, 41.1
- Second Assistant Postmaster General. (See Organization of the Department.)
- Second-class matter:
- acceptance by railway postal clerks, 108.4, 108.5, 108.12
 - acceptance, conditional, 34.80
 - accounting for postage, 34.45—34.47, 34.51
 - additions, 34.53—34.57
 - admission to:
 - application, 34.28—34.39
 - conditions, 34.20—34.23
 - general provisions, 34.24—34.27
 - violation of rules, 34.58
 - advance deposit of postage, 34.45
 - advertisements, 34.21, 34.30, 34.46, 34.58, 34.64
 - advertising purposes, 34.20, 34.27
 - advertising sheets, 34.27
 - benevolent or fraternal societies, publications, 34.21, 34.29
 - binding, 34.20
 - boards of health, publications, 34.21
 - carried outside mails, 91.8, 108.4
 - change in title, frequency, removal of office, 34.33
 - club subscribers, treatment of packages for, 43.36
 - clubbing arrangements, 34.26
 - collection of postage, 34.45—34.51
 - conditional permit, 34.30, 34.31
 - controlled circulation publications, 34.64
 - definition, 34.19
 - detention of matter not entitled to second-class rate, 34.59
 - discontinuance, 34.33
 - discrepancies in weight or number of sacks, 108.5
 - editorials, paid, marked "advertisement," 34.39
 - educational publications, suspended during vacation, 34.24
- entry:
- application, 34.28—34.37
 - cancellation of certificate, 34.37
 - evidence required from news agents, 34.61
 - false evidence to secure, 34.36
 - fees, 34.28
 - hearing before cancellation, 34.37
 - mailing before entry, 34.29
 - notice of, 34.31

INDEX

Second-class matter—Continued

examination:
 at mailing office, 34.58, 34.59
 by customs offices, 116.3, 116.24
 reports, 34.58
 wrapping to permit, 35.6
 extra editions, 34.24
 filing of marked copy, 34.46
 foreign publications, 34.23, 34.29
 formation, 34.20
 forwarding, 43.12
 fraternal society publications, 34.21,
 34.29
 free-in-county matter, 34.41, 34.49,
 34.50, 34.52
 freight shipments, 92.46
 inclosures, 34.53-34.57
 indicia on publications, 34.31, 34.64
 institutions of learning, publications,
 34.21
 issue, regularity, 34.20, 34.24, 34.64
 legitimate list of subscribers, 34.20,
 34.26, 34.27
 mailing:
 place, 34.47, 42.6, 108.4, 108.5
 preparation, 34.47, 34.49, 34.50,
 34.62, 35.6
 news agents:
 defined, 34.60
 mailings by, 34.61
 registration of, 34.60
 newspapers:
 carried outside mails, 91.8
 defined, 34.41
 office of publication, 34.20, 34.21, 34.25,
 34.48
 ownership statement, 34.38
 packages for club subscribers, 43.36
 parts or sections, publications prepared
 in, 34.55
 postage:
 collection, 34.45-34.51
 rates, 34.40-34.44, 34.52, 34.63,
 34.64
 transient, 34.42
 printer sending to publisher, 34.48
 proof sheets, 34.43
 publicity of ownership statement, 34.38
 Railway Mail Service, treatment, 108.4,
 108.5, 108.12, 108.15
 record, 34.34, 34.35
 reentry fee, 34.28
 registered, insured, and c. o. d., 34.45
 reprints, 34.44
 returned, prepayment of postage, 34.63,
 43.48
 sample copies, 34.52
 school publications, suspension, 34.24
 separations, 34.47, 34.49, 34.50
 single sheets, 34.43
 State departments etc., periodicals,
 34.22
 statement of mailings, 34.51
 subscribers, legitimate list, 34.20, 34.26,
 34.27
 subscription prices, 34.20, 34.21, 34.26,
 34.27
 supplements, 34.53, 34.54
 suspension of publication, 34.24, 34.33
 sworn statement of ownership, circula-
 tion, etc., 34.38
 title, change, 34.33
 trades unions, publications, 34.21
 trains, mailings made direct to, 108.4,
 108.5
 transient publications, 34.42
 undeliverable, 6.21, 34.63, 45.15
 weighing, 34, 45, 34.47
 weight limit, 35.2, 35.3
 wrapping, folding, and preparation,
 34.47, 34.49, 34.50, 34.62, 35.6
 Secreting mail, 130.49
 Securities of United States, 130.24, 130.30
 Seeds, bulbs, and plants in mails:
 free, 37.3

Seeds, bulbs, and plants in mails—Con.
 in sealed transparent envelopes, 35.6
 rate of postage, 34.65
 Selective Service, official mail, 37.13
 Separating offices:
 clerk hire, 25.19-25.21
 separation of rural mail, 52.9, 52.27
 Service Investigations, Division of, 1.14
 Service stars, letter carriers, 137.87
 Settlements of losses, postmasters not to
 make, 44.1
 Sharp instruments in mails, 35.18
 Ship letters, 34.16, 42.5, 97.54-97.58
 Short-paid matter:
 addressed to:
 departments in Washington, 43.7
 postmaster, 43.9
 collection of postage due, 43.6-43.11,
 43.16, 43.39, 50.12, 52.35, 130.15
 detection, 43.6
 double postage, 34.4, 43.10
 first-class matter, 34.12, 34.13, 42.14-
 42.16, 43.44
 foreign mail, 114.2, 114.5, 114.16, 114.22
 in transit, 42.50, 108.22
 postage-due stamps, use, 43.11
 postage-due bill accompanying, 43.11,
 43.16
 rating, 34.4, 42.16, 43.6-43.9
 registered, 60.7
 rural boxes, found in, 52.41
 special delivery, 53.6, 114.5
 unpaid, 42.14-42.16
 Sick leave. (See Leave.)
 Side service, 92.39, 93.2
 Signs, "United States Mail," 93.11, 130.57
 Site of post office, change, 25.2
 Size and weight limit of mail, 34.73, 34.74,
 35.2, 35.3, 35.11, 37.4, 42.32, 42.45
 Smoking:
 by railway postal clerks, 107.23
 in post offices, 25.3
 Soaps in mails, 35.18
 Soliciting purchase of stamps, 8.8
 Solicitor for Department, 1.9
 Solicitor, rulings of, 1.9, 36.7, 43.35
 Special Assistant to the Postmaster Gen-
 eral, 1.9
 Special delivery matter:
 acceptance by city carriers and messen-
 gers, 53.23
 air mail, 34.88
 authority for service, 53.1
 backstamping, 43.4, 53.9
 c. o. d., 53.16
 delivery:
 bearing return card request, 53.15
 books used in, 53.14
 by letter carrier, 53.22
 contracts for, 53.10
 exchange by rural carrier, 52.51
 fees, 137.52
 hours, 53.12
 limits of service, 52.49, 53.1
 postmasters responsible, 53.2, 53.13,
 53.18
 rules and procedures, 53.9-53.19
 rural carrier, 52.49-52.54
 Sunday and holiday service, 25.6,
 25.7, 53.12
 dispatch and make-up, 53.7
 expeditious handling required, 53.4,
 53.13
 foreign, 53.8, 114.5, 114.18
 forwarding, 53.17
 hours of service, 53.12
 indorsement, 53.3
 insured, 53.16
 make-up and dispatch, 53.7
 perishable, 53.15
 postage due, 53.6
 rates for, 53.3, 114.5
 receipts and records, 52.52, 52.53, 53.14
 registered, 52.54, 53.16, 59.23, 61.26
 separation, 53.9

INDEX

- Special delivery matter—Continued**
 short-paid, 53.6, 114.5
 stamps on, 8.2, 53.1, 53.3
 Sunday and holiday service, 25.6, 25.7, 53.12
 undeliverable, 53.15
 vouchers for expenditures, 53.27
 when deposited in patrons box, 52.49, 53.15
- Special delivery messengers:**
 acceptance of mail, 53.23
 access to other mail, 53.26
 age, 53.21
 authority to employ, 53.20
 badges, 137.90
 carfare, 53.24
 collection and delivery on rural route, 52.50, 52.51
 conduct, 53.18, 53.26
 dual employment, 137.57, 137.58
 exchange of matter by, 52.50, 52.51
 number and assignment, 53.21, 53.25
 other employees serving as, 53.19, 53.21, 137.57
 salary and compensation, 52.49, 52.53, 53.27, 137.52, 137.53
 supervision, 53.18
 uniforms, 137.90
 vehicles and allowances, 137.55, 137.56
- Special handling, 8.2, 34.78**
Special request envelopes, 8.13-8.15
Special addressed foreign matter, 108.25, 114.12
Specially held-for-delivery matter, 43.21, 60.17, 114.24
Stamps and other stamped paper (see also Envelopes):
 accountability, 8.7
 accounting, 8.23, 8.24, 17.31, 17.35, 17.37
 authority to issue, 8.1-8.6, 8.10, 8.11
 books, 8.3
 canceled or defaced, 42.7, 130.23
 cancellation:
 at offices of mailing, 42.9
 at railway stations, 42.2
 on matter deposited in railway post offices, 108.13
 prohibited in transit, 42.48
 rural service, 52.43, 52.74
 special delivery on incoming foreign, 53.8
 coils, 8.3
 counterfeit or imitation, 7.5, 42.8, 130.24, 130.25
 damaged, 8.25, 8.26, 9.2
 distribution by central accounting office, 8.23
 documentary, 8.27
 fixed credits:
 excess revenue, 8.24
 inventory, 8.23
 issuance, 8.23
 handing to purchasers, 8.7
 improvements, 8.5
 internal-revenue, 8.27
 international reply coupons, 8.18-8.22, 8.25, 8.26, 114.25
 inventories, 17.35, 17.37
 invoices, 8.18, 8.23
 letter sheets, 8.11
 losses, 8.26, 9.1, 9.2
 migratory-bird hunting, 8.28
 misdirected or damaged registered packages of, 59.83-59.85
 mutilated, 42.7, 130.23
 perforation for identification, 42.7
 portraits on, 8.6
 postage-due:
 authority for, 8.4
 credit for, 1.12, 17.39
 use, 43.11
 postal cards. (See Postal and post cards.)
 precanceled, 34.66, 35.5, 42.9
- Stamps and other stamped paper—Con.**
 redemption, 1.12, 8.25, 8.26
 requisitions, 8.18-8.23
 sales:
 by railway postal clerks, 107.24
 by rural carriers, 52.67
 errors, 8.25
 handing to patron, 8.7
 making change, 8.9
 outside, 8.8, 137.31
 receipts, 8.7
 record, 8.23, 52.55
 unlawful pledging, 8.8
 unusual, 8.8, 137.31
 Savings, U. S., 8.30
 shipments, to be registered, 8.20
 shortages in shipments, 8.21
 stamped envelopes. (See Envelopes.)
 verification of shipments, 8.21
- Stamps, Division of, 1.12**
Standard time used in postal service, 98.2
Star route service. (See Transportation of mail.)
State or municipal offices, employees holding, 135.27
Stations. (See Branches and stations.)
Statistical reports, 52.55, 62.13, 63.22, 64.13, 86.7
Stealing:
 funds, 130.8, 130.10, 130.12-130.18
 mail, 130.44, 130.47-130.49
 mail locks and keys, 99.31, 130.40, 130.41, 130.43
 property of post office, 130.40
 property of United States, 130.41
 Stolen money order forms, 71.23
Stolen property:
 disposition, 17.18-17.20
 receiver, 130.9, 130.44
- Street letter boxes. (See Letter boxes.)**
Subscription lists:
 publications, benevolent or fraternal societies, 34.21
 second-class matter, 34.20, 34.26, 34.27
 Subsistence, per diem in lieu of, 135.32
Substitutes (see also Employees):
 absence, leave of, 137.77
 appointments, 137.9, 137.12, 137.14
 assignments, 50.7, 137.17, 137.20, 137.22, 137.70
 minimum hours, 137.69
 payment, 17.24, 17.25
 promotion, 137.66
 ratio to regulars, 137.15
 salaries, 137.45, 137.47, 137.48, 137.50, 137.53, 137.62, 137.63
- Suggestion system, 3.6**
Suits, 18.33-18.50
Summer or winter offices, 24.6
Sunday service, 25.6
Supervisory employees, limitation of number, 137.31, 137.43
Supervisory officials, outside pursuits, 137.24
Supplies (see also Equipment):
 bids and contracts, 6.1-6.5, 6.8
 delivery point may be specified, 6.9
 disease-infected, 41.16
 inventories, 17.35, 17.37
 maps, 1.13, 6.5
 money order, 6.13, 6.23
 procured by Public Printer, 6.11
 produced in Federal penal institutions, 6.10
 purchases by postmasters, 1.9
 records in post offices, 17.31, 17.35, 17.37
 requisitions, 6.2, 26.7, 62.10
 rural stations, 52.76
 stamp. (See Stamps and other stamped paper.)
 transportation of, 52.56, 92.5, 92.6, 97.50
 Surcharges, 58.3, 58.5, 63.10
Sureties (see also Bonds):
 deficiency in accounts, notice to, 18.31, 18.32
 liability, 18.45, 135.11

INDEX

Sureties—Continued

- oaths on bonds, 97.16, 135.11
- on bonds of bidders, 97.16
- priority, 18.50, 135.10
- release, 96.7, 135.7
- U. S. bonds in lieu of, 135.8

- Surface Postal Transport, Second Assistant Postmaster General, 1.11
- Suspension of employees, 135.43-135.47

T

Tags :

- bad order, 41.15
- c. o. d., 64.27, 64.30, 64.32
- perishable, 42.36

- Telegrams, official, 6.24, 25.10, 107.21

Telephone service :

- allowances, 26.5
- commissions from, 17.34
- contracts, 6.1
- private, 17.1

- Temporary deposits, 7.19, 7.20

Terminal :

- inspection of plants, 35.28
- leave, lump sum payment, 135.49, 135.50
- railway post offices, 105.5

Testimonials, 25.11

- Testimony by court order, 2.6-2.8, 41.9-41.11

Thefts :

- funds, 130.8, 130.10, 130.12-130.19
- foreign mails, 118.1-118.12
- mail, 130.44, 130.47-130.49
- mail locks or keys, 99.31, 130.40, 130.41, 130.43
- property of post office, 130.40
- property of United States, 130.41

- Third Assistant Postmaster General. (*See* Organization of the Department.)

Third-class matter :

- additions to, 34.72
- blind, letters for, 34.70
- bulk mailings, 34.66, 35.4
- definition, 34.65
- forwarding, 43.12
- hotel and steamship keys, 34.65
- inclosing or attaching higher class, 35.7, 35.8
- metered and nonmetered, 35.4
- printed matter, 34.68, 34.69
- rates of postage, 34.65-34.72
- returned, prepayment of postage, 43.48
- undeliverable, 43.48
- where mailable, 42.6
- wrapping, 35.6

- Threatening matter, 36.3, 36.4, 130.53

Time :

- cards on collection boxes, 50.20
- for closing mails, 42.1
- recorders in post offices, 25.16
- standard to be used, 98.2
- tables, railroad to furnish, 92.32

Topography, Division of, 1.13

- Towels, allowance for laundering, 26.5

Traffic, Division of, 1.13

Transient second-class matter, 34.42

- Transients, use of general delivery, 43.23

- Transfer and interchange of employees, 137.80

- Transportation of employees, 92.47, 93.5, 96.15

- Transportation of equipment and supplies, 52.56, 92.5, 92.6, 97.50

Transportation of mail (*see also* Railroad service and International mail) :

- air mail service. (*See* Air mail service.)
- Alaska service, 97.8, 97.27
- Army vehicles and airplanes, use of, 6.16
- between airport and post office, 96.23
- boat or water service :
 - agents on, 124.2

Transportation of mail—Continued

boat or water service—continued

- Alaska service, 97.8
- canal service, 97.3
- combined with railroad service, 92.15
- compensation, 97.56-97.58, 120.7
- deductions and fines, 98.9-98.12, 125.4-125.6
- equipment and accommodations, 97.52, 122.2
- foreign and inland service combined, 97.9
- foreign vessels, mail from, 125.2, 125.4, 125.9
- funds, deposit, 125.7
- laws and references, additional, 125.10
- letters on mail boats, 91.10, 97.53-97.58, 108.23, 125.4, 125.6, 125.9
- mail received from boats, 42.5
- ocean mail service, 120.1-120.8
- postage, retaliatory, 125.9
- pouch records, 97.52
- protection of mail, 125.2
- rating and marking mail received from boats, 42.5
- sea post service, 122.1, 122.2
- search of vessels, 91.13
- transfer of mail to and from post offices, 125.2
- unauthorized receipt of mail, 125.1
- vessels used in, 97.5, 97.10, 120.1, 125.3

- briefs, 98.9-98.12

- bus service, 92.26

- canal service, 97.3

- closed pouch service, 92.2

- contractors. (*See* Contractors.)

- contracts. (*See* Contracts.)

- domestic through foreign countries, 90.5

- electric car service, 93.1-93.16, 97.72, 98.12

- equipment, restriction in use, 97.70

- fines and deductions, 98.9-98.12, 125.4-125.6, 130.57-130.60

- foreign air mail, 96.20, 96.21, 121.1-121.3

- freight service, 92.16, 92.46, 97.10

- Government monopoly, 91.1-91.15

- highway post office service, 92.26

- international, 120.1-120.8, 121.1-121.3, 124.1, 124.2, 125.1-125.8

- mail messenger service. (*See* Mail messenger service.)

- miscellaneous lettings, 97.13, 97.14

- monopoly of, 91.1-91.15

- ocean mail service, 120.1-120.8

- offenses in connection with, 130.57-130.65

- official matter, 92.45

- pneumatic tube service, 95.1, 95.2

- post roads, 1.1, 90.1-90.9

- protection of mails, 92.7, 92.29, 92.33-92.35, 92.37

- railroad service. (*See* Railroad service.)

- reports of service, 98.1-98.8

- schedules, 96.9, 98.1

- screen-wagon service, 97.11, 97.12

- sign "U. S. Mail" unlawful use, 93.11, 130.57

- star route service (*see also* Contractors and Contracts) :

- additional service, 97.59-97.65

- advertisements, 97.13, 97.14

- airplane, 97.2

- Alaska service, 97.8, 97.27

- bids and proposals, 97.15-97.31

- box delivery and collection, 42.6, 97.48

INDEX

Transportation of mail—Continued
 star route service—continued
 carriers' qualifications, 97.46
 changes, 97.59-97.67
 contracts, 97.1-97.43
 definition, 97.44
 delinquencies, 98.4, 98.8
 discontinuance, 97.67
 dispatch of mail, 42.41
 duties of contractors, 97.47-97.50
 equipment, use, 97.70
 extra pay, 97.24, 97.25, 97.60, 97.61
 failure to begin or continue service, 97.32, 97.33, 97.70
 fines and deductions, 98.9-98.12
 head of route, 97.45
 in lieu of railroad or electric service, 97.72
 intoxicating liquor, transportation, 97.49
 liens, 97.43
 mail bags, supply, 99.11
 new contracts, conditions, 97.29
 oath, 98.7
 offices not on established route, 97.4
 overnight stops, 42.49
 payments, 97.24, 97.25, 97.37, 97.60
 reports, 98.3-98.6
 rural delivery service involved, 97.28
 schedules, 98.1
 service required, 97.50
 special carrier, 97.51
 sureties, 97.16, 97.23, 97.36
 temporary service, 92.44, 97.68-97.73
 Travel allowances, 135.32, 137.65
 Treasury:
 checking accounts with, 17.24, 76.8-76.10
 requisition for funds, 17.10
 revenue to be deposited in, 7.1, 7.6
 transfer of money, 7.17
 withdrawal of money from, 16.1
 Treasurer of United States, credit with, 76.8-76.10
 Treaties and conventions, postal, 113.1, 113.2
 Typewriters, exchange and disposal, 17.8

U

Unclaimed and undeliverable matter:
 bearing return addresses, 43.43, 43.44
 detention period, 43.42, 45.3
 dutiable matter, 116.21, 116.57
 examination by rural carriers, 52.46
 foreign mail, 114.22, 114.26
 indorsement of reason, 43.44, 43.49, 114.26
 insured and e. o. d., 64.9
 merchandise, samples, 43.47
 misdirected, 43.14
 official mail, 43.44
 perishable matter, 43.47
 postage due, 17.39, 45.4
 postal and post cards, 43.45, 43.46
 printed matter, 43.46, 45.15
 registered, 60.5, 60.17-60.20, 114.14
 sale, 43.47
 second-, third-, and fourth-class, 34.63, 43.48, 45.15
 special delivery, 53.15
 treatment at receiving offices, 43.17, 43.18, 43.40
 where to be sent, 45.1, 45.4, 114.26
 Unidentified mail, examination by rural carrier, 52.46

Uniforms and badges:
 city and village carriers, 137.84, 137.89
 railway postal clerks, 137.91
 special delivery messengers, 137.90
 United Nations, 113.1
 United States:
 attorney, duties, 18.36
 bonds in lieu of surety, 135.8
 claims against, assistance in prosecution, 130.37
 debts due, 18.48
 offenses against, 130.1-130.65
 possessions defined, 34.2
 priority over other creditors, 18.48
 Savings bonds, 8.29, 17.29
 Savings stamps, 8.30
 Unmailable matter:
 defined, 36.1
 determination of, 35.12, 36.7
 disposition, 42.18-42.21, 43.17, 43.18, 43.40, 45.1, 45.6, 45.7, 45.16
 exceptions, 35.14-35.28, 36.12
 foreign mails, 114.1-114.4, 117.2
 inadvertently accepted by carrier, 61.13
 nonmailable articles and compositions, 35.13, 36.1-36.13
 when to be withdrawn, 42.50, 108.22
 Unpaid checks, 7.19, 16.5, 17.29
 Unpaid matter, 42.14-42.16
 Unsealed matter, 41.1-41.2, 41.15, 59.86, 59.88
 Unserviceable property and waste materials, 6.17, 6.18, 6.21, 6.22, 107.15
 Unusual conditions, allowances for, 25.20
 Unusual stamp sales, 8.8, 137.31

V

Valuable matter:
 found loose in mails, 45.5, 59.87, 59.89, 108.22
 letters from dead letter branches, 43.38
 registration, 58.3-58.5, 61.21
 Vehicle hire, 6.5, 137.56
 Veterans preference, 135.1, 135.33, 135.43, 135.48
 Village delivery service, 51.1-51.5, 137.48
 Violations of law, 130.1-130.65
 Vouchers:
 for expenditures, 18.15, 26.4
 pension, 25.13
 special delivery messengers, 53.27
 to accompany quarterly accounts, 17.30, 18.16

W

Warrants (see also Checks):
 countersigned, 17.15, 76.4
 duplicates, 17.26-17.28
 of attachment, 18.43
 payment by, 17.14, 17.15, 17.17, 17.21
 signature on, 17.16
 unpaid money orders, 73.14, 73.15
 Waste paper and unserviceable property, 6.17, 6.18, 6.21, 6.22, 107.15
 Weather Bureau reports, 25.4, 34.17
 Weather signals, display, 90.9
 Weight and size limit of mail, 34.73, 34.74, 35.2, 35.3, 35.11, 37.4, 42.32, 42.45
 Window envelopes, 35.6
 Window service, 25.5
 Winter and summer post offices, 24.6, 108.24
 Withdrawal or recall of mail, 42.22, 42.23, 52.44, 59.68, 108.31, 115.1
 Witnesses, 18.56, 41.9, 135.42
 Wrapping and packing, 34.62, 35.6, 35.14-35.19
 Wrecks and washouts, 92.29
 Wrong delivery of mail, 43.12, 43.44