

US Postal Laws & Regulations

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Finances

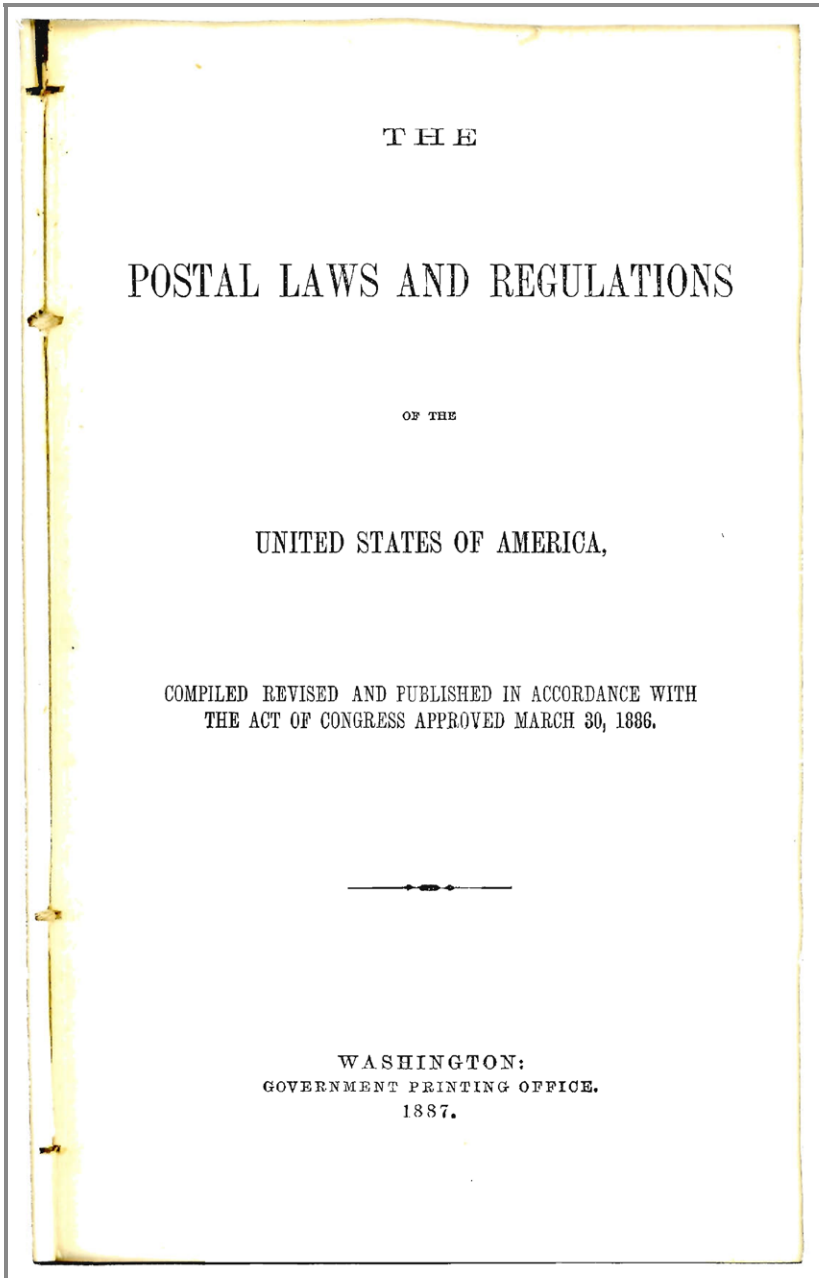


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official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace. (R. S., § 1778.)

NOTE.—A post-office inspector may administer the oath of office. (Opinions Assistant Attorney-General, Post-Office Department, April 8, 1885.)

Sec. 46. Custody of Oath.—The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain. (R. S., § 1759.)

Sec. 47. Omission of Oath not to affect Liability, &c.—Every person employed in the postal service shall be subject to all penalties and forfeitures for violation of the laws relating to such service whether he has taken the oath of office or not. (R. S., § 3832.)

Sec. 48. Oaths to Witnesses.—Any officer or clerk of any of the Departments lawfully detailed to investigate frauds or attempts to defraud on 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.)

The several auditors are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged. (R. S., § 297.)

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 committed to the charge of the Sixth Auditor. (R. S., § 298.)

SEAL OF THE DEPARTMENT.

Sec. 49. How Kept and Used.—The Postmaster-General shall keep the seal heretofore 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.)

As to when the seal shall be affixed to commissions signed by the President, see section 444.

Sec. 50. Impression on Paper Sufficient.—In all cases where a seal is necessary by law to any commission, process, or other instrument provided by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary, which shall be as valid as if made on wax or other adhesive substance. (R. S., § 6.)

CHAPTER TWO.

GENERAL PROVISIONS APPLICABLE TO THE POST-OFFICE DEPARTMENT.

I. THE FINANCIAL MAINTENANCE AND AFFAIRS OF THE DEPARTMENT.

Sec. 51. General Explanation.—The Congress annually appropriates from the General Treasury, by the legislative, executive, and judicial appropriation act, specific sums for the payment of the salaries of the officers, clerks, and employes of the Post-Office Department; for rent of additional buildings leased for its use; for its contingent expenses and supplies; for expenses of publishing post-route maps; for publishing the Official Postal Guide; and for postage on its foreign correspondence. These moneys are drawn from the General Treasury by the requisition of the Postmaster-General on the Secretary of the Treasury, and are disbursed by the superintendent and disbursing clerk. His accounts for the expenditure of moneys appropriated for contingent expenses are settled by the Fifth Auditor and First Comptroller; and for the expenditure of other appropriations by the First Auditor and First Comptroller. All these transactions and accounts are to be wholly distinguished from the revenues, expenditures, and accounts of the postal service.

On the other hand, all moneys derived from sales of waste paper and unserviceable material and property of the Department, sales of which are made and moneys collected by the superintendent and disbursing clerk, accrue to the revenues of the postal service and are paid direct into the Treasury to its credit, and his accounts therefor are settled by the Sixth Auditor.

A general supervision of all these transactions is required to be kept for the Postmaster-General by the chief clerk of the Department.

All unexpended appropriations are covered into the Treasury after two years. See section 216.

Sec. 52. Bond of Superintendent and Disbursing Clerk.—Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve. (R. S., § 3614.)

The superintendent and disbursing clerk is required to give bond in

the penal sum of \$40,000, for the safe keeping, proper disbursement of, and accounting for, all public moneys coming to his hands, and for the faithful discharge of the duties of his office, according to law.

See R. S., § 176, and section 6, *note*.

Sec. 53. Requisitions for Money.—No requisition on the Secretary of the Treasury shall be for more than one specified object of appropriation, and the amount thereof shall be written in full in the blank form of requisition. Every requisition presented to the Postmaster-General for his signature must be accompanied with a statement of the condition of the account under the specific items of appropriation against which the requisition is drawn, according to the form now in use; and the chief clerk will file and preserve all such statements in his office. Requisitions for salaries will be made semi-monthly at such time, and for such amount only, as may be necessary to meet the customary semi-monthly payments. Requisitions for all other objects must be made for no greater amount than will be required for disbursement during one month from the date of the requisition.

Sec. 54. Payments.—All salaries shall be paid in cash upon monthly pay-rolls, which will be first submitted to the chief clerk, who, after examination, will certify, before payment is made, that the names and salaries as therein stated are correct as shown by the records in the office of the appointment clerk, and that the amounts are severally due to the respective persons named.

Payments for all sums of \$10 and upwards (except salaries), shall be made by the check of the superintendent and disbursing clerk on the Treasurer of the United States, and the appropriation from which the payment is made shall be stated on the check.

Hereafter no payment shall be made as salaries to clerks of class one, two, three, or four in said (Post-Office) Department out of appropriations made for other purposes. (Act of March 3, 1875, 18 Stats., 367.)

Sec. 55. Disbursements for the Topographer's Office.—*Provided*, That the disbursements of the moneys appropriated for the preparation and publication of post-route maps be made by a regular bonded disbursing officer of the Post-Office Department, according to the laws, rules, and customs as recognized by the accounting officers of the Treasury Department. *And, provided also*, That the pay-rolls of the draughtsmen, clerks, messengers, and other employes of the topographer's office shall be regularly made out by the chief of the topographer's office, examined and checked by the appointment clerk of the Post-Office Department, and the payments thereof made by a bonded disbursing officer of the Post-Office Department. *Also, provided further*, That all expenditures made by the chief of the topographer's office for the

preparation and publication of post-route maps shall be accounted for by vouchers, accompanied by affidavit, and the moneys therefor shall be disbursed by a disbursing officer of the Post-Office Department; and all of the above disbursements shall be paid out of the appropriation for the preparation and publication of post-route maps. (Act of June 17, 1878, § 2, 20 Stats., 143.)

The payments above directed will be made by the superintendent and disbursing clerk in the same manner as directed for other funds.

Sec. 56. Deposits.—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 or some one of the assistant treasurers 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 or an assistant treasurer of the United States. (R. S., § 3620.)

Sec. 57. Exchange of Funds Restricted.—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 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. And it shall be the duty of the head of the proper Department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper. (R. S., § 3651.)

(See section 183.)

Sec. 58. Verification of Cash on Hand.—On Monday forenoon of each week a committee of three, designated by the Postmaster-General, shall count the cash in the hands of the superintendent and disbursing

clerk, and verify the amount with the sum reported to his credit with the Treasurer, and thereupon certify the result of their examination in writing to the Postmaster-General.

Sec. 59. Settlement of Accounts.—Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury, or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of Departments, as the public interest may require. (R. S., § 3622.)

All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them. (R. S., § 3623.)

The superintendent and disbursing clerk shall prepare his accounts for submission to the Postmaster-General, to be by him transmitted to the proper officers of the Treasury Department, monthly, and in duplicate, and one copy will be filed and preserved by the chief clerk. The chief clerk will see to the presentment of such accounts, that they are promptly audited at the Treasury Department, and furnish a statement of their condition to the Postmaster-General.

Sec. 60. Expenditures and Purchases for Department Use.—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.)

No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S., § 3682.)

That hereafter the expenditure of 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 that 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 that 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." (Act of June 17, 1878, 20 Stats., 203.)

Contracts must be made in advance of the beginning of each fiscal year, after public advertisement for proposals, for the purchase of all articles for the supply of the Post-Office Department of every kind which can be so contracted for advantageously, including work and materials, in which the contractor shall engage to furnish the articles or perform the service contracted for at the agreed price in such quantities and at such times as they may be ordered by the Department. All orders upon the contractors for such supplies or services shall be made in pursuance of requisitions therefor, on the form now in use, approved by the chief clerk and allowed by the Postmaster-General.

Whenever the public exigency requires the procurement of any supplies or service not so contracted to be furnished, like requisition therefor must be made, specifying on its face that the public exigency requires immediate delivery of the articles or performance of the service.

No articles or services shall be ordered from a contractor, or otherwise procured, except upon allowance of such requisition; and the superintendent and disbursing clerk shall personally inspect and verify the delivery of such articles or performance of such services in accordance with the contract or the requisition; and accounts therefor shall be certified by him and approved by the chief clerk before allowance by the Postmaster-General.

FOR PROVISION FOR PROPER MEASUREMENT OF GAS CONSUMED, see Sec. 138.

Sec. 61. Issue and Sale of Post-Route Maps.—The annual appropriation act customarily provides for sales by the Department of post-route maps at their cost, and adds the receipts from such sales to the amount of the appropriation for their provision. Application for purchase of such maps, and payment of the price therefor, will be made to the superin-

tendent and disbursing clerk, who will give the purchaser an order on the topographer to deliver maps sold; and will make a monthly account of such sales and deposits of proceeds in the Treasury to the credit of the appropriation.

The topographer will make, at the end of each month, a statement in triplicate of all such orders received and filled by him, and furnish duplicates of the same to the superintendent and disbursing clerk, who will file and preserve one, and transmit one to the Treasurer with his monthly account of sales. The topographer must at the same time transmit the triplicate to the chief clerk, accompanied by the original orders of the superintendent and disbursing clerk.

Issues of post-route maps to the officers of the service, regularly entitled to the same will be made by the topographer on their request, and to other persons not purchasers only upon the order of the chief clerk. In no other manner will any post-route maps be issued or sold. Once in two months the topographer will make a written statement to the chief clerk showing the number of post-route maps of each kind on hand at the last statement, the number since published, the number issued and to whom, the number sold, and the number remaining on hand, accompanied by the orders for their issue.

DEPARTMENT PROPERTY AND SALES THEREOF.

Sec. 62. Inventory of Department Property.—The Postmaster-General shall make out and keep, in proper books, full and complete inventories and accounts of all property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and shall add thereto, from time to time, an account of such property as may be procured subsequently to the taking of the same, and also an account of the sale or disposal of any such property, and to report the same to Congress during the first week of each annual session. But this section shall not apply to the supplies of stationery and fuel. (R. S., § 397)

The superintendent and disbursing clerk will make and keep the inventories, accounts, and books required by this section.

NOTE.—Sec. 197, R. S., repeats this direction, but adds nothing whatever to the provisions contained in the above.

Sec. 63. Sales of Valueless Papers, &c.—That the Postmaster-General is hereby authorized to sell as waste-paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Post-Office Department that are not needed in the transaction of current business and have no permanent value or historical interest;

and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress. (Act of March 3, 1831, 21 Stats., 412.)

Like accumulations in the office of the Sixth Auditor are to be sold by the Secretary of the Treasury. (See Act of August 5, 1882, 22 Stats., 228.)

Sec. 64. Sales, how made.—Proposals will be invited by advertisement in advance of the beginning of each fiscal year for the sale of all waste paper which the Department may have for sale during each ensuing fiscal year, and a contract will be made for sale and delivery thereof from time to time as may be most to the convenience of the Department, if the same can be advantageously effected; and the superintendent and disbursing clerk will see to the daily collection of the waste paper, and its disposition to the contractor from time to time, and will collect the receipts therefor.

All sales of other property and unserviceable material of the Post-Office Department will be made by that officer as may be specially directed by the Postmaster-General, and he will collect the moneys arising therefrom. He will promptly pay the proceeds into the Treasury and prepare his accounts of such sales for submission to the Postmaster-General, to be transmitted to the Sixth Auditor for settlement.

Sec. 65. Payment of Public Moneys to the Treasurer.—All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster-General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. (R. S., § 3615, first sentence.)

The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section [which relates to other Departments], shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department. (R. S., § 3617.)

Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depository of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury. (R. S., § 3621.)

For penalty, and for mode of collection, in case of failure, see R. S., §§ 3619, 3624, 3634, 5490, 5492, and 5496.

Sec. 66. Premium on Sales of Public Securities, &c., to be Accounted for.—No officer of the United States shall, either directly or indirectly, sell

or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office. (R. S., § 3652.)

SPECIAL LIMITATIONS ON EXPENDITURES.

Sec. 67. Double Salaries Forbidden.—No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law. (R. S., § 1763.)

An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine (section 25), is not by reason thereof entitled to any other compensation than that attached to his proper office. (R. S., § 182.)

Sec. 68. No Compensation for Extra Service.—No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law. (R. S., § 170.)

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.)

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.) That no civil officer of the Government shall hereafter 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: *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees. (Act of June 20, 1874, § 3, 18 Stats., 109.)

Sec. 69. Payment of Salaries not Authorized by Law Forbidden.—No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law. (R. S., § 1760.)

Sec. 70. No Salary for Unauthorized Officers.—No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. (R. S., § 1761.)

But see section 458.

Sec. 71. No Payments to Persons in Arrears.—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 accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties. (R. S., § 1766.)

Sec. 72. Advances Forbidden and Payments Limited.—No advance of public money shall be made in any case whatever. 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, in part.)

This statute is mandatory and binding upon all who serve the Government for salary or fees, and also for all purchases of articles for delivery to the United States, carefully restricting payment made to amount of service rendered or articles purchased and duly delivered before such payment. Hereafter specific evidence of delivery of any and all articles purchased for the public use will be required for file with the voucher presented for credit. The rendition of a bill, with receipt, for moneys claimed as due for purchases made will not be deemed evidence of delivery in any case. (Treasury Department Circular, November 18, 1881.)

Sec. 73. Legal Service for Department.—No head of a Department shall employ attorneys or counsel at the expense of the United States; but

when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same. (R. S., § 189.)

This provision is qualified annually by the appropriation for the inspection service, which allows expenditures for counsel employed to aid inspectors.

Sec. 74. Newspapers Limited.—The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. And all newspapers purchased with the public money for the use of either of the Departments must be preserved as files for such Department. (R. S., § 192.)

No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office. (R. S., § 1779.)

Sec. 75. Rent of Buildings in District of Columbia.—Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building. (Act of March 3, 1877, 19 Stats., 370.)

And where buildings are now rented for public use in the District of Columbia, the Executive Departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom. (Act of June 15, 1880, 21 Stats., 228.)

And the Postmaster-General is hereby authorized to rent a suitable building on Capitol Hill for use as a branch of the Washington City post-office, at a rate not exceeding thirty dollars per month, until further action of Congress. (Act of June 30, 1886; 24 Stats., 91.) And the Postmaster-General is hereby authorized to rent a suitable building for use of the branch of the Washington City post-office, known as "Station C," at a rent not exceeding one thousand dollars per annum, until further action of Congress. (Act of March 3, 1887, 24 Stats., 569.)

OTHER PROVISIONS AFFECTING OFFICERS AND CLERKS.

Sec. 76. Hours of Labor.—From the 1st day of October until the 1st day of April in each year, all the Bureaus and offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land Office, shall be open for the transaction of the public business at least

eight hours in each day; and from the 1st day of April until the 1st day of October, in each year, at least ten hours in each day, except Sundays and days declared public holidays by law. (R. S., § 162.) That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding. (Act of June 20, 1874, 18 Stats., 109.)

That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law, or executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments respectively, but in case of an extension it shall be without additional compensation, and all absence from the Departments on the part of said clerks or other employés, in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay. (Act of March 3, 1883, 22 Stats., 563.)

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. (R. S., § 3738.)

Sec. 77. Regular Hours: Rules Governing Leaves.—The regular daily hours of labor in the Department will begin at nine o'clock in the forenoon and terminate at four o'clock afternoon; and during these hours all clerks and employés must be present for duty unless on leave, or by permission.

Leave of absence will be granted on proper occasion to any clerk or employé, whose conduct and services have been satisfactory, for such portion of thirty days as may remain after deducting all the days of his absence (excluding legal holidays and days when the Department is closed), whether for sickness or otherwise, since the 1st day of January in each year. Clerks and employés entering the service after the beginning of the calendar year will be allowed pro rata leave of absence only; and when any portion of the regular annual leave is not for any reason taken or granted in any year, it cannot be granted in a subse-

quent year; nor will leave be granted to be used in one year and charged to a subsequent year. Absence from the Department in excess of the number of days allowed as above, whether from sickness or otherwise, shall be without pay; subject to special order only. Leaves of absence are granted only through the chief clerk; but chiefs of divisions may, on proper occasion, give permission for absence for a portion of a day to a clerk or employé, who has not been absent since the beginning of the calendar year in excess of the time allowed under the foregoing. On the first day of each month each chief of division will report to the chief clerk of the Department all absences from his division during the preceding month. Chiefs of division will recommend the granting of leaves of absence in such order as to interfere as little as possible with the performance of the duties of their divisions; in no case permitting over twenty per centum of their force to be absent at one time.

Sec. 78. Political Assessments Forbidden.—That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employé of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employé of any Department, branch or Bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé of the United States, or any Department, branch, or Bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States. (Act of January 16, 1883, § 11, 22 Stats., 406.)

That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the Government, any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars. (Act of August 10, 1879, § 6, 19 Stats., 169.)

Sec. 79. Solicitation, &c., in Public Offices Forbidden.—That no person shall, in any room or building occupied in the discharge of official duties by any officer or employé of the United States mentioned in this

act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive, any contribution of money or any other thing of value, for any political purpose whatever. (Act of January 16, 1883, § 12, 22 Stats., 407.)

Sec. 80. Official Compulsion Forbidden.—No officer or employé of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten so to do, for giving, withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (Act of January 16, 1883, § 13, 22 Stats., 407.)

Sec. 81. Political Contributions to Officials Forbidden.—That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. (Act of January 16, 1883, § 14, 22 Stats., 407.)

NOTE.—The violation of any provision of the preceding four sections is a misdemeanor, punishable by fine or imprisonment, or both, by the act of January 16, 1883.

Sec. 82. Gifts to Superiors Forbidden.—No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés 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.)

Sec. 83. Officials not to Act as Attorneys.—It shall not be lawful for any person appointed after the 1st day of June, 1872, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé. (R. S., § 190.)

NOTE.—See also R. S., § 5498, declaring any person in public service who aids or assists a claim against the United States punishable by fine or imprisonment, or both.

II. CONTRACTS.

Sec. 84. 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.)

See section 91 for provision to be included in all contracts.

Sec. 85. By Whom May be Signed—*By the First Assistant.*—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; and all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service may be signed in like manner by the First Assistant Postmaster-General in the place and stead of the Postmaster-General, and his signature shall be attested by the seal of the Post-Office Department. (Act of March 3, 1877, § 2, 19 Stats., 335.)

By the Second Assistant.—The Second Assistant Postmaster-General, on the order of the Postmaster-General, may sign with his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department, for mail transportation and for supplies of mail bags, mail catchers, mail locks, and keys, and all other articles necessary and incidental to mail transportation. (Act of March 3, 1877, § 3, 19 Stats., 335.)

By the Third Assistant.—The Third Assistant Postmaster-General, when directed by the Postmaster-General, may also sign, in his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts for supplies of postage stamps, stamped envelopes, newspaper wrappers, postal cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service. (Act of March 3, 1877, § 4, 19 Stats., 335.)

See section 443 for regulation as to bonds; and section 25 for limitation on persons who act as Assistant Postmasters-General.

Sec. 86. Limited in Duration.—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.) That the resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," shall not be held or construed to apply to, or include, mail bags, mail locks and keys, postal cards,

postage stamps, newspaper wrappers, or stamped envelopes. (Joint resolution of March 24, 1874, 18 Stats., 286.)

NOTE.—The section from the Revised Statutes above was founded on the resolution mentioned in the latter joint resolution.

Sec. 87. Contracts not to Exceed Appropriations.—No Department of the Government 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 for the future payment of money in excess of such appropriation. (R. S., § 3679.)

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, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation which, however, shall not exceed the necessities of the current year. (R. S., § 3732.)

Sec. 88. Advertisement for Same.—All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. (R. S., § 3709.)

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.)

Sec. 89. Fuel to be Inspected.—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each

cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel. (R. S., § 3711.)

The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section. (R. S., § 3712.)

It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for the purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer. (R. S., § 3713.)

See section 72 for limitation of payments on contracts to actual performance.

Sec. 90. Contracts not Assignable.—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.)

As to subletting of contracts for carrying the mail, see sections 818 to 823.

Sec. 91. Members of Congress, &c., not to be Interested.—No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered

into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced. (R. S., § 3739.)

Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of [or Delegate to] Congress, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement. (R. S., § 3740.) In every such 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.) Every officer who, on behalf of the United States, directly or indirectly makes or enters into any contract, bargain, or agreement in writing or otherwise, other than such as are hereinbefore excepted, with any member of [or Delegate to] Congress, shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. (R. S., § 3742.)

Sec. 92. Postal Employés not to be Interested.—No person employed in the Post-Office Department shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor, in any business before the Department; and any person so offending shall be immediately dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt, for the use of the Post-Office Department. (R. S., § 412.)

Sec. 93. Persons Interested Forbidden to Act as Officer, &c.—No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than two thousand dollars nor less than five hundred dollars. (R. S., § 1783.)

III. ADVERTISEMENTS.

Sec. 94. How Authorized.—No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau there-

of, 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.)

Sec. 95. In the District of Columbia.—And in no case of advertisements for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. (Act of July 31, 1876, 19 Stats., 105.) That all advertising required by existing laws to be done in the District of Columbia by any of the Departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties, and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes. [Sec. 94.] (Act of January 21, 1881, 21 Stats., 317.)

Sec. 96. Rates for, Generally.—Hereafter all advertisements, notices, proposals for contracts, and all other forms of advertising required by law for the Post-Office Department 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 to the Postmaster-General by the proprietors of the newspapers proposing to so advertise. * * * But the Postmaster-General may secure lower terms at special rates, whenever the public interest requires it. (Act of May 17, 1878, 20 Stats., 62.)

NOTE.—The act of June 20, 1878, 20 Stats., 216, re-enacts this section, making it applicable to all the Executive Departments.

As to advertisement of mail-lettings see sections 776 and 777.

IV. ANNUAL REPORTS.

Sec. 97. By the Postmaster-General.—The Postmaster-General shall make the following annual reports to Congress:

First. A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy of the recorded abstracts of all proposals for carry-

ing the mail, as provided by section three thousand nine hundred and forty-eight, title, "The Postal Service."

See section 791.

Second. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.

Third. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.

Fourth. A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.

Fifth. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagements and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

Sixth. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred; when the fine was imposed; and whether the fine or deduction has been remitted; and for what reason.

Seventh. A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.

Eighth. A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered, or the thing performed; the amount paid therefor; and the date and duration of the contract.

Ninth. A report on the postal business and agencies in foreign countries.

Tenth. A report of the amount expended in the Department for the

preceding fiscal year, including detailed statements of expenditures made from the contingent fund. (See section 98.)

And the Postmaster-General shall cause all such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law. (R. S., § 413.)

The annual report of the Postmaster-General of offers received and contracts for conveying the mail shall not be printed, unless specially ordered by either house of Congress. (R. S., § 3797.)

Sec. 98. Of the Contingent Fund.—The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress. (R. S., § 193.) And hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses in any Department or Bureau of the Government shall be presented to Congress at the beginning of each regular session. (Act of June 20, 1874, 18 Stats., 96.)

Sec. 99. Of Employés, &c.—The head of each Department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his Department and the offices thereof; stating the time that each clerk or other person was actually employed, and the sums paid to each; also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business. (R. S., § 194.)

For duty to report action on postmasters' claims for credit for postage stamps, stamped paper, postal cards, and money-order funds lost by fire, burglary, or other unavoidable casualty, or for money-order funds lost in transit, see section 273.

Sec. 100. When 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.)

The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year. (R. S., § 196.)

Sec. 101. Of the Auditor.—That the annual reports of the Auditor of the Treasury for the Post-Office Department to the Postmaster-General 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. (Act of July 12, 1876, § 4, 19 Stats., 80.)

Sec. 102. Report to the President.—Besides the foregoing reports to Congress, the Postmaster-General is required by long-established usage, recognized in the statutes, to report to the President annually an account of the transactions of the 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. (See section 117.)

Sec. 103. Penalty for Failure to Make 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 one thousand dollars and not less than one hundred. (R. S., § 1780.)

V. ANNUAL ESTIMATES.

Sec. 104. For Department Service.—The Postmaster-General submits annually to Congress an estimate of the appropriations to be included in the act making provision for the legislative, executive, and judicial expenses of the Government, deemed necessary for the service and maintenance of the Department during the ensuing fiscal year, embracing the salaries and compensation of all Department officers, clerks, and employes, its supplies of all kinds, provision for rent, furniture, and repairs of Department buildings, for telegraphing and foreign correspondence and publication of the Official Postal Guide.

For estimates for postal service, see section 213.

Sec. 105. How and When to be Made.—All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction. (R. S., § 3669.)

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the Chief of the Division of Warrants, Estimates, and Appropriations of his Department. (Act of July 7, 1884, 23 Stats., 254.)

The Postmaster-General shall furnish a copy of his annual estimates to the Secretary of the Treasury prior to the 1st of November in each year, which shall be reported to Congress by the latter in his regular printed estimates. (R. S., § 414.)

The act of March 3, 1875 (§ 3, 18 Stats., 370), requires the heads of all Departments to furnish the annual estimates to the Secretary of the Treasury on or before the 1st day of October.

Sec. 106. Amounts to be Designated, &c.—The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure. (R. S., § 3665.)

Sec. 107. What to Specify.—The heads of Departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found. (R. S., § 3660.)

Sec. 108. For Printing and Binding.—The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing Office for the use of his Department or public office, shall include in his annual esti-

máte for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer." (R. S., § 3661.)

Sec. 109. For Salaries, &c.—All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution. (R. S., § 3662.)

Sec. 110. Explanations Required.—Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added. (R. S., § 3664.)

VI. PRINTING AND BINDING.

Sec. 111. How Done.—All printing, binding, and blank books for the Senate or House of Representatives, and the executive and judicial departments, shall be done at the Government Printing Office, except in cases otherwise provided by law. (R. S., § 3786.)

No printing or binding which is not provided for by law shall be executed at the Government Printing Office. (R. S., § 3785.)

No printing or binding shall be done, or blank books furnished * * * for any of the Executive Departments, except on a written requisition by the head of such Department, or one of his assistants. (R. S., § 3789.)

Sec. 112. Account to be Kept.—Whenever Congress makes an (appropriation) for any Department or public office, to be expended "for printing and binding to be executed under the direction of the Congressional Printer," the Congressional Printer shall cause an account to be opened with such Department or public office, on which he shall charge for all printing and binding ordered by the head thereof, at prices established in pursuance of law; and it shall not be lawful for him to cause to be executed any printing or binding the value of which exceeds the amount appropriated for such purpose. (R. S., § 3802.)

Sec. 113. Limitation on Printing Report.—No officer in charge of any Bureau or office in any Department shall cause to be printed, at the

public expense, any report he may make to the President or to the head of the Department, except as provided for in this title. (R. S., § 3788.)

The title mentioned, 45 R. S., authorizes the annual report and accompanying documents to be printed.

Sec. 114. Matter Limited.—It shall not be lawful for the head of any Executive Department, or of any Bureau, branch, or office of the Government, to cause to be printed, nor shall the Public Printer print, any document or matter of any character whatever, except that which is authorized by law and necessary to administer the public business, nor shall any Bureau officer embrace in his annual or other report to be printed any matter not directly pertaining to the duties of his office as prescribed by law. (Act of July 7, 1884, 23 Stats., 227.)

Sec. 115. Number to be Printed.—Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, one thousand copies for the use of the members of the Senate, and two thousand copies for the use of the members of the House of Representatives.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, ten thousand copies for the use of the members of the Senate, and twenty-five thousand copies for the use of the members of the House of Representatives. (R. S., § 3798.)

* * * *Provided*, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited numbers of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: *Provided, however*, That no expensive maps or illustrations shall be printed without the special order of Congress. (Act of June 23, 1874, 18 Stats., 204.)

Sec. 116. Form and Style of Binding.—The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (R. S., § 3790.)

And hereafter no binding shall be done for any Department of the Government, except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law, except record and account books, which may

be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a Department, and this restriction shall not apply to the Congressional Library. And when any Department shall require printing to be done the Public Printer shall furnish to such Department an estimate of the cost by the principal items for said printing so called for; and he shall place to the debit of such Department the cost of the same, on certification of the head of the Department * * * that said printing is necessary. * * * (Act of June 20, 1878, 20 Stats., 207.)

Sec. 117. When to be Printed.—The annual reports of the Executive Departments and the accompanying documents shall be delivered by the Printer to the proper officers of each House of Congress at the first meeting thereof; and the President's message, the reports of the Executive Departments, and the abridgment of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable. (R. S., § 3810.)

Sec. 118. Extra Copies.—If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and ten per centum thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same. (R. S., § 3809.)

VII. CLAIMS AGAINST THE GOVERNMENT.

Sec. 119. Subpœna for Witnesses.—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 subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna 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.)

Sec. 120. Witness' Fees.—Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States. (R. S., § 185.)

Sec. 121. Disobedience Punished.—If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued

may proceed, upon proper process, to enforce obedience to the subpoena, or to punish the disobedience in like manner as any court of the United States may do in case of process of *subpoena ad testificandum* issued by said court. (R. S., § 186.)

Sec. 122. Legal Aid: how Provided.—Whenever any head of a Department or Bureau having made application, pursuant to section one hundred and eighty-four, for a subpoena to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service. (R. S., § 187.)

Sec. 123. The Court of Claims.—The Court of Claims shall have jurisdiction to hear and determine the following matters:

1. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, and all claims which may be referred to it by either house of Congress.

2. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court. (R. S., § 1059.)

NOTE.—The third and fourth paragraphs of the above-quoted section are omitted, as not relating to this Department.

Sec. 124. Certification of Claims by Department.—Whenever any claim is made against any Executive Department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the decision will affect a class of cases, or furnish a precedent for the future action of any Executive Department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such Department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any Auditor or Comptroller of the Treasury, direct any account, matter, or claim, of the character, amount, or class described in this section,

to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court, for trial and adjudication: *Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant. (R. S., § 1063.)

Sec. 125. Procedure Thereon.—All cases transmitted by the head of any Department, or upon the certificate of any Auditor or Comptroller, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations. (R. S., § 1064.)

Sec. 126. Judgment: how Paid.—The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court. (R. S., § 1065.)

Sec. 127. Certification and Trial of Controverted Claims.—That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action. (Act of March 3, 1883, § 2, 22 Stats., 485.)

That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court. (Act of March 3, 1883, § 5, 22 Stats., 486.)

Sec. 128. Further Provisions.—That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as

the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted. (Act of March 3, 1887, § 12, 24 Stats., 507.)

Sec. 129. Judgment may be Entered.—That in every case which shall come before the Court of Claims, or is now pending therein, under the provisions of an act entitled “An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,” approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court. (Act of March 3, 1887, § 13, 24 Stats., 507.)

Sec. 130. Call on Department for Information.—The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each house of Congress, when deemed necessary in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest. (R. S., § 1076.)

Sec. 131. Department to Report on Claims.—In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney-General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the Department, Bureau, or officer. Such Department, Bureau, or officer, shall, without delay, and within a reasonable time, furnish the Attorney-General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the De-

partment, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively. (R. S., § 188.)

VIII. MISCELLANEOUS.

Sec. 132. Orders, &c., to be Truly Dated.—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.)

Sec. 133. Postmaster-General to cause Suits to recover Wrongful or Fraudulent Payments.—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 employé 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.)

Where money has been paid to a mail contractor for services performed under orders of the Postmaster-General, expediting and increasing the service, and providing com-

pensation therefor in violation of Revised Statutes, sections 3960 and 3961 (see sections 813 and 815), it may be recovered in an action brought by the United States against the contractor. (United States *vs.* Cosgrove, 26 Fed. Rep., 908.)

Sec. 134. Department Register.—The head of each Department shall, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employés employed in his Department, or in any of the offices or Bureaus connected therewith. He shall include in such list all the statistics peculiar to his Department required to enable the Secretary of the Interior to prepare the Biennial Register. (R. S., § 198.)

Sec. 135. Procuring Office or Contract for Consideration Forbidden.—Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever; from any person for procuring, or aiding to procure, any contract, office, or place from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. (R. S., § 1781.)

Sec. 136. Receiving Compensation therefor Forbidden.—No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services ren-

dered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, Bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States. (R. S., § 1782.)

Sec. 137. Departmental Telegraph.—That the lines of telegraph connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March 3, 1873, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employés to operate the instruments in said Departments and Printing Office, and each house of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress. (Act of February 4, 1874, 18 Stats., 14.) *Provided*, That said lines of telegraph shall be for the use only of Senators, Members of Congress, judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business. (Act of March 7, 1874, 18 Stats., 20.)

Sec. 138. Measurement of Gas Used in Department Buildings.—That the Superintendent of Meters at the Capitol shall hereafter take the statement of the meters of the several Department buildings in the city of Washington and render to the proper accounting officers of the Treasury Department the consumption of gas each month in said buildings respectively. (Act of March 3, 1877, 19 Stats., 359.)